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ADHERENCE TO MENDEZ'S PRINCIPLES IN PRE-TRIAL INTERVIEWING OF THE CHILD IN LITHUANIA

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Abstract. *Psychologically coercive questioning methods have been found to be ineffective and tend to produce false confessions. Leading or suggestive questions can have a negative impact on the accuracy of the interviewee's memory and the information they provide. Children are more vulnerable to coercive and suggestive questioning and may be swayed by interrogation methods, deception, and manipulation. To spread such effective interviewing practices worldwide, Principles on Effective Interviewing for Investigations and Information Gathering, known as Mendez's Principles, have been developed and released in 2021. Mendez's Principles consist of five principles covering legal foundation, legal practice, vulnerability assessment, training of law professionals, accountability mechanism, and implementation areas. This article aims to determine if Lithuanian legal acts, applicable during pre-trial investigations involving a child, comply with international human rights law principles and standards, which are the basis for implementing Mendez's principles. This is the first study that examines the compliance of the Lithuanian pretrial investigation legal framework with Mendez principles. This paper provides a brief overview of Mendez's principles and then focuses on the first element – the importance of embedding requirements for effective interviewing with legal safeguards in law.*

Keywords: *Mendez's principles, effective interviewing, pretrial investigation*

Introduction

Research conducted by professionals and practitioners from various disciplines, such as psychology, criminology, sociology, neuroscience, and medicine, shows that coercion during interviews can have negative consequences. It can lead to the interviewee resisting more and ultimately providing false information or even a false confession.[1]

Psychologically coercive questioning methods have been found to be ineffective and tend to produce false confessions. These methods involve manipulating the interviewee's culpability perception and the consequences of a confession. For instance, presenting false evidence, downplaying, exaggerating the effects associated with conviction of the alleged crime, implying leniency, or offering moral justifications are some ways that coercive questioning can be used. These methods have been shown to produce incorrect information and increase the rate of false confessions.[2]

Leading or suggestive questions can have a negative impact on the accuracy of the interviewee's memory and the information they provide. In the case of suspects, these manipulative methods reduce the reliability of information and increase the likelihood of false confessions and wrongful convictions.[3] Therefore, it is essential to avoid such practices during the interview process to maintain the integrity of the information obtained.

[1] Principles on Effective Interviewing for Investigations and Information Gathering, May 2021. Retrieved from: www.interviewingprinciples.com, (Mendez's Principles) para 21.
[2] Mendez's Principles, para 24.
[3] Mendez's Principles, para 25.

Children are more vulnerable to coercive and suggestive questioning and may be swayed by interrogation methods, deception, and manipulation. Studies have consistently shown that false confessions are more common among children.[4]

Legal experts and practitioners worldwide emphasise the importance of ethical interviewing methods, prioritising obtaining accurate and reliable information without coercion. It is worth noting that such a movement has resulted in changes in legal practices and policies in certain jurisdictions.[5] Courts and legal systems increasingly acknowledge the significance of ensuring that information obtained through interviews is trustworthy and free from coercion to uphold the principles of justice.

To spread such effective interviewing practices worldwide, Principles on Effective Interviewing for Investigations and Information Gathering, known as Mendez's Principles, have been developed and released by a group of more than 110 experts from over 40 countries. These experts come from various fields, such as law enforcement, criminal investigations, national security, military, psychology, intelligence, criminology, and human rights.[6] The principles were released in May 2021 and are expected to have a significant impact on improving the quality of investigations and information gathering worldwide.

Following this, the question arises to what extent Lithuanian legislation of the pre-trial investigation supports the implementation of Mendez's principles. However, Mendez's Principles consist of five principles covering legal foundation, legal practice, vulnerability assessment, training of law professionals, accountability mechanism, and implementation areas. It is impossible to examine all the elements of the Mendez principle in one article due to scope requirements. For this reason, this article focuses only on the first element – the legal foundation.

This article aims to determine *if Lithuanian legal acts, applicable during pre-trial investigations involving a child, comply with international human rights law principles and standards, which are the basis for implementing Mendez's principles.*

This article compares international law and the EU Charter of Fundamental Rights provisions with Lithuanian legislation regulating pretrial investigation proceedings.

This is the first study that examines the compliance of the Lithuanian pretrial investigation legal framework with Mendez principles. This paper provides a brief overview of Mendez's principles and then focuses on the first element – the importance of embedding requirements for effective interviewing with legal safeguards in law. Conclusions and suggestions are presented at the end of the paper.

Principles on Effective Interviewing for Investigations and Information Gathering (Mendez's Principles)

Principles on Effective Interviewing for Investigations and Information Gathering, known as Mendez's Principles, require changing how law enforcement and other officials conduct questioning. Instead of relying on accusatory, coercive, manipulative and confession-driven practices, they must build rapport with the interviewee. This includes applying legal and procedural safeguards throughout the interview process to reduce the risk of ill-treatment, obtain more reliable information, and ensure a lawful outcome of the investigation or intelligence operation.[7]

[4] Mendez's Principles, para 27.
[5] For example, Norway.
[6] Mendez's Principles, p. i-viii.
[7] Mendez's Principles, paras 4 and 5 (d).

Mendez's Principles consist of five principles covering legal foundation, legal practice, vulnerability assessment, training of law professionals, accountability mechanism, and implementation areas.

At the foundation level, the principles require effective interviewing requirements together with legal safeguards to be embedded in science, law, and ethics. At the legal practice level, it is essential to establish a comprehensive process of gathering accurate and reliable information while implementing legal safeguards. At the vulnerability assessment level, it is crucial to identify and address the needs of interviewees in situations of vulnerability. The principles require specific training to be established for legal professionals involved in the interviewing, providing, or supervising it. The accountability level requires ensuring transparency and accountability of the institutions by implementing specific measures. Lastly, implementing robust national standards is necessary to sustain effective interviewing practices at the implementation level.

In criminal proceedings, it is crucial to apply these principles during interviews with suspects, witnesses, victims, or other individuals of interest, regardless of their designation.[8] These principles should be in effect from the first contact of public authorities with the potential interviewee until the completion of all interviews. [9] The consistency in the application of these principles should be maintained. The principles should be applied to all forms of interviews conducted by information-gathering officials, such as police, intelligence, military, administrative authorities, or any other person acting in an official capacity.[10]

Effective Interviewing with Requirements for Safeguards in International and National Law

The principles and standards of international human rights law embed the requirements for conducting interviews using effective interviewing methods and ensuring safeguards in criminal proceedings. International agreements, such as the Universal Declaration of Human Rights (from now on - UDHR),[11] the International Covenant on Civil and Political Rights (from now on -ICCPR),[12] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (from now on - CAT),[13] the Convention on the Rights of the Child (from now on -CRC), **[14]** the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (from now on - OPRCh),[15] the European Convention on Human Rights (from now on - ECHR) and[16] Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (from now on -

[8] Mendez's Principles, para 10.
[9] Mendez's Principles, para 11.
[10] Mendez's Principles, para 8.
[11] The Universal Declaration of Human Rights (UDHR), General Assembly resolution 217 A (III) of 10 December 1948, Date of Admission in UN: 17-09-1991.
[12] The International Covenant on Civil and Political Rights (ICCPR), General Assembly Resolution 2200 A (XXI) of 16 December 1966, Ratification/Accession: 1991.
[13] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), General Assembly resolution 39/46 of 10 December 1984, Ratification/Accession: 1996.
[14] Convention on the Rights of the Child (CRC), General Assembly resolution 44/25 of 20 November 1989, Ratification/Accession: 1992.
[15] Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPRCh), General Assembly resolution A/RES/54/263 of 25 May 2000, Ratification/Accession: 2004.
[16] Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Council of Europe, 4 November 1950.

Protocol to ECHR),[17] as well as resolutions of international organisations like the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[18] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[19] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules),[20] establish the necessity for effective interviewing in criminal proceedings following Mendez's principles and implementing safeguards.

By joining international agreements, Lithuania has taken some necessary steps, following its constitutional processes and with the provisions of the international agreements, to adopt such laws or other measures as may be required to effect the obligations outlined in those documents. In addition, as a member of the EU, Lithuania must not only fulfil international agreements but also implement EU laws. The EU's main document defining protected human rights is the EU Charter of Fundamental Rights.[21] In addition, to ensure the rights of suspects, accused or sentenced persons, victims and witnesses in criminal proceedings, EU institutions issue directives, the objectives of which must be implemented by EU member states by adopting national legislation.

International agreements and EU law primarily seek to guarantee the right to a fair trial for all individuals, including children. A child refers to a person under the age of eighteen years, except when, under the law applicable to the child, a majority is achieved earlier.[22]

Right to a Fair Trial

International law obliges states to guarantee all persons the right to a fair trial. Articles 37 and 40 of the CRC clearly show that each state must ensure the right to a fair trial for each child, regardless of their legal standing in the criminal proceeding. Meanwhile, Article 6 of ECHR and Article 47 of the EU Charter of Fundamental Rights emphasise everyone's right to a fair trial.

The legal principles in Lithuania are in line with international treaties, as they aim to uphold the rights of individuals to a fair trial. According to Article 31(3) of the Lithuanian Constitution,[23] any person accused of a crime has the right to a public and fair hearing of their case by an independent and impartial court. Additionally, Article 31(1) of the Constitution ensures that anyone whose constitutional rights or freedoms are violated has the right to seek legal recourse. Furthermore, Article 31(5) states that individuals can only be penalised for acts that are considered unlawful under the law.

[17] Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Protocol to ECHR), Council of Europe, 4 November 2000.
[18] United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), General Assembly resolution A/RES/40/33 of 29 November 1985.
[19] United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), General Assembly resolution 45/112 of 14 December 1990.
[20] United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules), General Assembly resolution 45/113 of 14 December 1990.
[21] Charter of Fundamental Rights of the European Union, Official Journal of the European Union 2012/C 326/02 (EU Charter of Fundamental Rights).
[22] CRC, Article 1.
[23] Constitution of the Republic of Lithuania, adopted by citizens of the Republic of Lithuania in the referendum of 25 October 1992, available in English at: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.21892.

The Criminal Procedure Code (from now on - CPC) [24] specifies the right to fair criminal proceedings in Article 1, which defines the purpose of these proceedings. The CPC states that the main purpose of the criminal proceedings is *to protect the rights and freedoms of the person and the citizen, safeguard the interests of the society and the state, quickly and thoroughly reveal the criminal acts, and apply the law properly so that the person who committed the crime is justly punished while ensuring that no innocent person is convicted*.

Additionally, Article 21 (4) of the CPC stipulates that the suspect, while exercising the right to a fair trial, has the right to testify, to submit documents and items relevant to the investigation, to submit requests, to request suspensions, to appeal the actions and decisions of the pre-trial investigation officer, prosecutor, or pre-trial investigation judge and other.
A fair criminal proceeding for children means a child-friendly justice system which ensures the child's best interests.

Best Interests of the Child in Criminal Proceedings

When discussing the requirements of international agreements regarding children in criminal proceedings, it should be noted that, first, all criminal proceedings should focus on ensuring the child's best interests. UDHR states that every person has the right to life, liberty, and security of person.[25] CRC require that in all actions involving children, whether undertaken by public or private social welfare institutions, courts, administrative authorities, or legislative bodies, the best interests of the child should be the primary consideration.[26] Article 24 of the EU Charter of Fundamental Rights states that children have the right to such protection and care as is necessary for their well-being. In all actions relating to children, whether taken by public authorities or private institutions, the best interests of the child must be a primary consideration.

The requirement to give priority to the protection of the best interests of the child must be applied both to the protection of the rights of child victims or witnesses and to the protection of the interests of children who have committed a crime. Article 8 of OPRCh states that child victims' views, needs, and concerns must be considered in proceedings that affect their interests. Throughout the entire legal process, the child's best interests must be given primary consideration. Meanwhile, the Beijing Rules, which provide requirements for treating children or young persons who have committed an offence,[27] require that the juvenile's well-being be prioritised when considering their case.[28]

The Riyadh Guidelines recommend that governments establish specific laws and procedures to promote and safeguard the rights and welfare of all young people.[29] It is essential to enact and enforce legislation that prevents victimisation, abuse, exploitation, and criminal activities among children and young people.[30]

Article 39 (3) of the Lithuanian Constitution emphasises that the law protects children. Following the Lithuanian Constitution, the Law on the Fundamentals of Protection of the Rights

[24] Seimas of the Republic of Lithuania. *Law on the Approval, Entry into Force and Implementation of the Code of Criminal Procedure of the Republic of Lithuania. (Criminal Procedure Code)*, No. IX-785, 14 March 2002, last amendment No. XIV-2188, 10 October 2023, *Valstybės žinios, 2002-04-09, Nr. 37-1341*.
[25] UDHR, Article 3.
[26] CRC, Article 3.
[27] The Beijing Rules, Article 2.2 (a).
[28] The Beijing Rules, Article 17.1.
[29] The Riyadh Guidelines, para 52.
[30] The Riyadh Guidelines, para 53.

of the Child[31] defines general responsibility principles for child rights violations. The law reiterates the principle enshrined in international treaties and EU legislation that the best interests of the child must be paramount when deciding any issue related to children, including the rights of the child in criminal proceedings. However, the CPC, which establishes the rules of criminal proceedings to be followed by the pre-trial investigation officer, the prosecutor, and the court, does not indicate such an approach, which is stressed in the Law on the Fundamentals of Protection of the Rights of the Child. The CPC does not specify that the child's best interest should be considered during the criminal proceeding.

It is also important to note that there is no separate criminal procedure for children in Lithuania, and they are subject to the same legislation as adults. Nonetheless, some child-friendly justice elements exist in the Lithuanian criminal legal system, as the Lithuanian CPC provides certain safeguards to protect the interests of children in criminal proceedings.

Firstly, the CPC, following Article 40 (3)(a) of the CRC, defines the minimal age at which a child can be held criminally liable. Article 3 of the CPC establishes that criminal liability cannot be applied when the child, at the time of committing the criminal act, was not yet at the age of fourteen. For less severe crimes, criminal liability can arise just from the year of sixteen.

Secondly, the CPC establishes the child suspect's individual assessment. Assessment results are considered when selecting pre-trial coercive measures, deciding on termination or continuity of the pre-trial investigation, organising procedures, and others. Individual assessment of a child is a summary of information about the child's personality, environment and needs in protection, education, and social integration.[32] It is carried out after the first questioning. After interviewing a child suspect for the first time, the pre-trial investigation officer or prosecutor conducting the pre-trial investigation immediately applies to the State Child Rights Protection and Adoption Service with a request to perform an individual assessment of the child.[33] The Service makes the individual assessment and submits the results to the pretrial investigation authority.[34]

Finally, in ensuring fair trials for children, other safeguards for protecting their rights are foreseen in CPC and other legal acts, following international and EU law requirements. Some of these safeguards are dedicated to protecting children and adults, while others are specifically dedicated to meeting the needs of children or have been adjusted accordingly. It is important to assess how these safeguards comply with international and EU law requirements.

To fulfil minimum requirements for effective interviewing, all range of safeguards must be ensured throughout the suspect's interview process. In international and EU law, such safeguards as the presumption of innocence and the right to remain silent, the right not to be tried or punished twice, the prohibition of discrimination, the prohibition of torture and other cruel, inhuman, or degrading treatment, the right to safe and respectful arrest conditions, the right to child-friendly interviewing in the criminal proceeding, the right to the effective defence and representation by a lawyer, the right to assistance of parents or another legal representative, the right to interpretation and translation, the right to be informed, evidence are admissible which obtained without coercion and the right to an effective remedy can be found. Accordingly, this article examines the specific requirements that need to be followed while

[31] Seimas of the Republic of Lithuania. *Law on Fundamentals of Protection of the Rights of the Child*, No. I-1234, 14 March 1996, last amendment No. XIV-1512, 10 November 2022, Valstybės *žinios, 1996-04-12, Nr. 33-807*, Articles 48-50.
[32] CPC, Article 27^2
[33] CPC, Article 189^1 (1).
[34] CPC, Article 27^2

applying these safeguards to children and to what extent Lithuanian legal acts fulfil these requirements.

Presumption of Innocence and the Right to Remain Silent

The right to be presumed innocent until proven guilty is a fundamental human right established by Article 11 of the Universal Declaration of Human Rights (UDHR). It states that every person charged with a criminal offence must be presumed innocent until proven guilty in a public trial, with all the necessary guarantees for their defence. This right is further protected under Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Article 6 of the European Convention on Human Rights (ECHR). Article 14 of ICCPR states that every person accused of a criminal offence has the right to be presumed innocent until proven guilty according to the law. Article 6 of ECHR specifies that anyone charged with a criminal offence must be presumed innocent until proven guilty according to the law. Article 48 of the EU Charter of Fundamental Rights also recognises the presumption of innocence.

It is important to remember that the presumption of innocence applies to both adults and children. Article 40 of CRC guarantees the right to be presumed innocent until proven guilty for every child accused of breaking the law. Article 7.1 of the Beijing Rules states that the fundamental procedural safeguard - the presumption of innocence - must be upheld at all stages of proceedings. Furthermore, the Havana Rules also require that juveniles detained under arrest or awaiting trial be presumed innocent and treated as such. [35]

Legal experts think the presumption of innocence comes with the right to remain silent and be protected against forced self-incrimination. This right ensures that individuals interviewed by authorities can abstain from commenting or answering questions to avoid self-incrimination or for any other reason. [36]

International law, along with the presumption of innocence, requires ensuring the right of a person (child) who has committed a criminal act to remain silent. According to Article 14 of ICCPR and Article 40 of CRC, no one shall be forced to testify against themselves or confess guilt. Every child charged with a criminal offence has the right to remain silent.[37]

Lithuanian law meets the requirements of international and EU law. Lithuanian law establishes the presumption of innocence and the right to remain silent. Article 31 (2) of the Constitution stresses that in criminal proceedings, a person shall be *presumed innocent until proven guilty according to the procedure established by law and declared guilty by an effective court judgment*. It is prohibited to compel anyone to give evidence against themself, their family members, or close relatives.[38] Article 44 (6) of CPC stipulates that every person suspected or accused of committing a criminal act is considered innocent until proven guilty and recognised by a valid court verdict. Article 21 (4) of the CPC states that each suspect has the right to remain silent and to refuse to testify about their possible crimes.

Right Not to be Tried or Punished Twice

Article 3 of the CPC and Article 50 of the EU Charter of Fundamental Rights indicate that a child cannot be tried or punished twice in criminal proceedings for the same criminal offence.

[35] The Havana Rules, para 17.
[36] Mendez's Principles, para 46.
[37] Beijing Rules, Article 7.1.
[38] Constitution of Lithuania, Article 31 (4).

Lithuanian law follows the requirements of international and EU law. Article 31 (6) of the Lithuanian Constitution indicates that no one may be punished twice for the same crime.[39] Article 3 (1)(6) of CPC notes that a criminal proceeding is inadmissible against a person who has had a court verdict on the same charge, court order, or prosecutor's order terminating the proceedings on the same grounds.

Prohibition of Discrimination

It is mandatory to ensure that discrimination is prohibited in criminal proceedings as per international law. Article 7 of UDHR requires equal protection under the law to all without any discrimination. Article 3 of ICCPR also requires states to ensure equal rights for both men and women to enjoy all the civil and political rights outlined in the ICCPR. Article 14 of ECHR and Article 1 of the Protocol to ECHR strictly prohibit any form of discrimination. The Protocol also specifies that no public authority can discriminate against anyone under any circumstances.

International documents solely dedicated to protecting the interests of children also prohibit discrimination. The CRC require all States to respect and protect children's rights without any form of discrimination.[40] Additionally, the Beijing Rules require that any regulations concerning the treatment of children or young persons who have committed an offence[41] be applied impartially and free from any discriminatory actions.[42]

EU law also prohibits discrimination. Article 20 of the EU Charter of Fundamental Rights indicates that everyone must be treated equally before the law. Article 21 of the Charter specifies that discrimination must be prohibited on any ground, including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. Article 29 (1) of the Charter addresses persons in criminal proceedings. It states that all persons are *equal before the law, the court, and other State institutions and officials*.

This means that states must guarantee the protection of the human rights of all interviewees without discriminating against anyone. Implementing this protection ensures that all interviewees are treated respectfully and equally before the law.

Regarding Lithuanian law, it should be said that discrimination during pre-trial investigations is prohibited per international and EU law. Article 6 (2) of the CPC prohibits discrimination based on origin, social and economic status, nationality, race, sex, education, language, religious or political opinions, type and nature of activity, place of residence and other circumstances.

When we compare international law with Lithuanian law, we can see that international law has a longer list of prohibited grounds of discrimination. Apart from the grounds specified by Lithuanian law, international conventions also forbid discrimination based on disability, age, or sexual orientation. It is understandable that the list of non-discriminatory grounds mentioned in Article 6(2) is not exhaustive and can include all the grounds outlined in international law. However, such regulation allows broad discretion for the decision makers to decide what grounds are foreseen in “other circumstances” and whether the disability, age and sexual orientation grounds are included. These grounds should be clearly foreseen in the list of grounds provided in Article 6 (2) of the CPC.

[39] Constitution of Lithuania, Article 31 (6).
[40] CRC, Article 2.
[41] The Beijing Rules, Article 2.2 (a).
[42] The Beijing Rules, Article 2.1.

Prohibition of Torture and other Cruel, Inhuman, or Degrading Treatment

International law prohibits any form of degrading treatment in criminal proceedings. Such rules must be applicable when enforcing criminal proceeding measures against adults and children.

The UDHR explicitly forbids any form of torture or inhuman treatment.[43] The ICCPR expands on this, declaring that no person shall be subjected to any kind of torture, cruel or degrading treatment or punishment.[44] Similarly, Article 3 of the ECHR reaffirms the UN documents requiring that everyone must be protected from being subject to torture, inhuman or degrading treatment, or punishment.

EU Charter of Fundamental Rights essentially repeats the provisions of the ECHR and expands them. Article 1 of the Charter emphasises the importance of the inviolability of human dignity. Article 1 says that *human dignity is inviolable. It must be respected and protected*. Article 4 prohibits torture and inhuman or degrading treatment or punishment. It emphasises that no one can be subjected to torture or inhuman or degrading treatment or punishment.

The CAT provides a definition of torture. Article 1 of the CAT explains that the *term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession <…>, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*

Experts who specialise in torture issues state that using coercive interviewing techniques or any other actions that aim to humiliate, instil fear, obtain information, or force confessions from interviewees through coercion, threats, or any other means that impair an interviewee's capacity or decision-making ability can amount to torture or other forms of ill-treatment. [45]

Ill-treatment also includes arbitrary arrest. Article 9 of UDHR ensures that no individual shall be subject to arbitrary arrest, detention, or exile. Article 9 of ICCPR specifies that everyone has the right to liberty and security of person, and no one shall be arrested or detained arbitrarily.

International documents intended to protect the interests of children also pay special attention to the protection of children from their ill-treatment. According to Article 40 of the CRC, when a child is involved in criminal proceedings, they should be treated in a way that promotes their dignity and worth. Article 37 of the CRC clearly states that no child should ever be subjected to any form of torture, cruel or degrading treatment or punishment. Furthermore, no child should be deprived of their liberty unlawfully or arbitrarily. Arrest, detention, or imprisonment should only be used as a last resort and for the shortest possible time.

Article 10.3 of the Beijing Rules requires law enforcement agencies to handle contact with juvenile offenders in a way that respects their legal status, promotes their well-being, and avoids harm to them, with due regard to the case circumstances. Article 13 of the Beijing Rules repeats the CRC that the detention of juveniles pending trial should only be used as a last resort and for the shortest possible duration, and additionally provides that alternative measures such as close supervision, intensive care, or placement with a family or in an educational setting should be considered whenever possible.

[43] UDHR, Article 5.
[44] ICCPR, Article 7.
[45] Mendez's Principles, para 38.

The Riyadh Guidelines further state that it is unacceptable to subject any child or young person to harsh or degrading correction or punishment measures in any institution.[46] Law enforcement and other relevant personnel should be trained to respond to the special needs of young people. [47]

The Havana Rules require States to establish a juvenile justice system that safeguards the rights and safety of juveniles and promotes their physical and mental well-being.[48] Depriving a juvenile of their liberty should only be considered a last resort and for the shortest possible time, and only in exceptional cases.[49] Detention before trial should be avoided if possible and limited to exceptional circumstances. Therefore, every effort should be made to apply alternative measures.[50]

Analysis shows that each state has a responsibility to implement effective legislative, administrative, judicial or other measures to prevent acts of torture within any territory under its jurisdiction. Additionally, it is obligated to prevent any other actions of cruel, inhuman or degrading treatment, even if they do not amount to torture.[51]

Lithuania also has safeguards against torture and other and other cruel, inhuman, or degrading treatment. Article 18 of the Lithuanian Constitution guarantees that the rights and freedoms of every person in Lithuania are protected from birth. Article 21 emphasises that every person is untouchable; their dignity is protected by law. Specific safeguards are enshrined in the CPC.

Following the CPC, pretrial investigation authorities can take investigative actions and use coercion measures proportionate to the situation. The principle of proportionality must be considered while taking these actions and implementing measures. The coercion measures could only be applied when there is no other way to achieve the desired outcome in the criminal proceeding.[52] The measures may be imposed only to ensure the suspect's participation in the pre-trial proceeding, facilitate an unhindered pre-trial investigation, and prevent new crimes.[53]

In pretrial proceedings and when applying coercion measures, it is prohibited to use violence, threaten, or perform actions that degrade human dignity and harm health.[54] A suspect has the right to receive emergency medical assistance.[55] However, the physical force is not prohibited. Physical force is permitted when necessary to remove obstacles to the performance of the action in the proceeding.[56]

When deciding on the coercive measure, the gravity of the crime and other conditions, such as the suspect's personality, age, state of health, and others, must be considered. [57] The coercive measures can only be imposed if there is sufficient evidence to suspect that the suspect has committed a crime.[58] The arrest may be ordered only for crimes for which an expected sentence of imprisonment is more than one year.[59]

[46] The Riyadh Guidelines, para 54.
[47] The Riyadh Guidelines, para 58.
[48] The Havana Rules, para 1.
[49] The Havana Rules, para 2.
[50] The Havana Rules, para 17.
[51] CAT, Articles 2 and 16 (1).
[52] CPC, Article 11.
[53] CPC, Article 119.
[54] CPC, Article 11.
[55] CPC, Article 21 (4).
[56] CPC, Article 11.
[57] CPC, Article 121 (3).
[58] CPC, Article 121 (2).
[59] CPC, Article 122 (8).

Arrest, intensive supervision, house arrest or obligation not to approach the victim closer than the specified distance can only be ordered by the pre-trial investigation judge.[60] The person can be arrested only when a pre-trial investigation judge or a court has issued an arrest warrant.[61] The arrest warrant must be issued within forty-eight hours from the start of detention.[62] The warrant must specify the crime of which the person is suspected, the law under which arouses a criminal liability, data allowing to suspect that the person committed the crime, the arrest aim and conditions, the grounds and reasons for imposing arrest, and reasons why less severe coercive measures cannot be imposed.[63] The suspect must be informed about the arrest warrant by signing it. [64]

Although the CPC stipulates that arrest can be ordered only in cases where less severe coercive measures cannot achieve the aims - to ensure the suspect's participation in the pre-trial proceeding and unhindered pre-trial investigation (there are reasonable grounds to believe that the suspect will flee or/and hinder the process) as well as to prevent new crimes,[65] however, it should be noted that the assessment of the reasonableness of these threats is left to the prosecutor and the pre-trial judge. CPC does not clarify the proof level for the threats and the threat to be considered reasonable. This allows us to conclude that prosecutors and judges have wide discretion in their decisions. It means that the execution of human rights highly depends on the judge's opinion, partly determined by case law.

Finally, following the proportionality requirement, Article 11 of the CPC requires immediate termination of the coercive measures when they become unnecessary.

Right to Safe and Respectful Arrest Conditions

Not only the pretrial investigation actions in the criminal proceeding but also the conditions of the most severe coercive measure – arrest, itself can amount to torture or other cruel, inhuman, or degrading treatment.

International law requires states to ensure safe and respectful arrest conditions for children. Article 10 of the UDHR emphasises that all individuals deprived of their liberty must be treated with respect for their human dignity. The CRC requires that every detained child must be treated with respect and dignity, considering their age and needs.[66] The child's privacy should be fully respected at all stages of the proceedings.[67] Article 13 of the Beijing Rules states that juveniles must be separated from adults while in custody. In custody, juveniles should receive care, protection, and necessary assistance in social, educational, vocational, psychological, medical, and physical areas, considering their age, sex, and personality.

To fulfil international law requirements, the new version of the Law on the Enforcement of Arrest comes into force on January 1, 2023. The Law foresees safe conditions for the execution of arrests. Article 4 (3) specifies that during the arrest, it is forbidden to torture a person, treat a person cruelly or humiliate human dignity. Special attention is paid to the health care of minors. The law requires that the health of the arrested child must be thoroughly checked

[60] CPC, Article 121 (1).
[61] Seimas of the Republic of Lithuania. Law on Enforcement of Arrest, No. I-1175, 18 January 1996, last amendment No. XIV-1772, 23 December 2022, *Valstybės žinios, 1996-02-09, Nr. 12-313*, Article 6(1)(1).
[62] CPC, Article 123 (4).
[63] CPC, Articles 125 (2) and 122 (6).
[64] CPC, Article 125 (3).
[65] CPC, Articles 122 (1) and 122 (7).
[66] CRC, Article 37.
[67] CRC, Article 40.

upon arrival at a prison.[68] Arrested persons may be kept in the custody of the territorial police no longer as it is necessary to perform a particular action in the proceeding in case it cannot be performed while the person is in prison. In any case, the duration cannot exceed seven days when the person is brought from prison and 15 days when the person is newly arrested.[69]

Arrested children should be ensured to walk in the fresh air for at least 3 hours daily.[70] Children under the age of 16 must have access to education.[71] A disciplinary penalty of isolation for no longer than five days may be imposed on a child who has violated the prison rules.[72]

The Law on Enforcement of Arrest also foresees the arrestee's right to communicate with other people. Article 8 of the law states that arrestees have the right to send and receive an unlimited number of letters. According to the rules established in the Law, detainees have the right to meet with journalists (Article 9), see other persons (Article 13), make phone calls, or use internet telephony (Article 14).

The CPC and Law on Enforcement of Arrest aim to ensure a child's right to privacy.[73] Articles 27 (1) and 27 (3) of the Law require that children be kept in prisons separate from adults. Article 21 (4) of the CPC notes that the child has the right to privacy protection. However, the law does not provide more precise instructions on what is considered a child's privacy. As a result, it is impossible to accurately assess how much the child's right is protected during the pre-trial investigation. Some clarity could provide the analysis of the child's right to privacy during the execution of the arrest established by the Law on Enforcement of Arrest. The law stipulates that an arrested person can be searched, and their belongings can be checked only by officers of the same sex.

The Right to Child-Friendly Interviewing in Criminal Proceedings

Safeguarding a child's rights depends on providing safe and respectful arrest conditions and conducting interviews in a child-friendly manner during criminal proceedings. Certain types of interviews in criminal proceedings can be considered as degrading treatment.

International law mandates that child victims, witnesses, and suspects should be interviewed using child-friendly procedures. Article 40 of the CRC requires the child's age to be considered when involved in criminal proceedings. The ICCPR stipulates that if the accused is a juvenile, the procedure should be designed to consider their age and promote their rehabilitation.[74] Article 8 of the OPRCh states that it is the responsibility of states to implement adequate measures to protect the rights and interests of child victims throughout criminal proceedings. This includes recognising their vulnerability, adapting procedures to meet their needs, and providing support services.

Lithuanian legal norms provide safeguards for protecting children’s interests during the investigation interview in criminal proceedings.

According to the CPC, the child witnesses and victims are interviewed, applying a special child-friendly interview procedure. Article 186 of CPC defines a special procedure for interviewing child witnesses and victims, which aims to reduce the traumatic effect. A child witness or victim is interviewed during the pre-trial investigation in premises adapted for the

[68] Law on Enforcement of Arrest, Article 24 (2).
[69] Law on Enforcement of Arrest, Article 4 (4).
[70] Law on Enforcement of Arrest, Article 17 (1).
[71] Law on Enforcement of Arrest, Article 22 (1).
[72] Law on Enforcement of Arrest, Article 29.
[73] CPC, Article 21 (4).
[74] ICCPR, Article 14.

interviewing children, usually no more than once. In cases where repeated questioning of a child witness or victim is necessary during the pre-trial investigation, they are usually interviewed by the same person. Their interview must be video and audio recorded. A psychologist helps interview the child witness or victim when requested by the process participants, the pre-trial investigation officer, the prosecutor or the pre-trial investigation judge. The child rights specialist of the State Child Rights Protection and Adoption Service observes from another room whether the rights of a child witness or victim are not violated during the questioning. The child's legal representative can participate in the questioning if they do not influence the child.[75]

The Prosecutor's General Recommendations for interviewing a child witness and victim[76] explain how interviewing a child witness or victim should be performed. Article 3 of the Recommendations stipulates that actions involving a child should only proceed if other methods of determining relevant circumstances are not feasible or would incur high procedural costs. This is to prevent any traumatic effects on the child. The Recommendations also state that when clarifying the circumstances of the reported crime, it is recommended to avoid informal conversations with the child in detail before the pre-trial investigation has started or during the investigation in a manner not established by the CPC. Article 17 of the Recommendations suggests the pre-trial investigation officer or prosecutor specialising in juvenile justice should interview the child. Article 21 of the Recommendations states that when a pre-trial investigation officer or prosecutor decides to interview the child themselves, before questioning, they must consult with a psychologist about interview tactics, the most suitable formulation of questions and the order of the questions.

It is worth noting that Lithuania does not have a specialisation of pre-trial investigation officers, prosecutors and judges provided for in the laws. The specialisation of prosecutors and judges who work with children is established in the legislation implementing the laws. The specialisation of prosecutors is foreseen in the General Prosecutor's Recommendations on the specialisation of prosecutors in criminal proceedings.[77] The document provides that part of the prosecutors must be specialised in working in juvenile justice cases where the suspects and victims of physical and mental violence are children. The specialisation of judges in juvenile criminal cases is foreseen in the Description of the procedure for determining the specialisation of judges to consider specific categories of cases approved by the Council of Judges.[78] However, it should be noted that the specialisation of pretrial investigation officers in children's cases is not provided for in any legal act.

Safeguard measures for interviewing a child suspect are significantly lower compared to the protections provided for interviewing child witnesses and victims. The CPC foresees just some safeguards for interviewing child suspects in criminal proceedings. In particular, a psychologist assists in interviewing a child suspect at the initiative of a pre-trial investigation

[75] CPC, Article 186 (3).
[76] Prosecutor General of the Republic of Lithuania. Order Regarding the approval of the Recommendations regarding the interview of a child witness and the victim, No I-126, 16 September 2009, available at https://www.prokuraturos.lt/lt/teisine-informacija/prokuraturos-teises-aktai/generalinio-prokuroro-rekomendacijos/74
[77] Prosecutor General of the Republic of Lithuania. Order Regarding the approval of the Recommendations on the specialisation of prosecutors in criminal proceedings, No I-318, 30 October 2012, available at https://www.prokuraturos.lt/lt/teisine-informacija/prokuraturos-teises-aktai/generalinio-prokuroro-rekomendacijos/74
[78] Council of Judges. Resolution Regarding the approval of the description of the procedure for determining the specialisation of judges to hear certain categories of cases, No 13P-202-(7.1.2), 13 November 2008, last amendment No. 13P-88-(7.1.2), 31 May 2019, *TAR, 2017-05-24, Nr. 8634.*

officer or prosecutor or at the request of a child suspect or his defender or legal representative. The child rights specialist of the State Child Rights Protection and Adoption Service monitors whether the rights of a minor suspect are not violated during the questioning.[79] An audio and video recording of the interview may take place. The obligation to do audio and video recordings of the interview with the child suspect is just in cases where the child suspect is arrested or detained.[80] There is no requirement to interview in a child-friendly environment. They are interviewed as adults. Opinions are often heard that child rights specialists only formally monitor whether the child's rights are not violated during the execution of a procedural action. The child's best interests are not considered about child suspects. The entire pre-trial investigation proceeding is not child-friendly. There is no juvenile criminal justice system in Lithuania.

Right to the Effective Defence and Representation by a Lawyer

Child-friendly interviewing in criminal proceedings is impossible without effective defence or representation by a lawyer.

According to Article 40 of the CRC, all children involved in criminal proceedings must be provided with legal or other suitable assistance to prepare and present their defence. This assistance must be made available without delay.[81] The Beijing Rules, in Article 7.1, emphasise that the right to legal counsel and representation is a fundamental procedural safeguard that must be upheld at all stages of the proceedings. Additionally, the Havana Rules state that minors in detention must have the right to legal counsel and the ability to communicate regularly with their legal advisers. Privacy and confidentiality must be maintained for such communications.[82]

The ECHR and EU Charter of Fundamental Rights provisions align with the abovementioned documents. According to Article 6 of the ECHR, anyone charged with a criminal offence must have adequate time and facilities to prepare their defence and defend themselves either in person or through legal assistance. Article 48 of the EU Charter of Fundamental Rights repeats each suspect's or accused's right to defence.

These documents also provide for the right to legal aid. However, the way it's guaranteed differs among them. UN documents require countries to ensure legal aid in places where it's available. Article 15 of the Beijing Rules specifies that juveniles have the right to access free legal aid where available. Similarly, the Havana Rules state that juveniles in detention should be able to apply for free legal aid if available.[83]

Legal aid is more strongly guaranteed in Europe. Article 6 of the ECHR guarantees the right to a legal aid lawyer when suspects do not have sufficient means to pay, but the interests of justice require the lawyer's defence. The EU Charter of Fundamental Rights, in Article 47, emphasises the right to legal aid to everyone who lacks sufficient resources. It stipulates that legal aid must be guaranteed because it is necessary to ensure effective access to justice.

In Lithuania, the law guarantees that the child suspects have the right to defence and free communication with the lawyer. Under Article 31 (7) of the Lithuanian Constitution, every suspect, including a child, must be guaranteed access to a lawyer, and their right to defence must be ensured from the moment of their detention or first questioning. Following the

[79] CPC, Article 188 (5).
[80] CPC, Article 188 (5).
[81] CPC, Article 37.
[82] The Havana Rules, para 18.
[83] The Havana Rules, para 18.

Constitution, Article 21 (4) of the CPC guarantees a suspect's right, including a child, to have a lawyer present from the moment of their arrest or first questioning.

Considering the CPC, pretrial investigation authorities must appoint a defence lawyer immediately from the moment of detention or the first interview.[84] If the child suspect does not have a private lawyer,[85] the duty lawyer is appointed free of charge regardless of their property and income.[86] The duty lawyer is appointed irrespective of the defendant's wishes to have a specific lawyer.[87] Although the CPC provides suspects the right to refuse an appointed duty lawyer or waive their right to defence, the pre-trial investigation officer, the prosecutor, and the court are not obliged to consider the child's refusal.[88] The CPC prohibits controlling the suspect's communication with the defence counsel - meetings, correspondence, telephone conversations or otherwise.[89] The Law on Enforcement of Arrest specifies that arrested persons have the right to meet, correspond with and call their defence lawyer without hindrance following the procedure established by the Minister of Justice. The number and duration of meetings, calls, and letters are unlimited. The Law ensures the confidentiality of their communication.[90]

However, speaking about the right to defence, it should be noted that the law only guarantees the right to have a lawyer but does not guarantee continuity of the defence and quality. The law does not provide that the same defender should participate in all procedural actions. When a duty lawyer defends the suspect, it is not uncommon for a new duty lawyer to be assigned to the suspect in cases where he cannot be at the procedural actions. When the dates of further actions are not agreed upon with the duty lawyer, and if he cannot participate in further actions, another duty lawyer is appointed. In practice, there are cases when, during criminal proceedings, the suspect or accused is defended by four or more defenders who participate in different procedural actions without coordinating their actions. In some cases, lawyers cannot coordinate their actions since they are appointed to defend shortly before the actions are carried out.

It should also be noted that it is extremely important to ensure the consistent defence of the suspect by one lawyer during the pre-trial investigation since the complete pre-trial investigation material is accessible only after the pre-trial investigation has been completed. Until then, access to part of the pre-trial investigation material depends on the prosecutor's will. The prosecutor has the right to prevent access to all or part of the pre-trial investigation data and to prevent making copies or extracts of the pre-trial investigation material if such access, in the prosecutor's opinion, could harm the success of the pre-trial investigation.[91] When different defenders participate in different procedural steps, not only may some information important to the defence be lost, but also the quality of the defence is not guaranteed. If a person's defence is of poor quality, there is no way to determine which defender is to blame.

The CPC requires states to ensure the suspects have sufficient time and conditions to prepare their defence.[92] However, it should be noted that the CPC and other legal acts do not clarify what it means to "have sufficient time and conditions." When the private lawyer cannot

[84] CPC, Articles 10 and 51 (1) (1).
[85] CPC, Article 50 (2).
[86] Seimas of the Republic of Lithuania. Law on State-guaranteed Legal Aid, No.VIII - 1591, 28 March 2000, last amendment No. XIV – 2103, 29 June 2023, *Valstybės žinios, 2000-04-12, Nr. 30-827*, Article 12.
[87] CPC, Article 50 (5).
[88] CPC, Article 52 (2).
[89] CPC, Article 44 (8).
[90] Law on Enforcement of Arrest, Article 7 (1) and 7 (2).
[91] CPC, Article 181.
[92] CPC, Article 44 (7).

arrive at the first questioning within six hours or cannot participate in the decision on arrest, [93] the pre-trial investigation officer, the prosecutor or the court assigns a defence lawyer selected by a coordinator of the State-guaranteed legal aid service to the suspect.[94] It is not uncommon for the State-guaranteed legal aid service to receive a request to choose a defence lawyer several hours before the execution of an action in the proceeding. Such regulation and practice raise doubts about whether the defender is given enough time to prepare for the defence. There are cases when the defence lawyer arrives to defend the suspect unprepared, asks for a break to familiarise himself with the issue, and meets with the defendant only during the performance of the action in the criminal proceeding. The law should determine how long before the execution of the pre-trial investigation actions the defender should be appointed and informed about that.

The CPC ensures the child victim's right to a lawyer as an authorised representative.[95] In criminal proceedings, every child who is a victim of offence against their health, freedom, sexual self-determination and integrity, or they were kidnapped, exchanged, bought, sold, abandoned, involved in crimes, drug use, drinking, pornography, involved in prostitution, were used for prostitution, biomedical tests were performed on them, or their parents or other legal representatives abuse the rights or do not fulfil their duties, or in other criminal proceedings when pre-trial investigation officer or prosecutor or court ruling recognises that participation of authorised representative is necessary has the right to receive state-guaranteed legal aid free of charge regardless of property and income they or their legal representatives have.[96] The necessity for an authorised representative can be recognised when the child is in institutional guardianship (curatorship), in a Social Family (Foster Care-Based Households) or in a children's socialisation centre, when the legal representative is not allowed to participate in the proceeding, or when a legal representative of the child victim cannot adequately protect their rights.[97] In other criminal cases, the eligibility for legal aid depends on the child and their legal representative wealth. Legal aid includes preparing procedural documents by a lawyer and representation in the criminal proceeding.[98]

Right to Assistance of Parents or another Legal Representative

An adequate representation of child rights requires the participation of parents or legal representatives in criminal proceedings.

Article 9 of the CRC requires that parents or legal representatives be informed of any State actions that may result in the child's deprivation of liberty. According to Article 7.1 of the Beijing Rules, upholding the right to have a parent or guardian present throughout the entire legal process is essential. Article 15 specifies that parents or guardians must be entitled to participate in the proceedings unless there is a compelling reason to exclude them in the interest of the juvenile. Furthermore, Article 10.1 of the Beijing Rules mandates that parents or guardians of a juvenile must be immediately notified upon the apprehension of the juvenile. If this is not possible, they should be informed as soon as possible.

In Lithuania, the CPC allows child assistance by a parent or another legal representative. The legal representative can accompany a child suspect or witness when the pre-trial

[93] CPC, Article 50 (5).
[94] CPC, Article 51.
[95] CPC, Article 55.
[96] Law on State-guaranteed Legal Aid, Article 12 (1)(12).
[97] Recommendations regarding the interview of a child witness and the victim, Article 11.
[98] Law on State-guaranteed Legal Aid, Article 2 (1).

investigation officer, prosecutor, or court grants permission during the pretrial proceeding. The permission would not be granted if this conflicts with the child's interests or hinders the criminal proceeding. When such permission cannot be granted, or when the legal representative cannot be found out, or their identity is unknown, another suitable person would be appointed as the child's legal representative. The child can choose who should be the legal representative.[99] The legal representative can get information, accompany the child during the entire criminal proceeding, and help them exercise their rights.[100]

If the arrested person is a child, the prosecutor must immediately notify the child's parents or other legal representatives. When such notification would be against the interests of the arrested child, they should inform another appropriate adult person.[101] In addition, the arrested child suspect must be immediately allowed to contact one of those persons and the arrest of the child suspect must be immediately reported to the State Child Rights Protection and Adoption Service.[102] The law does not specify how quickly the relevant institutions and people should be informed that would be considered "immediate". Such unclarity creates many uncertainties in practice. Institutions sign inter-institutional agreements to increase clarity. However, it should be noted that these agreements express a different understanding of the word "immediate". In particular, the Cooperation Agreement of 28/06/2018, which established closer inter-institutional cooperation among the General Prosecutor's Office, the Police Department, the Ministry of Social Security and Labour, the Office of the Ombudsperson of Child's Rights and the State Child Rights Protection and Adoption Service, the word “immediate” means five days (the prosecutor's office and the police undertake to inform the State Child Rights Protection and Adoption Service about the fact that a minor has been declared a suspect in five days).[103] In contrast, in the Amendment of this Cooperation Agreement, signed on 21/07/2023, the word “immediate” means two working days.[104] The obligation to inform is more clearly regulated when there is an arrest. Article 6 (5) of the Law on Enforcement of Arrest foresees that legal representatives or other appropriate persons must be notified about the arrestee's arrival at the prison no later than the next day after the arrestee's arrival.

Right to Interpretation and Translation

Article 40 of the CRC ensures the child's right to the free assistance of an interpreter, including a sign language interpreter, if they cannot understand or speak the language used in criminal proceedings. Similarly, Article 6 of the ECHR states that anyone accused of a criminal offence has the right to be informed in a language they understand, and they are entitled to a free interpreter if they cannot understand or speak the language used in the criminal proceeding.

[99] CPC, Articles 21 (4), 22(3), 53.
[100] CPC, Article 54 (1).
[101] CPC, Article 128 (1).
[102] CPC, Article 128 (1).
[103] Prosecutor General‘s Office, Police Department under the Ministry of Interior, Ministry of Social Security and Labour, Office of the Ombudsperson for Child's rights, State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour, Cooperation agreement, No 9.11-17/BS-1, 28 June 2018, available at https://vaikoteises.lrv.lt/lt/teisine-informacija/bendradarbiavimo-susitarimai-ir-sutartys
[104] Prosecutor General‘s Office, Police Department under the Ministry of Interior, Ministry of Social Security and Labour, Office of the Ombudsperson for Child's Rights, State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour, Agreement No1, Regarding the amendment of the cooperation agreement of June 28, 2018 No. 9.11-17/BS-1, No BS-8, 21 July 2023, available at https://vaikoteises.lrv.lt/lt/teisine-informacija/bendradarbiavimo-susitarimai-ir-sutartys

In Lithuania, the CPC ensures the right to interpretation and translation in the pre-trial investigation.[105] Article 8 of the CPC allows non-Lithuanian-speaking participants in criminal proceedings to make statements, give testimony and explanations, submit requests and complaints, and speak in court in their native language or another language they understand. Case documents that are provided to the participants in the proceeding must be translated into their native language or another language that they know. Translation of other case documents for the suspect is ensured only when translated documents are necessary for the proper suspect defence or to understand the ongoing criminal proceedings. Translation of such papers is provided for the victim only if it is needed for active participation in criminal proceedings. Victims can make complaints regarding the crime in their native language or in another language they know or can use the services of an interpreter when making a complaint orally. The defence lawyer must communicate with a suspect in a language they understand; if this is not possible, an oral translation of their communication must be ensured. Interpreter services are provided free of charge for each suspect.[106]

Right to be Informed

To ensure the effective defence and representation of children's rights, it is necessary to fulfil their right to be informed. International law recognises this and provides certain procedural safeguards. In particular, Article 40 of the CRC guarantees that every child accused of breaking the law has the right to be informed promptly and directly of the charges against them. The Beijing Rules and Article 6 of the ECHR reaffirm this commitment. Article 7.1 of the Beijing Rules foresees that every suspect has the right to be informed of the charges. Meanwhile, Article 6 of the ECHR establishes that anyone charged with a criminal offence has the right to be informed promptly, in a language they understand and in detail, about the nature and cause of the accusation against them. Furthermore, Article 9 of the UDHR requires that anyone arrested be informed about the reasons for their arrest and any charges against them. Article 5(2) ECHR also stipulates that anyone arrested must be informed promptly, in a language they understand, of the reasons for their arrest and any charges against them.

The right to information is guaranteed not only to the offender but also to the victim. Article 8 of the OPRCh states that it is the responsibility of states to implement adequate measures to safeguard the rights and interests of child victims throughout the criminal proceeding. This includes informing them of their rights, roles, and the progress of the proceedings.

In Lithuania, the CPC and the Law on Enforcement of Arrest guarantee the right to information for the participants in the criminal proceeding. The judge, prosecutor, and pre-trial investigation officer must explain their procedural rights to the participants in the criminal proceeding and make conditions for their use.[107] They must inform all suspects promptly and thoroughly in a language they understand of the nature and basis of the accusation against them. Every detainee or arrestee must be immediately informed in a language they understand of the reasons for their detention or arrest, the longest possible period - how many hours (days) their freedom may be restricted until the case is heard in court. The arrested person must be introduced to the arrest procedure, their rights, duties, and prohibitions in a language they understand no later than the day following their arrival at the prison.[108] In addition, the detainee

[105] CPC, Article 21 (4).
[106] CPC, Article 44 (7).
[107] CPC, Article 45.
[108] Law on Enforcement of Arrest, Article 6 (4).

or arrestee must be informed about their right to appeal the detention or arrest decision to the court.[109]

Admissible Evidence Obtained Without Coercion

Article 15 of the CAT prohibits the use of any statement obtained through torture as evidence in legal proceedings. As already mentioned above, the using coercive interviewing techniques or any other actions that aim to humiliate, instil fear, or force confessions from interviewees through coercion, threats, or other means that impair an interviewee's capacity or decision-making ability can amount to torture or other forms of ill-treatment.[110] Therefore, any evidence obtained through such coercive methods should not be admissible in criminal proceedings.

According to the CPC, the evidence to be admissible in Lithuania must be obtained lawfully. Articles 20 (1) and 20 (4) of the CPC stipulate that evidence in criminal proceedings can only be data obtained lawfully per the procedure established by law. However, the CPC does not clearly state that data obtained through coercive means cannot be considered as evidence. The judge or court can decide whether the data can be considered evidence.[111] Judges evaluate the evidence based on their inner conviction, grounded on a thorough and impartial examination of the case's circumstances and following the law.[112]

Right to an Effective Remedy

To ensure the implementation of safeguards provided for in international law, national legislation must provide for an effective remedy if these safeguards are violated. Accordingly, Article 2 (3)(a) of the ICCPR stipulates that if any person's rights or freedoms recognised in the ICCPR are violated, they should be entitled to an effective remedy, irrespective of whether the violation was committed by persons acting in an official capacity. Similarly, Article 47 of the EU Charter of Fundamental Rights also emphasises the right to an effective remedy.

In Lithuania, the remedy is clearly foreseen for wrongful detention or arrest. According to the CPC, anyone wrongfully detained or arrested has the right to compensation.[113]

However, the question of liability or responsibility for other actions is not so clear. For example, Article 100^3 (1) of the Criminal Code provides punishment for torture.[114] However, Article 100^3 (2) of the Criminal Code also notes that pain or suffering caused by coercive measures or sanctions authorised by the state is not considered torture.

In addition, Article 30 of the Criminal Code states that a person will not be held liable for any damage caused while carrying out their professional duties as long as they have not overstepped their legal powers. If the person does exceed their legal powers, they may be held criminally liable; however, this liability can be reduced. [115]

Such regulation raises doubts about whether Lithuania has an effective remedy for violating suspect or witness rights in criminal proceedings.

[109] CPC, Articles 44 (1) – 44 (4).
[110] Mendez's Principles, para 38.
[111] CPC, Article 20 (2).
[112] CPC, Article 20 (5).
[113] CPC, Articles 44 (1) – 44 (4) and 6 (3).
[114] Seimas of the Republic of Lithuania. Criminal Code of the Republic of Lithuania approved by the Law on the Approval and Entry into Force of the Criminal Code of the Republic of Lithuania, No VIII-1968, 26 September 2000, last amendment No XIV-2187, 10 October 2023, *Valstybės žinios, 2000-10-25, Nr. 89-2741*, Article 100^3.
[115] Criminal Code, Article 59 (1)(8).

Conclusions and Recommendations

By comparing the provisions of international law and Lithuanian legislation defining the safeguards for the child during the pre-trial investigation, the following conclusions and suggestions can be made:

The provisions of the Lithuanian law regulating pre-trial investigations involving children, along with the measures taken to protect their rights, mostly align with international obligations and serve as the foundation for implementing the Mendez principles. The law defines the minimal age at which a child can be held criminally liable, establishes the presumption of innocence and the right to remain silent, prohibits discrimination in the pre-trial investigation, ensures the right to interpretation and translation in the pre-trial investigation, ensures the child suspect's right to defence and free communication with the lawyer, ensures the child victim's right to an authorised representative, allows lawfully obtained evidence, allows child assistance by a legal representative, requires ensuring that the suspects have sufficient time and conditions to prepare their defence, requires proportionate investigative actions and allows just proportionate coercion measures, allows arrest when less severe coercive measures cannot achieve the aims, guarantee the right to information for the participants in the criminal proceeding, foresee the right of child witnesses and victims to a special procedure for interviewing, foresee some safeguards for interviewing child suspects in the criminal proceeding, the child suspect individual assessment is established, foresees the arrestee's right to communicate with other people, foresees safe conditions for the execution of arrests, ensures a child's right to privacy and other protective measure.

Not all obligations Lithuania undertake in international agreements have been fully implemented in national legal acts. The grounds on which discrimination is forbidden should include forbidding on disability, age, or sexual orientation. The law regulating criminal proceedings only guarantees the right to have a lawyer but does not ensure continuity of defence and quality of defence. The law should clearly state that data obtained coercively cannot be considered evidence. The law should determine how long before the execution of the pre-trial investigation actions the defender should be appointed and informed about that. The law on arrest should contain clarifications on the expectation level for the threats and the threat to be considered reasonable. In the law providing for the notification of the relevant people or institution, instead of the word "immediate", a specific period in days or hours should be indicated. The law should clearly provide an effective remedy for violating suspect or witness rights in criminal proceedings.

In Lithuanian legal acts, the focus is on ensuring the safety of the child witnesses and victims and preventing their victimisation. Meanwhile, ensuring the rights of child suspects in most cases is only formal.

To ensure the best interests of the child suspect, additional measures for protecting the child's rights should be provided for in the legal acts regulating the pre-trial investigation. The juvenile justice system should be established in Lithuania, where the best interest of the child or juvenile's well-being would be the main priority in criminal proceedings.

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IMPACT OF THE STATE OF EMERGENCY ON SOCIAL RELATIONS

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Abstract. *The authors of this research paper analyse the impact of declared state of emergency measures on social relations in the Republic of Lithuania within the entire area at the state border of the Republic of Lithuania with the Republic of Belarus and 5 kilometres inland from the border area from 10 November 2021, 24.00 (midnight).*

Influx of migration as part of the hybrid attack against the Lithuania, Poland, Latvia supported by the Belorussian authorities in 2021 requires Lithuanian institutions to take immediate coordinated contra measures to stop the hybrid attack on the European Union (hereinafter – the EU). The Republic of Lithuania has 679 kilometres eastern external border of the European Union with the Republic of Belarus. Accordingly, Lithuania is in charge for ensuring protection of the border and as sovereign state has the exclusive and discretionary right to make final decisions in a given situation and employ the best suitable and effective measures to handle threats to the national security. Lithuania declared the state emergency at the border with the Republic of Belarus. The territory which falls under the state of emergency obtained a new legal status and concurrently became the object of the specific legal regulation. Also, this gives rise to several questions. How the new legal status of the given territory impacts the four freedoms of the EU, i.e., the free movement of goods, the free movement of capital, the freedom to establish and provide services, the free movement of persons. It affects many parts of the economic activity, the human behaviour, the status of psychological health, the international cooperation between neighbouring countries and between different players in both countries. This research mainly focuses on the economic part of social relations. The object of the research might seem simple at first sight. However, suppression in economic relations affects both legal and shadow economy, and border crossing procedures and finally it interferes with the communication sphere at trans-border and within the affected territory.

Keywords*: state of emergency, four freedoms, social relations, human being, economic activity.*

Introduction

Relevance of the research. The right to freedom of movement has been recognized as the human right in a number of international conventions and is enshrined in the main legal act of many countries – the Constitution. The right to freedom of movement is also the one of the four main freedoms of the EU. The coronavirus pandemic affects the behaviour, psychological status, economic activity, etc., of the above-mentioned rights of human beings. Due to hybrid attacks arranged by the Belarusian regime against the Republic of Lithuania, which caused the humanitarian crisis and massive influx of migrants at the EU external border, the Parliament of the Republic of Lithuania passed Resolution No XIV-617 of 9 November 2021 on the

declaration of a state of emergency. According to Article 2 of the aforementioned resolution, the state of emergency covers the territory: 1) within the entire border area at the state border of the Republic of Lithuania with the Republic of Belarus and 5 kilometres inland from the border area from 10 November 2021 at 24.00; 2) in the accommodation facilities for foreigners designated by the institutions of the Republic of Lithuania (within the territory of the Foreigners' Registration Centre in Pabradė, within the territory of the Foreigners' Registration Centre in Medininkai and within the territory of the Foreigners' Registration Centre in Kybartai, in the territory of the Refugees Reception Centre in Rukla and the surrounding area, in Naujininkai refugee camp of the Refugees Reception Centre) and 200 metres around them. It put additional pressure on social relations alongside the already existing COVID-19 pandemic.

The **object** of this research is the expression of social relations in the context of management measures implemented during an emergency.

The **aim** of this research paper is to analyse the impact of the declared state emergency within the entire area of the state border of the Republic of Lithuania with the Republic of Belarus and 5 kilometres inland from the border area from 10 November 2021 at 24.00 (midnight) on the social relations.

In order to achieve the above-mentioned **objective**, the following tasks have been set:

1. to analyse the definition of a state of emergency, types emergency, triggers of the process of declaration a state of emergency;
2. to provide an overview of the specific features of the management introduced during the state of emergency;
3. to assess impact of the declared state of emergency on social relations from different points of view: economic, psychological.

The **novelty** of the research. The topic analysed in the article is new, because the object of the research – the declaration of a state of emergency – is a new phenomenon in the Republic of Lithuania. It was introduced for the first time during the entire period of Lithuania's independence since 1990. So far, the state of emergency as a special legal regime has been dealt with as part of the discourse of the constitutional provisions, the provisions of the European Convention on Human Rights (Gailiūtė-Janušonė 2004; Ehteshamul 2014; Keith 2004) and the jurisprudence of the ECHR, or in relation to the management of the coronavirus (Kuniya 2020). The comparative analysis of legal regimes is more focused on the comparison of the application of legal frameworks than on the topicalities of their application (Vaičaitis 2020; Birmontienė & Miliuvienė 2020; Vainorienė 2018). Other legal regimes, e.g., disaster management, quarantine, have been examined in greater detail from the point of view of their practical application in view of their introduction and practical application in recent years (Vasarienė 2020; Vaičaitis 2020; Birmontienė & Miliuvienė 2020). It should be noted that the most recent studies by foreign researchers that are relevant are those that assess situational risks (Cetković et al., 2021), the specifics of specific features of the individual chains of operation, such as communicative leadership (Aboramadan & Kundi, 2022).

Similarly, the specific features of management or the particular management measures introduced during the state of emergency at the end of 2021, as well as their impact on different groups of social relations, have not been investigated at the scientific level because of a too short time period, since this is a completely new practical field of application of the state of emergency, which requires the preparation of a focused methodological justification, the performance of analysis and the evaluation of obtained result. The research will focus only on the definition of and the impact on different groups of social relations of the state of emergency introduced for the first time and lasting from 10 November 2021 to 15 January 2022.

Research **methods**. The following research methods were used: content analysis, textual analysis, archival research, analytic induction, comparative research, authors' field observations, analysis of statistics, etc.

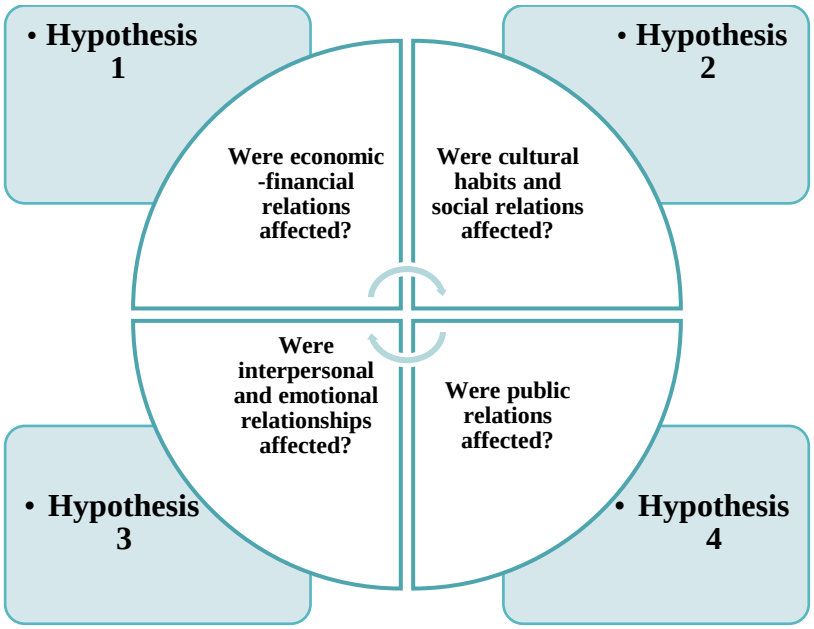


Figure 1. The main hypotheses of the research

The research has put forward four main hypotheses and will aim to determine whether the measures of the management introduced during the emergency have any effect on the four main areas (see Figure 1).

State of Emergency: Definition, Specifics and Preconditions for its Introduction in Lithuania

In order to understand the specifics of a state of emergency as a particular legal regime, it is important to consider the term as such. Vainorienė (2018), after examining models of the state of emergency, noted that the concept of the state of emergency is difficult to define – it can be both a matter of law and a matter of policy, as its introduction requires the legal basis that would allow urgent decisions to be taken more quickly, but when it is analysed by the subject of the imposition of this state, it is a matter of policy. The European Convention on Human Rights also does not provide for a definition of the state of emergency; however, by defining certain legal grounds for declaration, it focuses on the criticality of the situation. A state of emergency is defined as *a sudden serious and dangerous event or situation that needs immediate action to deal with it* (*Oxford Advanced Learner's Dictionary*). An example in this case relates to the performance of certain necessary acts – *the government had to take emergency action* (*Oxford Advanced Learner's Dictionary*).

Thus, a state of emergency usually refers to atypical, critical situations that threaten the very existence of a nation and involves the imposition of a set of time-limited, necessary management measures that restrict certain human rights in order to restore the situation.

Over the past few months, a number of articles and reports on the state of emergency have appeared in the Lithuanian media and other means of communication. The fact that the state of emergency was introduced for the first-time during Lithuania's independence was highlighted.

A few months later, the state of emergency was re-imposed in Lithuania again, but on different grounds. Still, the fact that such a legal regime has already existed in Lithuania's history is discussed by historians (Tyla, 2015). However, in general, this type of situation where it would have been necessary to introduce this legal regime was not seen in the practice of recent decades. And only in recent months, in the face of high-level criticality, has this legal regime been introduced even twice.

For the first time in the recent period, the state of emergency in Lithuania was introduced for from 10 November 2021, 00:00, one month and subsequently extended until 15 January 2022, 00:00 in the border area along the Lithuania–Belarus border and within 5 kilometres inland from the border, as well as at and within a 200-metre radius of foreigners' accommodation sites. The purpose of the activation of the state of emergency is the prevention of potential threats arising from the flow of migrants. This legal regime aims to deal with the real threats that have emerged at the Lithuanian border, the irregular migration crisis caused by the events at the border of Belarus–Poland, as well as to prevent possible incitements of disturbances and to ensure the public order at the accommodation sites of illegal migrants. For the second time, the state of emergency was introduced on 24 February 2022 due to Russia's acts that endanger the overriding national security interests of Lithuania, including reliable control and protection of the state border, which is also part of the EU external border. In this article, the authors will focus on the management measures introduced in the case of the state of emergency and their impact on certain social segments.

Two main discourses emerge when examining the relevance of the state of emergency at the scientific level. First, the situation of the state of emergency is new, so the specificities of the practice of applying this legal regime have not yet been explored. Research on the new situation is largely absent. Among other things, the novelty of the situation is essentially due to the need to investigate in a scientific way how the state of emergency has influenced individual areas of social relations, how individual management measures have affected the society, the economy, the culture. Such studies would provide insights into the extent, strength and results of the impact of management measures. Second, theoretical questions about the state of emergency that have been addressed by Lithuanian scholars so far have focused mainly on the constitutional aspect of this legal regime. This is based on the fact that legal grounds for the state of emergency are enshrined in the Constitution of the Republic of Lithuania (hereinafter – the Constitution). Thus, while this is the first time when the state of emergency has been introduced, it is interesting to note that this legal regime has already attracted the attention of scholars from a comparative perspective. More recently, there have already been studies which, although the state of emergency has not yet been introduced, have compared its theoretical provisions, as enshrined in the Constitution, with other special legal regimes (Vaičiatis 2020; Gailiūtė-Janušonė, 2020). A comparison of the special legal regimes of the state of emergency, disaster management regime and quarantine were carried out on the basis of 6 main criteria: the declaration grounds, the declaration subject, the special officer / authority responsible for management, the duration, the possible application of certain special measures, and the list of restricted human rights (Vaičaitis, 2020). Therefore, in examining the concept and specificities of the state of emergency, it's worth returning only briefly, insofar as it is relevant to the specificities of the state of emergency, to the comparison of this legal regime with other regimes. Constitutional law experts argue that the state of emergency should be seen as a highly exceptional constitutional legal regime, which, like a situation of martial law, should only be declared in exceptional cases and should be seen as an ultima ratio measure (Birmontienė & Miliuvienė 2020). On the other hand, the introduction of the state of emergency as a measure of last resort raises the question of whether the actual planning and application of the management

measures crosses the line and violates human rights. Scholars also point out that in the case of such regimes there is a risk of the abuse of the situation and of the infringement of the fundamental rights of the individual, in addition to those that are supposed to be restricted (Ehteshamul, 2014).

In analysing the definition of the state of emergency, a number of peculiarities of the legal regulation related to this definition enshrined in different legal acts should be noted. The Constitution does not define the concept of the state of emergency; however, provisions of its articles 144, 145 and 147 can be linked to the constitutional aspects of this legal regime.

First, the Constitution (*Constitution of the Republic of Lithuania*, 1992) provides that the basis for the declaration of the state of emergency is a threat to the constitutional system or to the public order. In this context, the two objects of threat are the constitutional system and the public order. According to the doctrine of the Constitutional Court of the Republic of Lithuania, such a threat to the constitutional system arises when the fundamental elements of the constitutional system – independence, democracy, republic and intrinsic nature of human rights, which have been identified by the Constitutional Court (2014) as indispensable and irrefutable constitutional values – are or may be undermined. The grounds for declaring the state of emergency are, in principle, distinguishable from other legal regimes, such as a quarantine imposed due to an epidemic of communicable diseases (e.g., declared as a result of the pandemic in 2020) or a disaster management situation declared due to natural, ecological, social or technical events (e.g., the municipal-level disaster management situation declared in the territory of the municipality of Alytus in response to the outbreak of fire because of contamination of the environment by dangerous substances in 2019). *Second*, the authorities empowered to take a decision on the declaration of the state of emergency are the Seimas, and in urgent cases between sessions of the Seimas – the President of the Republic by concurrently convening an extraordinary session of the Seimas to discuss the issue. Scholars who have analysed the constitutional peculiarities of the state of emergency point out that the extent of the powers of the two authorities is not the same: the Seimas is fully independent in taking a decision on the introduction of the state of emergency, and if such a decision is taken by the President of the Republic, the Seimas must immediately examine the validity and legitimacy of such a decision (Birmontienė & Miliuvienė, 2020). Thus, the Seimas, which is identified as the main centre of power in declaring the state of emergency under the Constitution, plays a crucial role (Birmontienė & Miliuvienė, 2020). In the case of the quarantine or the state of emergency, the subject of declaration is different – it is the Government. *Third*, the territory, i.e. the whole territory of the State or its part: the declaration of the state of emergency covers a part of the territory of the State, i.e. special conditions apply in the border area along the border of Lithuania – Belarus border and 5 kilometres inland from it, at the foreigners' accommodation sites and within a 200-metre radius around them. *Fourth*, the duration of the state of emergency is up to six months (which is longer, unlike in the case of other legal regimes such as the quarantine regime, which can last up to 3 months (with an additional extension for another 1 month). However, in the situation of the disaster management, the term is not restricted and, therefore, may be longer than 6 months. *Five*, the restriction of constitutional rights and freedoms during the state of emergency. In examining legal grounds for the state of emergency, Vainorienė (2018), first of all notes the rationale for the imposition of this regime, which reflects a protective purpose. Moreover, as argued by other authors, it is important that the legal regulation providing for extraordinary measures to be applied during the special legal regime is clearly formulated, limited in time, and comply with the requirement of proportionality, without allowing the application of such measures when there is no exceptional situation (Birmontienė & Miliuvienė, 2020). Therefore, Article 145 of the Constitution (*Constitution of the Republic of*

Lithuania, 1992) provides that the declared state of emergency may only temporarily restrict the rights and freedoms referred to in Articles 22, 24, 25, 32, 35 and 36 of the Constitution, namely the inviolability of the individual's private life, the inviolability of dwelling, the freedom of expression and dissemination of information, the freedom of movement, and the rights of association and assembly. It's worth noting that in order to fulfil the protective purpose and to strike a balance between the existing fundamental values and the fundamental values restricted by the regime, the Constitution provides for an exhaustive list of restricted rights and freedoms. Moreover, the restriction of such values is not absolute, but instead has to be linked to certain duration, i.e. a foreseeable temporary period. This is essentially the same for other legal regimes – when the temporary period expires, the former status quo is restored. *Sixth*, the Constitution (*Constitution of the Republic of Lithuania*, 1992) prohibits the amendment and alteration of the Constitution during the state of emergency.

The main features of the state of emergency are presented in Table 1.

Table 1. Main features of the state of emergency

Legal basis	Law making entity	Revoking entity	Period	Territory	Restricted rights
A threat to the constitutional order or public order	The Seimas of the Republic of Lithuania or The President of the Republic of Lithuania (issuing a decree, between sessions of the Seimas in urgent cases; during the extraordinary session of the Seimas The Seimas approves/overrules the President's decision)	The Seimas of the Republic of Lithuania	Up to 6 months Not once not exceeding this period	The entire territory of the Republic of Lithuania or its part (separate administrative units of the state territory, border section or other parts of the state territory)	Articles 22, 24, 25, 32, 35 and 36 of the Constitution of the Republic of Lithuania provided rights (the right to a person's private life; inviolability of housing, freedom to hold beliefs and freely express them; freely to move and choose a place of residence in Lithuania, to leave Lithuania freely; to join associations, political parties or associations freely, if their goals and activities are not contrary to the Constitution and laws; choose to go to peaceful meetings without weapons

However, it cannot be stated that the Constitution enshrines a comprehensive definition of a state of emergency – the concept of the state of emergency as such is missing. However, as pointed out by other authors dealing with the establishment of the states of emergency in the highest-level documents, "the constitutions which contain certain provisions on the management and lifting of the state of emergency should also be attributed to those which introduce a detailed concept of the state of emergency" (Vainorienė 2018, p. 250).

In examining the concept of the state of emergency, it is important to consider how it is perceived and defined. A state of emergency can first of all be described as a legal regime. The Constitution of the Republic of Lithuania also defines a situation of martial law as

a legal regime. In scientific terms, the concept of a legal regime is understood as a set of targeted management measures aimed at the realisation of the necessary functions, and, at the same time, as a set of measures that guarantee individual rights and freedoms. Birmontienė and Miliuvienė (2020), in their analysis of the pandemic situation and the management measures envisaged for the pandemic, describe the legal regime as the totality of management measures of the State to ensure the performance of functions of the State and the protection of human rights. On the basis of the Constitution and considering a situation as exceptional, where the application of special management measures is indispensable, the fundamental rights and freedoms of the individual must not be neglected, and a balance must be struck between restrictions by measures to be imposed and guaranteeing the rights of the individual.

The legal regulation of the state of emergency is defined by the Law of the Republic of Lithuania on the State of Emergency *(Law on the State of Emergency of the Republic of Lithuania*, 2002) in force for two decades. Article 2 of the Law defines this legal regime as a special legal regime covering the State or its part and allowing for the application of temporary restrictions on the exercise of the rights and freedoms of individuals and temporary restrictions on the activities of legal persons, as laid down in the Constitution (1992) and in the Law on the State of Emergency (2002). The European Court of Human Rights (ECHR) has also ruled on the state of emergency. The ECHR in *Lawless v. Ireland* (1961) defined a state of emergency as "an exceptional situation of crisis or emergency which affects the whole population and constitutes a threat to the organised life of the community of which the State is composed".

Article 15 of the European Convention on Human Rights provides for derogations from obligations in time of emergency. This provision establishes the basis for the imposition of a state of emergency: in time of war or other public emergency threatening the life of the nation any party may derogate from its obligations under the present Convention, but only in so far as the situation so requires and in so far as such measures are not inconsistent with other obligations under international law. Thus, there are essentially three main conditions under which the parties can derogate from their obligations. First, there must be a situation of war or a state of emergency which threatens the survival of the nation. Second, the measures to be taken have to be adequate to the situation, instead of being just any measures. Scientists refer to this as to the application of the proportionality requirement (Gailiūtė-Janušonė, 2020). And the third condition is that such measures must not be contrary to international law. Article 15 of the Convention provides, among other things, that the parties shall keep the Secretary General of the Council of Europe fully informed of the measures it has taken and the reasons therefor. This provision is reasonably aimed at justifying the imposition of a state of emergency: the nature of the measures imposed the awareness of their purpose, etc. Furthermore, the aforementioned Article 15 stipulates that the parties shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate, and the provisions of the Convention are again being fully executed. Thus, in principle, this indicates a certain control mechanism and supports the observations of scholars that Article 15 of the ECHR does not give the parties unlimited power to take any measures (Gailiūtė-Janušonė, 2020).

To sum up, the exponential increase in the number of illegal migrants, as well as the tensions at the border with Poland and Belarus, has necessitated certain management measures to tackle illegal migration and unrest. As a response to these events, the state of emergency introduced in Lithuania for the first time during the period of independence was purposefully chosen as a legal regime enshrined in the Constitution to manage the threats posed by illegal migration and to ensure the public order. The novelty of the situation provides an

important basis for research into how the specific management measures introduced have affected different areas of social relations.

Specificities of management during the state of emergency in Lithuania

With proper governance, life will improve for all

Benigno Aquino[1]

Every country and separate regions are confronted with a variety of threats, the origins, or rather the source, of which can vary from the effects of natural disasters to the deliberate actions of individual people, their group or even countries seeking to destabilise the situation in a local area, region or state in pursuit of geopolitical aims. The threats are faced by both countries with strong economies and sustainable societies as well as countries taking their first steps towards democracy. The source of the threat does not have to be internal, i.e. in the territory of the country. The threat, like a virus, can spread from the territory of other countries, as in this case from Belarus, as a hybrid war weapon threatening the national security of the Republic of Lithuania. The Belorussian authoritarian leader Alexander Lukashenko used the same tactics toward Poland, Lithuania, Latvia as "in Libya, Gaddafi used the threat of maritime migration to have the embargo lifted and continued doing so up until the NATO air campaign of 2011. The unrecognised Tripoli government has similarly threatened, as Gaddafi did in 2010, that Europe would 'turn black' unless more resources and political recognition was forthcoming. In Morocco, the government has managed to extract substantial 'geographical rent' from the country's positioning on irregular migration routes in a more subtle manner. In Spain, it is widely acknowledged among border professionals that 'if [migrants] pass, it's because they [the Moroccan authorities] want them to pass', as one civil guard put it. By selectively 'opening' and 'closing' its borders, Rabat can maintain pressure on Spain and the EU while assuring a politics of recognition of Morocco as a key European partner. Such non-routine situations that arise need to be based on risk identification and assessment, and require an adequate response to contain the situation, to provide effective risk management measures, thereby reducing or eliminating the emerging threats and potential consequences for the well-being and safety of the country, the region, the public" (Anderson 2016, p. 1063).

The introduction of state of emergency requires public authorities to adopt appropriate management instruments by changing the legal regulation of individual social relations, introducing new regulatory instruments, or replacing the existing ones with instruments different from those established in the legal regulation of social relations. This raises the fundamental question of how the new regulation will affect the participant in social relations – the individual – in the territory where the state of emergency has been declared. How the planned introduction of the new legal regulation in particular areas of social relations will directly or indirectly affect the quality of life of a separate individual, a family or a segment of the society permanently residing or regularly visiting the territory concerned, and their rights and freedoms guaranteed by law. Here too, the importance of emergency management will come to the fore. "The emergency management is one of the most important areas of public administration with a wide variety of functions and specific operating environment that requires special training of staff" (Survila 2015, p. 7). One of the objectives pursued by the authors of this research is to analyse the case of the state of emergency declared on 9 November 2021 in the part of the territory of the Republic of Lithuania bordering the Republic of Belarus. The management itself, in both the public and private sectors, is based on the fundamental precepts,

[1] Benigno Aquino III, Quotes. Available at, https://www.brainyquote.com/quotes/benigno_aquino_iii_673101

also known as principles, such as the rule of law, transparency, accountability, publicity, etc., despite the specificities of each sector. Emergency management also includes the preparedness of the functioning state institutions, such as the emergency management coordination centre, to operate in complex conditions, the planning of work, the organisation of activities and the achievement of specific objectives, the management, leadership and control of processes in pursuit of the set objective. As far as the management is concerned, the modern management cannot be overlooked. The management is a science of the patterns, principles and methods of managing organisations (Cetković et al., 2021). It is therefore reasonable to argue that the importance of the modern management cannot be underestimated when introducing management tools during emergencies. Global practices and historical events also show that even if a perfect management system is in place, it is unable to cope with the situation if it is mismanaged, if inappropriate tools are chosen to manage the crisis, and if there is a lack of training for leaders on how they should act in crisis situations. Leadership is crucial in the context of crisis management and specific training should be provided in this respect (Cetković et al., 2021). The managerial skills of the persons appointed to the relevant positions are therefore relevant in this regard. For example, the activities of British Prime Minister Churcill during the Second World War, the leadership of Ukraine's President V. Zelensky during the Russian Federation's aggression against Ukraine. And how did the Republic of Lithuania react to the situation, how was the situation managed and what lessons have been learned?

In the event of an emergency, firstly, the need arises to identify the threats and potential consequences and to envisage a response to mitigate the risks to public and national security. It's an entire process (methodological steps of assessment), which can be relatively divided into distinct phases/stages. The first stage of this management process involves the early identification and assessment of potential threats. This would include gathering information from a variety of sources using different collection methods, inter-institutional exchange of information on potential threats, followed by processing of the collected information, working with metadata and the data analysis to identify the specific threat(s), their sources. The data collected and analysed would then be used to assess the situation and take appropriate decisions and actions to restore the situations. For example, this type of methodological assessment would include preventive measures to avoid a threat, or the readiness to eliminate or deal with a threat with minimal damage, or to mitigate the adverse effects of threats as far as possible in a given situation. The usefulness of application of similar methodologies has already been highlighted by researchers in the identification of the assessment criteria / characteristics (e.g., budget funds; cooperation; disaster risk assessment; protection and rescue; assessment of legislation; headquarter preparedness) (Cetković et al., 2021).

War, poverty, military conflicts and famine force people to leave their homes looking for safer havens in other countries or continents. According to the official statistics portal of the Republic of Lithuania, from 2021 onwards, the steadily increasing influx of illegal migrants coming from Belarus to Lithuania has become a serious challenge for the Republic of Lithuania (*Gyventojų migracija*). Information on possible migrant flows has been received through various channels, starting with the movement of migrants from their countries of origin to intermediate countries where they await a convenient opportunity to enter the territory of the European Union, in the case under consideration – the territory of Belarus. Indicators such as the sharp increase in international transport services, local traffic towards the EU external border, developments in the market of human trafficking, political processes in Belarus, the response of A. Lukashenko regime to the sanctions imposed for the fraudulent results of the 2020 elections in Belarus, have all led to mass migration threats. Already in 2021, the Ministry of the Interior of the Republic of Lithuania considered three possible scenarios for the increase

in the number of illegal migrants, i.e. with 500, or 1,000, or even 10,000 refugees per day. Different situations were simulated. It has been estimated that if the number of persons illegally crossing the border to Lithuania per day reached half a thousand, all places in Pabradė Foreigners Registration Centre would be filled. In the first half of 2021, the Lithuanian border guards apprehended more than half a thousand migrants. This is 7 times more than in 2020, when only 81 illegal border crossers were apprehended, compared to 46 in 2019 (*Oficialiosios statistikos portalas, Ministry of the Interior of the Republic of Lithuania*). This substantial increase in the number of migrants is due to the incident on 23 May 2021, when aircraft Ryanair Flight 4978 (Athens–Vilnius) was diverted to Minsk National Airport after ground authorities reported a bomb on board, whilst the aircraft was 45 nautical miles (83 km.) south of Vilnius (*The Guardian*, 2021). The imposed sanctions have hit hard the aviation sector of the Republic of Belarus and the national airline "Belavia", whose transportation service volumes from the Iraqi capital Baghdad to Minsk have increased significantly (*Politico*, 2021). Upon arrival in Belarus, migrants were purposefully routed to the borders of the Republic of Lithuania, the Republic of Latvia and the Republic of Poland which shares a common border with the Republic of Belarus (*Euronews*, 2021). Thus, the loophole in the security of the EU external border, which was still insufficiently protected by physical barriers and video surveillance, except for small isolated sections, was exploited. The growing number of migrants has forced the Ministry of the Interior of the Republic of Lithuania to take measures to manage the illegal migrant crisis. However, the situation showed that the management of atypical situations that have been encountered faced serious legal and communication challenges. Yet this is a somewhat different kind of migration. In political sciences, researchers refer to this process as the "weaponization of migration".

The use of migration processes of the authoritarian Belarus leader A. Lukashenko against the countries of Eastern Europe, namely, against the Republic of Poland, the Republic of Lithuania, the Republic of Latvia, which are responsible for the protection of the external border of the European Union, as a weapon of "soft power" was a new turn in the Russian Federation and Belarus coordinate policy during the growing geopolitical confrontation between the Russian Federation and the West. Despite the huge number of information warfare tools already used by the Russian Federation, as well as the variety of its methods, in order to influence the consciousness and mood of the population of the already mentioned Eastern Europe countries, the use of new instrument – migrants as a weapon – requires a separate study, which aims to provide countermeasures to repel the attack or reduce its impact on the population, its mood and the economy of the country that has become a target. The use of migration as a king of weapon against another countries is not something new in human history. However, the uniqueness of this situation is that it was used against the Member States of the European Union in which border territories with Belarus a significant part of the population is related to the residents of Belarus by kinship, economic, cultural ties, a significant part of them profess the same religion – Orthodox Christianity controlled Patriarchate of Moscow. Other Member States of European Union, such as the Kingdom of Spain, the Republic of Italy, and Greece, have faced and are still facing waves of migrant influx, but in this case, the methods of access of migrants to the external southern border of the European Union are radically different from how migrants reach Belarus – with the help of the regime's repressive structures they reaches the external eastern border of the EU. This requires the preparation and presentation of a separate conceptual model on the prediction of events and processes before the input of legal restrictions in a certain part of the territory based on the hypotheses raised in this article. The novelty of this research is the methodology, which was not applied in other studies analysing migration processes in Lithuania, Latvia, Estonia, and the Kingdom of Spain, because it is based

on the prediction of changes caused by migration when legal restrictions were input in a certain part of the state territory. The conceptual foundations of this model will be useful in the development of tools and methods for information warfare instruments used by the Russian Federation and Belarus, as well as methods, which are intended to win over the minds and hearts of border residents. On the other hand, it helps to strengthen the trust of the local residents (of the Republic of Lithuania, the Republic of Latvia, the Republic of Poland), especially who is bordering Belarus, in their government institutions and the decisions they make. The use of migrants as a weapon and the response of state institutions to this kind of threat to national security by inputting certain restrictions on the movement of people are also monitored and analysed by the relevant structures of the Russian Federation and Belarus.

In 2021, the conceptual model of crisis management was developed, and 12 municipalities were involved in the management of the migrant crisis. In early August 2021, the turn-back policy was introduced in order to stop irregular migration at the border, i.e. the strategy in respect of migrants was changed. The authors of this research would like to emphasize that the turn-back policy was applied only to those migrants who attempted to enter the Republic of Lithuania from the territory of Belarus not through the official state border crossing points, but at prohibited places (*Ministry of the Interior of the Republic of Lithuania*). The decision of the Republic of Lithuania on the turn-back of migrants from a legal point of view was imperfect, but was adopted in order to control the situation under such exceptional circumstances. Professor at Vilnius university dr. Gutauskas A. points out that "from a legal point of view, migrants are considered to be vulnerable persons. ...they do not speak the language, they have no documents in a foreign country, and they are exposed to physical violence. We are talking about vulnerability almost in the context of human trafficking. They are committing an offence and concurrently become vulnerable. It is therefore very difficult to talk about legal or illegal migration at this point" (*VU tinklalaidė Mokslas be pamokslų*, 2022).

Another challenge was a communication one, namely the decision taken by the responsible authorities to disallow media's presence in the turn-back process. Media representatives have the right to receive information and inform the public (*Republic of Lithuania Law on the Provision of Information to the Public*). It is therefore reasonable to assume that the communication strategy, from the very outset, was not adequately addressed and the selected modus operandi was more acceptable just subjectively. According to prof. dr. A. Gutauskas, "if reporters could see the whole process and communicate it to the public, perhaps the attitude towards migrants would have change and the government representatives would have a free hand by demonstrating that – here we are – we are dealing with each individual case, there are no elements of coercion, and human rights are not infringed" *(VU tinklalaidė Mokslas be pamokslų*). However, it should be noted that in general there has been a lot of communication. The migrant crisis management is not limited to communication actions within the country. It includes external communication with other countries.

The authors of this research assessed the novelty of the events and the lack of scientific sources in this area. There is not yet a large body of research on this aspect, but recent studies are already highlighting the importance of communicative leadership (Aboramadan, M., & Kundi, 2022). After reviewing the publications on the most popular Lithuanian news portal "Delfi" in 2021, the authors of this research concluded that the Ministry of Foreign Affairs of the Republic of Lithuania was actively involved in the crisis management via diplomatic channels, especially in communicating through diplomatic channels with third countries from which migrants originate: e.g., the communication with the Iraqi authorities (*Delfi: Landsbergis: Lietuvos ir Irako veiksmai sprendžiant migrantų krizę gali tapti pavyzdžiu*, 2022). Looking at the public domains, we can see that the Ministry of the Interior, the Ministry of

Social Security and Labour, the Ministry of National Defence, the Ministry of Finance, the Ministry of Health and the Ministry of Education, Science and Sport, as well as individual municipalities, have also been involved in the management of the migrant crisis (*Ministry of the Interior of the Republic of Lithuania*).

The communication was taking place in the public domain, e.g., the interviews, explanations, speeches, etc., of A. Bilotaitė, Minister of the Interior, on different issues, and the discussions at the academic community level. However, there is a lack of a more active dialogue with local communities living in municipalities that have been affected in one way or another by the consequences of the illegal migrant crisis. Following the introduction of the state of emergency, in accordance with Article 14(4) of the Law of the Republic of Lithuania on the State of Emergency, and taking into account Article 1(5) of Resolution No XIV-617 of the Seimas of the Republic of Lithuania of 9 November 2021 on declaration of a state of emergency, on 11 November 2021, the Emergency Management Coordination Committee was set up (Order No 1V-847 of the Minister of the Interior of the Republic of Lithuania of 11 November 2021 on management of a state of emergency). The newly established Committee included representatives of the Ministry of the Interior, the State Security Department, the Ministry of Health, the Ministry of National Defence, the Ministry of Social Security and Labour, and the Threat Management and Crisis Prevention Bureau of the Office of the Government of the Republic of Lithuania. Pursuant to paragraph 1.2 of the aforementioned Order, the Joint Emergency Situation Centre was established comprising representatives of the following institutions: the Police Department under the Ministry of the Interior of the Republic of Lithuania, the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, the Public Security Service under the Ministry of the Interior of the Republic of Lithuania, the Department of State Security of the Republic of Lithuania, the Second Department of Operational Services under the Ministry of National Defence of the Republic of Lithuania, the Office of the Government of the Republic of Lithuania, and the Lithuanian Armed Forces. In accordance with paragraph 3.1 of the abovementioned Order, representatives of other institutions involved in the management of the state of emergency and/or the state-level disaster management regime due to a mass influx of foreigners may participate in the activities of the Joint Emergency Situation Centre. This provided an opportunity to bring in the necessary expertise from other authorities. The Joint Emergency Situations Centre operated on a permanent 24/7 basis in premises provided by the Police Department under the Ministry of the Interior of the Republic of Lithuania. The Joint Emergency Situations Centre was tasked with preparing and presenting the analysis of events and forecasts of possible situations and their development, the strategic assessment of which was entrusted to the Emergency Management Coordination Committee (*Įsakymas dėl nepaprastosios padėties valdymo*, 2021).

New description on the procedures for reporting and exchanging information about an incident, extreme event, emergency event, extreme situation or crisis was approved in 29-12-2022 by the decision No 1317 of the Government of the Republic of Lithuania (*Nutarimas dėl pranešimo ir keitimosi informacija apie įvykį, ekstremalųjį įvykį, ypatingą įvykį, ekstremaliąją situaciją ar krizę tvarkos aprašas*, 2022).

In summary, it could be concluded that the targeted management was undertaken in the context of the declared state of emergency. Activities of the responsible management entities were focused on the resolution of issues within their remit. However, in the opinion of the authors, it is important to identify strategic level and prognostic solutions of the issues and to formulate the general crisis management policy, to foresee the necessary actions of recovery, and to formulate a roadmap for further action. It is therefore necessary to set up the National Crisis Management Centre in the future, which would encompass the unified leadership based

operation: the management and the centralised coordination of this type of activity. The Centre would process information flows, analyse them in a centralised way and simulate possible actions. It is essential to carry out prognostic activities that use simulation as a basis for the design of scenarios to managing potential situations. This would not be ad hoc, but rather a modelling-based vision, where threats are assessed in a predictive way, anticipating possible actions and relying on the provisions of instrumentalism, and where it is possible to adapt realistically to changing external conditions, thereby ensuring the long-term effects of preventive actions.

Empirical part. Scenario planning model and findings

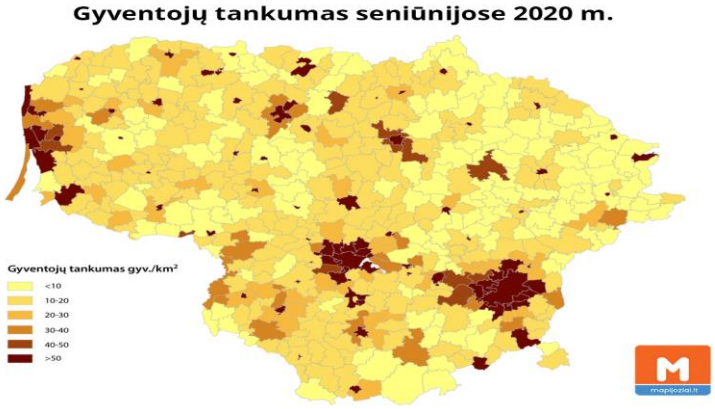
What do we live for, if it is not to make life less difficult to each other?

George Eliot (1819-1880)[2]

On 9 November 2021, the Parliament of the Republic of Lithuania passed the resolution on the declaration of a state of emergency at the border with Belarus. It came into effect on 10 November 2021. In December 2021, the Lithuanian Parliament extended the existing state of emergency at the border with Belarus until midnight of 14 January 2022. The state of emergency permitted the border guards to forcefully prevent border crossings and ban travel within 10 km. All zone of the state of emergency consists of two parts subject to different restrictions, bans and regimes. According to the resolution, the strictest regime is imposed on the main zone of emergency covering up to 5 kilometres from the Lithuanian – Belarusian border (including the border itself), as well as in the places used to accommodate the migrants (Pabradė, Medininkai, Kybartai, Rukla, and Naujininkai in Vilnius) and up to 200 meters around them. The movement of vehicles in the 5 kilometres area without the permit of the border guards was restricted. Entry was banned for civilians, except for local residents and those who have property in that area. The Ministry of Internal Affairs of the Republic of Lithuania and the State Border Guard Service recommended for people of the affected territories to carry personal identity documents (passports, personal identity cards, documents of ownership of immovable property, certificates of declared place of residence). Other persons were required to obtain permits from the State Border Guard Service. The authorities (border guards, military, police) were also authorized to stop and search vehicles and people for illegal weapons, ammunition, explosives, and other dangerous substances, and detain offenders. All gatherings were banned except cultural events that do not fall under the definition of gatherings. Other 5 kilometres of the zone covered by the state of emergency were not subject to restrictions or bans, except for the right of the officers to stop and check vehicles for prevention illegal movements of migrants, illegal activity of organized groups benefiting from the migrant smuggling inside country or to other EU MS (*Lietuvos Respublikos Nepaprastosios padėties įstatymas*, 2002). The Republic of Lithuania covers the area of 65300 km^2 and is divided into 10 counties. The counties are divided into 60 municipalities. Each Municipality is divided into wards (*Counties of Lithuania*). The declared the state of emergency covered territories of three counties of the Republic of Lithuania: Alytus (municipalities of Lazdijai District, Varena District and Druskininkai), Vilnius (municipalities of Šalcininkai District, Vilnius District, Švenčionys District), Utena (municipalities of Ignalina District and Visaginas) and covered the area with imposed bans and restrictions – 3390.40 km (678.82 km. x 5 km). The declared the state of emergency at the border with Belarus mostly affected the people living, working, providing services, visiting, crossing the zone of 5 km from the border of the Republic of

[2] BrainyQuotes. George Eliot Quote. Available at, https://www.brainyquote.com/quotes/george_eliot_163837

Lithuania and the Republic of Belarus. Some areas are populated, some not. For example, Lazdijai District Municipality area bordering with the Republic of Belarus is covered by forests. According to the World Population Review Database, the population density in the Republic of Lithuania is 42.92 people per 1 sq. km (*World population Review*). The density of population varies between regions due to different factors. For example, in cities, centres of wards, the population density per 1 sq. km is much higher than in rural areas, where homesteads consisting mainly of elderly people prevail. Through the analysis based on criteria of density of population in the municipalities bordering with Belarus, the authors of this research came to conclusion that the most populated area is Šalčininkai District Municipality. See map No 1 (population density of wards of the Republic of Lithuania in 2020) (Gyventojų tankumas seniūnijose 2020 m.).



Map No. 1. Population density of wards of the Republic of Lithuania in 2020.

According to database, Šalčininkai ward has 9,533 and the second largest ward of Eišiškės – 3,805 inhabitants (*Sąrašas: 2021 m. Šalčininkų rajono savivaldybės gyventojų surašymas*). These and other wards fall within the area of the declared state of emergency.

Scenario planning model. Main parts

The daily or weekly planning plays a significant role in a human being's personal life, productivity. The same can be observed the business world. The most successful companies plan investments, explore new markets. The authors of this paper would like to draw attention of lawmakers and politicians to the importance of the scenario planning model before imposing a state of emergency. Before imposing a state of emergency on some parts or the whole territory of the country, a decision-maker must have a clear picture how things could go and have a list of all possible **pros** and **cons** in relation to the upcoming restrictions or bans. It creates a solid ground for good quality legal regulation, and also leads to well-balanced decisions, proportional use of powers, protection of human rights and freedoms, securing the principle of legitimate expectations of civil society, good governance and effective management, efficient use of resources to achieve an objective prescribed by laws on the state of emergency. Someone could argue that the scenario planning model cannot predict the future. Why should we waste our precious time for discussions in such cases – let's act, let's do. Here we can remember the quote of Otto von Bismarck, a Prussian statesman who served as the first Chancellor of Germany "Fools learn from experience. I prefer to learn from the experience of others." It could be the answer to the remark of opponents on the uselessness of preparing the scenario planning model. At least it can preclude the worst-case scenario, but it can't guarantee 100 percent that everything will go exactly according to the scenario. The scenario planning model significantly reduces the risk of failures, preventing undesirable outcomes. Despite this pessimistic note,

more and more decision-making bodies employ the future studies methods and scenario planning models in their activities. Future studies emerged in the second half of the XX century. As organizations, societies, and civilization advance and become more complex, so does planning and the techniques used to plan. The techniques evolve towards their purpose and use in the granularity of their detail, rigor, and the technologies that enable and calculate in support. The early methods for prediction were supplanted by the forecasting of indicators in an attempt to "assert control and a measure of certainty over an unknown future" (Slaughter, 2002). The topic of this research paper falls under umbrella of the scenario planning model.

The authors of this paper explored open sources on the Internet using different search engines (Google, Google scholar, Microsoft Bingo) and various information search methods, however, no valuable data have been found on the scenario planning model or preliminary assessment of the impact of the imposed bans and restrictions in the Republic of Lithuania from 10 November 2021 on social relations in the respective part of the territory of the Republic of Lithuania. The core of each scenario planning model for the emergency situation such as in this case study is a homo sapiens. It is the entry point for further journey through the main parts or essential elements of the scenario planning model. We can relatively split all human beings' activity into two main types, i.e., non-economic and economic. These types are deeply interconnected and cannot exist one without another. The authors of this paper are not going to present different theories explaining various types of activities of a human being. It is not the main idea of this research. The authors aim to present their vision on construction materials for creating a solid foundation for further use by practitioners in the future for similar situations.

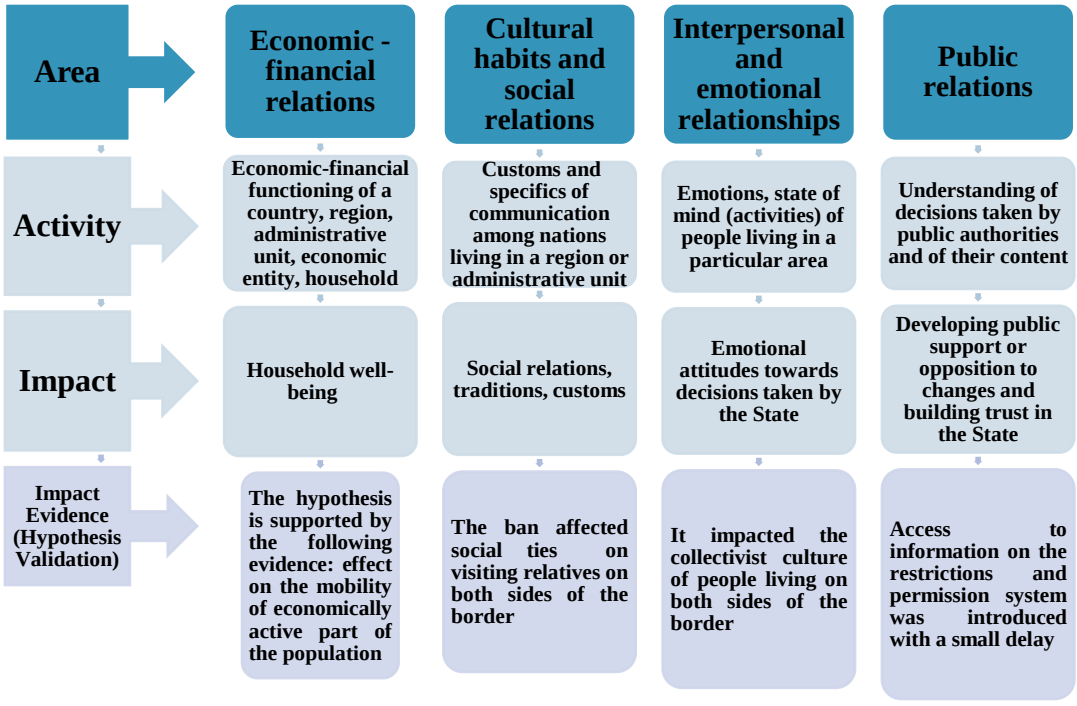


Figure 2. Correlation and content of the analysed areas, their activities and impact

Before imposing the specific legal regime on the particular part of the territory, have to involve for brainstorming various experts from different areas of daily life. For example, a philosopher, a lawyer, a security officer, an IT specialist, a business manager, a psychologist, a

social care official, etc. Thinking centre could be created on *ad hoc* basis with involvement of experts from different areas. It could be like a think tank which generates ideas, analyses situation and prepares in a very short period of time a scenario planning model in a given area.

The authors of this paper would like to propose the scenario planning model structure from these four main parts: economic, cultural, psychological, as well as information (awareness and public relations) (see figure No 2).

During the study, all four hypotheses regarding the impact of measures of the management introduced during the state of emergency on the main four areas were confirmed.

The main core of these parts is a human being. Each part should contain some questions, trends as the subjects for preliminary analysis of various types of data and recommendations. The scenario planning model will produce a clearer picture on the impact of planning with a clear boundary from the geographical / material point of view. Firstly, a decision maker needs to have access to clear and reliable data on the exact size of the territory and numbers of population which is going to be affected by restrictions and bans, the percentage composition of nationalities living in that territory. In the case under consideration, in all municipalities, except Alytus County at the border, the Polish and Russian speaking (Visaginas) minorities prevail (*Statistika, Tautinės mažumos Lietuvoje*). Secondly, more detailed information on the population income in each area, proportions of economically active and not active population in a given territory (e.g., children under 18 years of age, persons with limited mobility), and their needs is necessary.

Economical. Residents representing the economically active part of the population are mobile, they go to work within, or outside boundaries of the territory affected by bans. The Sector of industry in the area needed the lines of supply of raw materials and other services related to business procedures. According to statistical data from the Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania (hereafter – the Employment Service), before the introduction of the state of emergency in the territory of the Republic of Lithuania in November 2021, the number of unemployed in Šalčininkai District Municipality as a percentage of the working age population in October 2021 was 12.1 % (*Užimtumo tarnyba, Statistiniai nedarbo rodikliai*). According to the official statistics portal, the number of insolvency proceedings opened and closed – data is provided only for 2019, therefore, they have not been further analysed, as a number of business entities have been affected and some of them have been forced to suspend or close down their operations as early as 2020, when the emergency situation for COVID-19 pandemic was declared, this has particularly affected the catering, leisure, tourism and transport sectors. In analysing the impact of the legal regime of the state of emergency, the authors of this research will analyse it in the context of Šalčininkai District Municipality. Some of the territories covered by the new legal regime are sparsely populated, except for the territory of the Municipality of Šalčininkai District, which includes Šalčininkai, one of the municipal centres of the Republic of Lithuania. According to the official information provided by Šalčininkai Municipality, Šalčininkai District is dominated by small and medium-sized enterprises (SMEs), which account for more than 70% of all economic entities. Micro-enterprises (up to 10 employees) are predominant among them. Small enterprises (10-50 employees) account for around 20%, while there are only a few medium-sized enterprises (more than 50 employees). The enterprises in Šalčininkai District are mainly engaged in the following activities: transport services, construction, retail trade, wood processing, passenger transport, metal processing, manufacture of foodstuffs and sanitary equipment, production of plastic glass, rural tourism services (Gasparėnienė & Remeikienė, 2021). According to the data of Statistics Lithuania, the largest employer in Šalčininkai District Municipality is the education sector, which is dominated by public educational institutions, with

24 % of all employees receiving a salary. It should also be noted that the business sector in Šalčininkai District Municipality is poorly developed, with no large enterprises.

Based on Report No ST/2015-85-11 on Mass Appraisal of Real Estate in the Territory of Šalčininkai District Municipality prepared in 2015, according to the data of Vilnius Branch of the State Enterprise Centre of Registers, forests occupy 43.77 % of the area of the Municipality (wooded area is 1.5 times larger than the Lithuanian average). The most important types of industrial production in Šalčininkai District are wood processing, leather processing, textiles articles and food industry products. There are hardly any promising, new economic sectors in Šalčininkai District. New start-ups are small businesses with a small number of employees, unable to create the required number of new jobs at present. Šalčininkai District, like most of Lithuania's districts, has long been developed as an agricultural district (*Šalčininkų rajono savivaldybės teritorijos nekilnojamojo turto masinio vertinimo ataskaita*).

In all municipalities bordering with Belarus, including Šalčininkai, there is no language barrier for cross-border communication, all the more so as in many cases the population is linked by kinship. Income sources for some people is also small-scale smuggling of tobacco, alcohol, food, other consumables due to much lower prices in Belarus and the environment which is favourable for that: swamps, big forests covering more than 500 ha. Around 43% of all territories of the districts bordering with Belarus are wooded, in some districts this area is even larger than this average. The border with Belarus is a called “blind border” – strictly control border performing an exclusively barrier-insolating function with small exception to visit neighbouring regions by crossing the border on foot. At the border with Belarus, the ethnic composition of the population has a significant impact on the development of the economy, and on its illegal part, in particular. Due to different economic system in Belarus, the price policy with especially low prices of tobacco, alcohol, fuel, some food products attract a certain part of the population to profit from this situation. For example, in Šalčininkai, every second pack [of cigarettes] is illegal “Every fifth pack [of cigarettes] discarded in rubbish bins is non-Lithuanian, illegal”. Furthermore, since only public rubbish bins are covered, the percentage may be somewhat higher, if we look at what Lithuanians discard in their domestic rubbish bins, because people might tend to hide [illegal goods] and throw them away where nobody can see them. “Of all border municipalities, Šalčininkai has the highest rate of the shadow economy. In this municipality, it accounts for 39 %, or more than a third of the municipality’s GDP,” said Kęstutis Jovaišas, Civitta Partner in Lithuania (*Neapskaitytų tabako gaminių problemos vertinimo galimybės Lietuvoje*).

Vilnius University researchers prof. dr. Rita Remeikienė and prof. dr. Ligita Gasparėnienė conducted the survey “Level of Shadow Economy in Lithuanian Municipalities”, namely during the economic boom (2001–2006), the economic crisis (2007–2010) and the economic recovery (2011–2019). The level of the shadow economy was evaluated according to two groups of indicators: indicators (number of enterprises, number of beneficiaries of aid, total municipal budget, municipal budget for social protection and municipal budget for healthcare) and determinants (employment rate, unemployment rate, wages, population, population density, immigration, emigration, number of non-financial corporations, number of pensioners, and spending on families with children, benefits). The worst situation was during the crisis period, when the highest level of the shadow economy was recorded in the municipalities of Širvintos, Šalčininkai, Ukmergė and Kretinga Districts (the level of the shadow economy reached 32-35% of GDP), and in the period 2011–2019 in Šalčininkai District Municipality – 19.1 % of GDP (one of the municipalities with the highest level of the shadow economy during the period under consideration). This was once again confirmed by the research conducted by prof. dr. Rita Remeikienė, prof. dr. Ligita Gasparėnienė on “Study of

Unemployment and Shadow Economy Levels in Lithuanian Municipalities" published in 2021 by Mykolas Romeris University (2021).

Another important indicator for the evaluation of the restrictions imposed during the state of emergency is the number of recorded criminal offences and their investigation. According to the data of the Department of Informatics and Communications under the Ministry of the Interior of the Republic of Lithuania in the column "Crime rate by municipalities" in the territory of Šalčininkai District Municipality, Between 1 January and 1 December 2019, 707 criminal offences were registered, of which 26 related to smuggling under Article 199 of the Criminal Code of the Republic of Lithuania; the number of criminal offences per 100,000 inhabitants was 2302.5, the number of criminal offences per 100,000 inhabitants by serious crimes is 159.6, 71.6 % investigated, and in 2021 584 criminal offences were registered, including 30 for smuggling under Article 199 of the Criminal Code of the Republic of Lithuania, the number of criminal offences per 100,000 inhabitants – 1,951.3, the number of criminal offences per 100,000 inhabitants by serious crimes – 250.6, Another Municipality bordering with Belarus is Druskininkai; here 220 criminal offences were registered in 2019, 8 of which were for smuggling according to Article 199 of the Criminal Code of the Republic of Lithuania, number of criminal offences per 100,000 inhabitants – 1141.7, the number of criminal offences per 100,000 inhabitants by serious crimes – 119.4, investigated – 70.5 %. In 2021, 214 criminal offences were registered, of which 26 related to smuggling under Article 199 of the Criminal Code of the Republic of Lithuania, the number of criminal offences per 100,000 inhabitants - 1129.6, the number of criminal offences per 100,000 inhabitants by serious crimes – 174.2 (*Nusikalstamumas pagal savivaldybes*).

Cultural. It embraces local habits, customs, traditions, religion, national festivals. For example, which believers prevails in the area – Roman Catholics or believers' other religions. It has big impact on formation the worldview of a human being living in the specific area, and on his/her attitude to local government bodies. Social ties – visiting relatives on both sides of border. How do they manifest themselves? Various nationalities, religion festivals, e.g., Christmas, messes at churches, gatherings (wedding parties, etc.). Cultural visits – how many are planned? Cooperation agreements with partners from other countries cities – what is their impact on fruitful cooperation? Tourism – how many objects are attractive for tourists / what is the most popular tourist site amongst visitors? National parks, protected areas where industrial and agricultural activity is limited. How many are them? These indicators also should be considered before planning to change the legal regulation on entering the territory.

Psychological. This is the most mysterious item among other parts. It includes composition of nationalities living in territory, daily activities of local communities, psychological climate in the area. Each nationality has its own style of daily life, e.g., their communication with each other. Some of them like to communicate, while others prefer an individualistic lifestyle. Cherry, K., notes that: "In individualistic cultures, people are considered "good" if they are strong, self-reliant, assertive, and independent. This contrasts with collectivist cultures where characteristics like being self-sacrificing, dependable, generous, and helpful to others are of greater importance. People in collectivist cultures might be more likely to turn to family and friends for support during difficult times, those living in individualist cultures are more likely to go it alone. Individualistic cultures stress that people should be able to solve problems or accomplish goals on their own without having to rely on assistance from others". The degree of interdependence a society maintains among its members. It has to do with whether people's self-image is defined in terms of "I" or "We". In the Individualist societies people are supposed to look after themselves and their direct family only. In the Collectivist societies people belong "in groups" that take care of them in exchange for

loyalty. If Russians or Poles plan to go out with their friends, they would literally say "We with friends" instead of "I and my friends". This factor – higher level of soul of collectivism amongst Slavic nations should be kept in mind (Cherry; Garnett et. al., 2016).

Information part is becoming increasingly more important nowadays due to large amounts of produced fake information by different players pursuing their own aims. Based on ways information reaching each habitant it can be distinguish ways of information spreading, ways of spreading. The number of households who have access to the Internet is also important. The information part must be taken seriously during the scenario planning model and later, in implementing certain legal provisions due to the state emergency situation. Both local and central authorities should prepare a complex of measures to counter fake information influxes from bordering unfriendly regimes of the neighbouring country. The best weapon against the influx of fake information, misinterpretation of facts, interpretation the provisions of restrictions is the population awareness of the upcoming and ongoing changes in personal life of people. Clear and brief instructions, explanations of pending or already imposed restrictions, bans and fast, transparent, and clear procedures on how to get permits to enter the territory should reach each household, each family, each separate human being not only at the level of the affected territory, but of the country at large. Accordingly – unclear information on restrictions and bans, confusing procedures to get permit to enter the territory can be masterly used by authorities and media of the unfriendly side. Also, software for applications to get permit or other e-government service should be user friendly for people who have no IT skills, and should be easy to navigate for elderly people in particular. The price for online services should be adequate. Before planning such actions as the declaration of a state of emergency, strategy of informational (media) warfare must be prepared. Since 2017, the official rebroadcasting of five 5 non-coded Polish TV channels "TVP Polonia", "TVP Info", "TVP Historia", "NUTA.TV" and "Power" was started in south-eastern Lithuania, which provided access to a wider range of information sources for the population, including in most municipalities bordering Belarus. In 2016, a survey commissioned by the Centre for East European Studies showed that more than half of Poles and Russians living in Lithuania watch Russian-language channels every day or several times a week (*Mėginimas ištraukti iš Kremliaus informacinės erdvės*).

Local society awareness of upcoming changes. Are the instructions clear (where, when and what documents should be presented for obtaining entry permits for persons who are not living in the affected territory. Permit system – was it effective and how did it work? How long does it take to obtain the entry permit? Because the additional procedure causes difficulties for business, because it takes a lot of time to prepare the documents to submit to the State Border Guard Service. In order to find information on how information about the system of permits was presented, the authors visited websites run by regional local media, local and central authorities, analysed public statements of representatives of the Ministry of Internal Affairs and the State Border Guard Service. The authors analysed the news posted on Šalčininkai Municipality's website **https://www.salcininkai.lt/naujienos/394/del-nepaprastosios-padeties-butinybes:13270** in November 2021 on the topic under consideration. For example, on 9 November 2021, the information notice was posted to justify the introduction of the special legal regime and contained the map of areas covered by it; the information notice of 11 November 2021 stated that "the legal act defining population groups who will not have to apply for a separate permit from the SBPS for entering or staying in the border area is expected to be issued in the near future" (quoted from the information notice mentioned above). Another information notice of 11 November 2021 **https://www.salcininkai.lt/naujienos/394/nepaprastoji-padetis-apribojimai-galios-ir-pasienio-ruoze-ir-uzsienieciu-apgyvendinimo-**

vietose:13281 contained information on the categories of persons who will not have to worry about additional permits to enter the area and the persons who do not fall under the above-mentioned category and will need a permit to enter the area at the state border with Belarus. On 11 November 2021, the information for persons who wanted to access the border area during the state of emergency and where to apply for permits naming the SBPS units and their contact details was posted on the internet website at **https://www.salcininkai.lt/skelbimai/397/informacija-norintiems-patekti-i-pasienio-ruoza-nepaprastosios-padeties-metu:13284**. Selecting the date "November 2021" in the "Archive" section of the website of Šalčininkai District newspaper "Šalčia" at **http://www.salcia.lt/2021/11/** no publications, information notices on the operation of the system of permits during the state of emergency, the procedure, methods, places of issue of permits were found. On 12 November 2021, journalists from "15 min" – one of the largest news portals of Lithuania visited Šalčininkai and talked to local residents about the impact of the new legal regime on their lives (*15 min, Nepaprastosios padėties zona: kaip ypatingo režimo sąlygomis gyvena Šalčininkai?*).

Conclusions

The changed geopolitical situation, the exponential increase in the number of illegal migrants and the ongoing tensions on the borders with Poland and Belarus has led to the introduction of a state of emergency. The state of emergency, introduced for the first time in Lithuania during the period of independence on 10 November 2021, was purposefully chosen as a constitutionally enshrined legal regime to manage the threats posed by irregular migration and to ensure public order.

The introduction of the state of emergency was not only important for targeted management actions, but also for synchronisation between them. Unprecedented situations and lessons learned have shown the importance of identifying solutions to strategic and predictive issues, formulating a common crisis management policy, anticipating the necessary recovery actions, setting the way forward, and having a single command centre acting as a leadership hub. Advance situational assessments based on modelling would help to adapt realistically to changing external conditions, thus ensuring the long-term impact of preventive action.

A decision-maker must have a clear picture how things could go and have a list of all possible **pros** and **cons** due to upcoming restrictions, bans. It creates solid ground for good quality of legal regulation, leads toward well balanced decisions, proportional usage of powers, protection of human rights and freedoms, secure the principle the legitimate expectation of civil society, effective management, efficient use of resources to achieve the objective prescribed by laws on the state of emergency. The most suitable tool is the scenario planning model consisting of these main components: **economic, political, cultural, psychological and information (awareness and public relations)**. The main core of these parts is a human being.

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TRAINING ON DOMESTIC VIOLENCE. LESSONS LEARNED FROM UKRAINE

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Abstract. *The authors of this article analyze some aspects of delivering training on domestic violence designed mostly for Ukraine's National police first response teams, namely: how to approach potential places of commission domestic violence actions for which can be apply a criminal act or an administrative offense according to article 126[1] of a Criminal Code of Ukraine, and article 173[2] on an Administrative Offences of Ukraine. The authors of this research paper share their personal experiences, remarks on issues related to the selection of participants for such type of training, the structure of the training, the main moto of this training, adoption of a training module on domestic violence to the needs of practitioners. Also, the authors present in this paper remarks observed during training, especially during the practical part provided by them in Ukraine. It allows to identify main mistakes done by police first response teams during improvised domestic violence scenes with usage of actors, dogs, fake light guns, stiletto knife, and fake grenade toy and take proper measures to improve the readiness of police first response teams to cope with challenges during performance assigned duties.*

Keywords: *training, domestic violence, police first response team, personal safety*

Introduction

Fools learn from experience. I prefer to learn from the experience of others
Otto von Bismarck

The main **topic** of this article is training on domestic violence and lessons extracted from it. The aims of this paper are:
- to present the objective, structure, main moto of this training and methods in usage to achieve the objectives of such specialized training.
- to overview and present methods used during theoretical and practical parts of training.
- to present ways to improve a curriculum of the training on domestic violence designed for police cadets and for police officials who are dealing with domestic violence as first response team.

The authors of this article used **research methods** to achieve the aims of the article such as observation, anonymous verbal interviews of participants and discussions with them during training, analytical research, and logical analysis to explore the topic.

The presentation of this topic will allow:

- to have a broader and deeper understanding of importance psychological tools and techniques for communication in different environments to include them into a curriculum, and the training programs on domestic violence for police cadets and police officials.
- to improve already existing a curriculum and a program on domestic violence through extension or/and adding some topics and subtopics related to personal security of police first response team.
- to improve the selection procedures of participants for advanced training on domestic violence.

Main part

"I am always doing that which I cannot do, in order that I may learn how to do it."

Pablo Picasso

Any person regardless of sex, social status, age, education or economic status can experience domestic violence also called "intimate partner violence" . Domestic violence is a serious threat for many women**.** According to the national statistics on average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men. According to Global Database on Violence against Women lifetime physical and/or sexual intimate partner violence experienced at least once in their lifetime since age 15 - 26 % women. according to the Ukrainian police recording tables, in 2019 there were 141 814 applications, reports on offences and other events related to domestic violence; 72 834 perpetrators were put on file – 72 722 adults (65 720 men and 7002 women) and 112 minors (100 boys and 12 girls).

One of the main tasks of the criminal justice system while addressing the violence against women and domestic violence is to contribute to transforming a culture of impunity into a culture of accountability of abusers, the states and the criminal justice system itself (Combating violence against women and domestic violence. A practical guide for police officers, p. 37). The quality of the reception of victims within the police services is a determining factor in relation to their satisfaction with the handling of the acts of domestic violence they report. It is important to prevent police intervention from generating secondary victimisation. Studies in the United States25 indicate that victim satisfaction ranges from positive assessments of active listening by police who strive to understand the situation and provide the best possible guidance to victims, as well as negative assessments that police approach violence against women cases in a dismissive and judgmental manner. When the first contact with the police has been negative, victims tend not to contact the police again with new incidents (Combating violence against women and domestic violence. A practical guide for police officers, p. 39-40). The improvement of police officials performance during domestic violence incidents was one of the triggers for the authors of the paper to share their experience obtained during service at law enforcement agencies, their remarks and notices during the trainings on domestic violence.

Aims of the trainings on domestic violence were several**. First,** to prepare the police first response team members for challenges occurring in Ukrainian society due to the ongoing Russian aggression against Ukraine. **Second,** to decrease the risk of serious injury or even death in the line of duty among police officers. **Third**, to improve conflict management skills required to handle dangerous situations. **Fourth**, to improve the communication skills of police first

response teams. **Fifth**, to improve practical skills in documenting administrative offenses, collecting evidence in criminal cases.

Target audience of the trainings on domestic violence were police officials of the first response teams (staff and chiefs of units) of National Police of Ukraine in regions and regional capital cities Patrol Police, Training Centres' trainers, academic staff of University of Internal Affairs (including chiefs of departments). Each training group consisted of 18-20 participants. Based on the authors of this paper's opinion it is the best amount of participants from educational point of view. It allows effectively manage time, distribute tasks, provide discusions in groups, perform practical exercises during the training.

Nine training sessions on domestic violence have been delivered at the request of National Police of Ukraine in the West part of Ukraine at the premises of high education institution (The University of Internal Affairs in Lviv city) and at the training Centers of National Police of Ukraine in different regions during 2022 - 2023. Duration of one iteration was four full days (32 academic hours). Trainers were international and national experts. Local experts represented the Patrol police and Preventive police of the National Police of Ukraine, a K-9 or police dog unit, a judge, and non-governmental organizations registered in Ukraine (social workers, psychologists). As the premises for conduction the practical exercises, very close to the real situations were used: specially designed places at the territory of regional national police training centers, at the University of Ministry of Internal Affairs and also other places which meet the requirements and standards of the designed training. The scenarios for the practical part were prepared by the authors of this paper and were object for frequent changes during each training session. The scale of changes the scenarios also depended on level of preparedness of the main part of the participants. The main idea during the preparation stage of training was to adopt practical scenarios closer to real-life situations. Also, the authors of prepared scenarios left enough space and freedom for actors for improvisation with the frame of the scenario.

Methods used to achieve the present above aims were: mixing theoretical and practical parts, performing scenario-based exercises, filling in police reports, assessing risks, and preparing protocols on administrative offenses. Each training day starts by repeating the main things from previous days. The purpose of such an approach was to allow for participants of training to refresh previously learned material and memorize once more obtained knowledge, and skills obtained the day before. Duration of such activity – approximately 10-15 min. and if there are questions – to answer. Participants had opportunity remotely watch some scenario-based practical exercises and discuss between themselves what kind of mistakes were made by colleagues during the exercises.

The formula of success in such training is based on synergic efforts of participants, actors and experts to present the topic, share skills, experiences, establish feedback from participants' side, premises, and surrounding environment which should be subject to changes within one iteration. The most valuable gem during such type of training namely during performance practical exercises are selection of the actors-players who performed different assigned scenario roles with the usage of weapon replicas, fake grenade toys, stiletto knives, empty bottles from champagne, improvised explosive devices, booby traps etc. Scenarios varied from the peaceful, calm environments to the most dangerous actions. Actors were selected for performance roles of offender, victim, bystander, offender's or victim's family members and friends from police cadets, and police training centers officials.

The main motto of training on domestic violence: personal security first.

All participants passed the assessment test at the end of training. Game-based learning platform **Kahoot** was used to check participants' knowledge, to identify the weak and strong

parts of knowledge, and skills of participants, and to have additional information of on ways to improve the training program. All test questions were split into three parts covering the main topics and subtopics of the program on domestic violence. Each of part contains ten questions and 4 possible answers. For example, legal grounds to enter into private premises according to the Law on National Police of Ukraine.

Special considerations: Some of the participants will be deployed to **the liberated areas** to restore the operations in local police stations. This training is of specific importance for first responders in those areas given the impact the occupation has made on the population there – significant distress and low subsistence levels due to loss of property and jobs might subsequently lead to an increase in the levels of domestic violence. This situation can be aggravated by higher circulation of weapons resulting from military presence in the areas.

Challenges:

Target audience's experience in dealing with domestic violence cases, tactical preparations were different and included the following reasons:

- different service times in police;
- different tactical skills – some of the participants serving in special police units within region and patrol police structure while others had less experience;
- some of the participants had already passed several trainings arranged by international actors and national institutions on domestic violence before the war and therefore did not match the desired group with limited experience.

The above mentioned different level of experiences partially affected the participants „expectations".

Suggestions: The training should be cascaded to the regions and involve the trainers from police training centers and officials in charge of advanced training at NPU and Patrol Police in the regions, academic staff of the Universities of Internal Affairs. A separate Training-of Training component could be introduced here.

The officials in charge of nominating police officers to participate in the training should be more scrupulous in selecting the participants based on the following criteria:

- nominee's duration of service in police,
- experience in the field of domestic violence,
- number of trainings received on handling domestic violence cases,
- level of tactical skills.

Structure of training on domestic violence. The training was divided into two parts, i.e. theoretical and practical. The trainers followed the training curriculum on domestic violence. **The theoretical part** included the definitions of domestic violence, theories of domestic violence, forms of domestic violence, legislation concerning domestic violence, restraining orders, elements of a crime, factual and legal grounds to enter the premises through case law studies, analysis of judgments of Ukrainian courts and the European Court of Human Rights, Istanbul convention, conflict de-escalation techniques. **The practical part** was delivered in the form of different scenario-based real-life situations at domestic violence scenes. Before the practical part, the trainers introduced the participants to the main tactics for approaching the domestic violence location, entering the premises, and first steps inside the premises of conflict. Also, participants watched training movies (ones in use in Police Scholl of the Republic of Lithuania, US, Canadian police for training police cadets, and police officers) on approaching and entering the premises, as well as tactics inside the premises.

The main focus of training were on the personal safety and security of the police officers, and the identification of risks and threats. For example, booby traps and dog attacks. Through a broad series of real-life simulations, police officers practiced different first responder tactics to address domestic violence cases based on international standards. This included proper response to a victim during an emergency call, entering the premises, and ensuring the security of police officers and people inside the scene.

Exercisers were conducted indoors during the second afternoon and outdoors on the third day of the training. Different scenarios centered around police tasks to be performed on the spot of domestic violence cases, which included assessing various aspects of risks for the safety of police officers. Each scenario was different to ensure that groups could not pass information about the task to the following groups yet to enter the premises. Even if pistols, guns, hand grenades, knives, or bottles were visible in the scenario apartment, the scenarios resembled features tailored to domestic violence cases. One of the scenarios included a booby trap in the doorway.

K-9 units or police dogs were also involved in the outdoor scenarios. For example, a loose dog in the yard, a leashed dog next to the entrance to the premises, or a dog placed inside the premises together with the actors who perform roles prescribed by the trainer. Min. 2 and max. 6 actors took part in the scenario-based situations.

The use of force was not included in the training. Police officers have already received this training by Ukrainian legislation, allowing this training to focus solely on entering domestic violence premises.

The participants were divided into groups of three officers for the implementation of the tasks of the practical part. Two entered the premises, while the third one was assigned as an officer in the emergency/call center; the third one also had to observe and note down all relevant information. **The task of** the exercise was presented to the participants, but they were not given any details of what they would face in the scenario. They were provided with some general information only: what happened, where it happened, what kind of help was needed, who was calling, how many persons were inside, and sometimes info on weapons, etc. Sometimes information on weapons or grenades was given indirectly. Therefore, the quick response team should have interpreted the vital information in the hidden message.

To increase the effectiveness and efficiency of the training, and to better explain the essence of working in pairs, task and duty distribution among the members of the first responder teams, and involve all participants in action, the following steps were taken. Scenario-based exercises were conducted in different places and environments. The first part of the practical exercises was conducted at the University of Internal Affairs premises in a room specifically designed for domestic violence training. All participants were divided into teams of three – 2 members of the quick response team and one call centre officer. While one team was performing a task, the rest were able to directly watch the scenario-based exercises on the TV screen in the classroom, where the footage from the training facility was transmitted through video cameras and microphones. One trainer was with the larger group in the classroom and gave tasks to the group to monitor the performance of their colleagues and identify strong and weak points of performance. Another trainer monitored the performance of the quick response team in the training room from the point when they received information about a domestic violence case until the point where the abuser was detained. During exercises, actors used weapon replicas, grenades, different types of knives, and stilettos based on the prepared scenarios (not in all of

them). Some scenarios included situations where the quick response team was required to provide first medical aid, for example, to stop bleeding from an injured leg and use bandages by the procedures, etc. In addition, after the exercise, the quick response team received a task to prepare a police report or fill in a protocol on administrative offense. When the task was completed, immediate feedback/debriefings from trainers were given to each team who had entered to premises. After each team took part in the scenario-based exercises the trainers gave an evaluation of practical exercises, held discussions on some issues, and received feedback from all participants.

The second part of the scenario-based model was done in a different environment, close to real life, with the involvement of dogs (without informing the participants in advance). All participants were divided into two groups. One trainer delivered to one group training material consisting of theoretical and practical parts on entering the premises and conducting security checks. Another trainer provided instructions to actors and monitored the performance of the quick response team. The main task of this practical part of the exercise was to deal with stress when the dog/dogs appeared, to communicate with the dog owner and other actors involved in scenario-based exercises using de-escalating language, and to conduct personal checks of those involved in domestic violence events. When the task was completed, immediate feedback/debriefings from the trainer were provided to each team who entered the premises. Upon completion of the exercise, the teams received a task to prepare a police report or fill in a protocol on administrative offense. After the training day, overall feedback was given collectively to all participants.

Some examples of scenarios

1. Police officers receive a call to a possible crime scene (a house). There are two people in the yard with dogs running loose. What will be their actions?
2. Police officers receive a call to a possible crime scene (a house). There are two people in the yard with a dog on a leash. What will be their actions?
3. Police officers receive a call to a possible crime scene (a house). When they enter the premises there is a person inside cutting a fat (salo) with a knife. What will be their actions?

Key findings resulting from the training:

Overall, the actions demonstrated by the police were proper, however, there is a crucial need for development when it comes to police officers handling personal security and safety risks.

- Entering the premises was mostly conducted professionally. The officers were patient and requested to open the door when it was locked. Entering is a very risky situation and all patrols entered slowly, stopping on the doorway to see how many persons were inside and how they were positioned while also assessing if there were any weapons visible. Many patrols checked the “+1 rule” (plus one or more person(s) than visible in the apartment) before entering.
- If people in the apartment were noisy and aggressive, many patrols couldn’t get the situation under control. For example, giving orders or taking persons to different rooms/staircases.

- The central cause of risk during the exercises derived from officers not ensuring that no one was left behind their back when in the apartment – this happened several times increasing the risk.
- Security check was not conducted in many scenarios.

(Photo from the authors personal collection)

- It was positive to observe that one officer was holding the conversation with the people inside and the other one was observing and securing the environment, but there was a lack of communication between the partners.
- The participants were highly motivated and the discussion concerning risks and threats was reflective and fruitful.

Proposals to Police Training Centres, State Universities of Internal Affairs of Ukraine, and others to whom it may concern drafted based on:

1. The trainers' observations during practical exercises,
2. The feedback from participants during and after practical exercises,
3. The feedback from participants during informal communication during breaks and after the training,
4. The evaluation forms filled in by the participants,
5. Observations of other involved persons.

The proposals are to conduct further training on the following topics:

- Tactics for approaching and entering the premises,
- Legal and factual grounds to enter the premises, different scenarios,
- Assessment of the mental status of persons in an aggressive environment,
- Communication while handling cases in an aggressive environment. Use proper verbal commands dealing with potential abusers, other persons in the place of the event,
- Security checks/personal search,

- Analysis of Ukrainian case law (acquittals in criminal cases, terminated administrative cases on domestic violence),
- Documentation of domestic violence cases, preparation of police reports,
- Risk assessment,
- Inter-agency cooperation (Police - non-governmental organizations - local administration),
- Support to victims of domestic violence.

It is also recommended to involve a prosecutor as a local speaker on the application of the provisions of criminal law.

Conclusions

Main motto of training on domestic violence: personal security of police officials first.

Selection procedure for training on domestic violence should based on the following criteria**:** nominee's duration of service in the police**,** experience in the field of domestic violence**,** number of training received on handling domestic violence cases, and level of tactical skills.

The adoption curriculum, and training program on domestic violence have to include topics and subtopics on approaching potential venues of domestic violence, entering into premises, communication with offenders, security check/personal search, inter-agency cooperation (Police-non-governmental organizations - local administration).

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EFFECTIVE COMMUNICATION WITH PERSONS OF DIFFERENT BEHAVIORAL TYPES

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Abstract. *When it comes to communication with individuals of different behavioral types, it can be noticed that there is a lack of relevant, generalized information. The recommendations for communication with different types of behavior are not systematic and there are only few of them or they have been created a long time ago. Knowing how to communicate effectively with different types of people is very useful for all civilians, but it is even more important for police officers because they are the moral role models for the public who trust the police. The lack of this knowledge can lead to the emergence of conflict, limit the possibilities of obtaining the necessary information and have negative communication consequences. Taking this into account, the aim is to reveal the effective communication methods used by police officers with people of different behavioral types. The object of the work is the effective communication of police officers with persons of different behavior types, and it is based on the applied methods of scientific literature analysis, questionnaire, comparative analysis, and modeling.*

Communication is an exchange of information which is implemented by a system of signs or symbols. The effectiveness of communication is determined by the personality of the interlocutor, understanding and application of communication goals, tasks, functions in the conversation, etc. In addition, in order to achieve effective communication, it is important to use different communication methods for different types of individuals. In each case, human behavior must be considered and the method of communication to be chosen must be evaluated. What is more, after conducting an empirical study and reviewing its results, it can be observed that efficiency is achieved when he person communicates politely, creates trust, the interlocutor is respected and not judged. When communicating with troublemakers, the officer should remain polite, listen to the person, ask straightforward questions, avoid using complex words, allow negative and positive thoughts to be expressed, show empathy, and build trust.

Keywords: *communication, effectivness, different types of behaviour, police officers.*

Introduction

According to J. Locke, "communication is inherently problematic because it is never perfect and the transmitted ideas never properly coincide in the minds of the sender and receiver" (Locke, 2000). Obviously, the uniqueness of each person during communication process can lead to problems of interpretation, meaning, or understanding, but dealing with certain behavior types, such as conflicted individuals, makes communication even more difficult. This is especially relevant in the activities of police officers, because many of them communicate with various individuals on a daily basis, so there is a need to identify which communication methods of police officers are effective when communicating with individuals with different types of behavior.

Describing various aspects of effective communication with individuals of different behavioral types, it can be noticed that there is a lack of relevant, generalized information. The

presented recommendations regarding communication with persons of different types of behavior are not systematized, moreover, there are not many recommendations and they were created a long time ago (R. Kočiūnas, 1995, R. Burda and S. Kuklianskis, 2007). Knowing how to effectively communicate with people of different behavior types is especially important for police officers. The lack of this knowledge can lead to the emergence of conflict, limit the possibilities of obtaining the necessary information and have negative consequences for communication. In order to achieve the effectiveness of communication, it is necessary to understand which methods of communication are the most appropriate communicating with persons of different types of behavior (Guodienė, 2013).

The scientific literature is full of information about different types of behavior: L. Bulotaitė and O. Zamalijeva (2016) describe the type of risky behavior, J. Navarro and T. S. Poynter (2015) analyze dangerous types of behavior, A. Clapperton et al. (2019) provide a characterization of suicidal individuals, but there is little information on how to effectively communicate with different types of behavior. Therefore, this article aims to discuss the characteristics of behavior of different types of persons and to analyze the methods of effective communication with these persons in police activities. Taking this into account, the aim of this article is to examine the effective communication methods used by police officers with individuals with different types of behavior. Accordingly, the object of the article is the effective communication of police officers with persons of different behavior types. To implement the research, there are used the methods of scientific literature analysis, survey, and comparative analysis.

Concept of communication

Good communication skills bring benefits both in everyday life and in professional life. However, if communication with a person does not take into account their personality, behaviour, beliefs or even cultural differences, it can be futile and even harmful. Obviously, communication with different types of people is also different, so effective communication with different types of behaviour requires recognising the type of behaviour of the person, understanding the purpose, objectives and functions of each conversation, mastering the elements of effective communication, and knowing not only how to disseminate information effectively but also how to receive it.

The concept of communication is understood in many different and broad ways. The concept has more than one definition. R. Lekavičienė et al. (2010) argue that communication is the use of a system of signs. This system of signs helps to exchange information, which, according to the authors, is not only knowledge, but also much more - attitudes, feelings, and opinions. According to V. Pruskus, communication can be understood as the process of transmitting and receiving wishes, thoughts, feelings, ideas, facts, values, in other words, information. This process takes place between people in various ways - electrical signals, oral, written or non-verbal, which the author explains as gestures, facial expressions and posture. The author stresses that one important detail in the communication process is that the person to whom the information is addressed not only receives it, but also understands and accepts it. According to V. Puodžiūnas (2013), communication is a process in which information is exchanged between subjects using common systems of signs or behaviours. Thus, it can be argued that the exchange of information is the most important part of communication, and that the exchange takes place in a system of signs or symbols. The communication process has certain functions and purposes for which it takes place. One of these is communication effectiveness.

The effectiveness of communication depends on many factors. These may include the personality of the interlocutor, the perception and application of communication goals, objectives and functions in the conversation. In each case of communication with a person, it is known what the purpose of the communication is, i.e. what is being achieved in each conversation. For communication to be effective and useful, it is necessary to understand the objectives of the communication and to pursue them during the conversation. Communication is not effective if the objectives of communication are not understood. It is not enough to know them; it is important to apply them to each interlocutor. If the objectives are not applied or not applied properly, the interlocutor, especially the conflict type, may not understand the information communicated, may interpret it in his own way and may become aggressive. In such cases, it may be very difficult or impossible to restore the effectiveness of communication. Thus, communication requires attention to the following tasks: "accurate and adequate formulation of information; persuasiveness of self-presentation (representation); modeling and regulation of relationships" (Puodžiūnas, 2013). Among other things, according to Valdas Pruskus, effective communication is determined by the elements of communicative competence. One of them is "the ability to interpret the specific signals of a particular culture" (Pruskus, 2010). When communicating with a person from another culture, it is necessary to respect that culture and take into account different traditions and customs. According to Gediminas Bučiūnas, knowledge of immigrants' customs and religious attitudes can be one of the conditions for a civil servants proper performance of his/her duties, which will help to avoid conflict situations in the future (Bučiūnas, 2015). Other elements of communicative competence are "the ability to orient which part of the time should be devoted to listening and which to speaking, the ability to adequately express thoughts and understand the interlocutor, to direct the speech in the right direction, <...> the ability to use verbal and non-verbal means of cultural reception, the ability to adapt to the social status of communicants and intercultural differences, the ability to adjust one's own behaviour in time when interacting with interlocutors" (Pruskus, 2010). All of the above mentioned elements of communicative competence are crucial for the success of a conversation, but they are skills that need to be developed in order to make communication more effective.

Measures to improve the effectiveness of the information sent and received are important for civilians, but also for police officers, who have to deal with different types of people during interviews. A person should feel comfortable when interacting with an officer, should not be afraid to talk and should trust the officer. Michael R. Napier, discussing communication with individuals during interviews, advises not to rush the interviewer. The author mentions that the person should be allowed to talk, not interrupted, as the person feels more at ease after talking. A four-step communication system is suggested: the first step is simply to greet the person. The second is to talk briefly about non-committal topics. The third stage is to introduce the content of the conversation, what will be communicated about, and to let the person know that he or she must tell everything he or she knows. In the final stage of the communication, do not interfere, do not break awkward silences do not correct or help the person. The author points out that if it is observed that a person is lying, under no circumstances should the person be allowed to understand that his/her lie is clear, that is, not to change the facial expression, to remain calm (Napier, 2017).

Thus, taking into account the behavioural and communicative characteristics of individuals, two types of communication can be distinguished in the first place: communication with non-conflict-type individuals and communication with conflict-type individuals.

Communicating with non-conflicted people

When communicating with non-conflicted people, many people do not even think about the uniqueness of such communication and the specifics of the information that is communicated and received. However, it should be noted that if the purpose of the communication is to obtain certain information from the person or to give the person a sense of security, hope in the event of suicidal intent, or if the communication is with a minor or a minor, it is advisable to think about the information to be disseminated and to disseminate it in such a way as to maximize the effectiveness of the communication. It is also important to be able to accept the information, to let the person know that they can trust and open up. Burda and Kuklianski (2007) point out the tactical techniques used to communicate with a person during interviews in non-conflict situations. The authors mention that communication with non-conflicted persons during interviews is dominated by rapport and suggest that the interviewee should be introduced to fragments of other persons' testimonies, to keep the events consistent, to form logical tasks, to recall, to elaborate, and to juxtapose events. It is therefore important to note that questions should focus on the sequence of events in order to avoid jumping to conclusions and to avoid missing important details. It is advisable to avoid talking about experiences as they are distracting. It is important to try not to interrupt the person's story, unless this cannot be avoided in the particular situation, or unless it is known that the intervener will be able to continue the story further. When assessing communication with non-conflict-type people, it is possible to classify these interlocutors into separate groups according to their particular characteristics.

Communication with people with intellectual disabilities. When communicating with a person with an intellectual disability, it is difficult to be prepared to communicate, as the disorder can take many different forms. It is important to keep in mind the purpose of the communication and to understand that this person needs special attention. "When communicating with a person with an intellectual disability, it is advisable not to be guided by a medical diagnosis, but to take into account his or her needs, communication style, manner and abilities in each case. It is important not to stereotype, to be respectful and to believe in each person's potential ability to communicate and cooperate, regardless of their disability" (Grigaitė, Migaliova, 2018). When communicating with people with intellectual disabilities, it is recommended to remain oneself, to communicate respectfully, not to speak in a patronising way, to let the person feel that he or she is trusted and believed, to speak simply, to ask short but open questions, not to rush, not to change the subject abruptly, to respect the person's personal space (Grigaitė, Migaliova, 2018). **Communication with suicidal people.** There are many reasons why a person may want to commit suicide, so when communicating with a person, you should find out why they are having these thoughts and start by addressing the problem from there. Communication with suicidal, non-conflicted individuals is particularly challenging because tension is felt on both sides and the interviewer needs to have a good understanding of this type of communication in order to feel confident. Kočiūnas points out that when communicating with this type of person, telling them that everything is going to be okay and that it is not as bad as it seems and similar phrases can even be harmful. When confronted with a suicidal person, one should not be afraid to discuss the issue of suicide because the person understands that his or her intentions can be accepted and listened to (Kočiūnas, 1995). **Communication with minors.** Effective communication with minors is particularly important because one inappropriate and unconstructive conversation can influence

a child's subsequent decisions and actions, which may not necessarily be good. I. Daniūnaitė (2018) identifies ways to make communication with minors as effective as possible. Taking into account the development of the person, speak clearly, avoid legal terms, avoid formality, be empathetic and respect the child's physical space. "Minors are very sensitive to suggestion, so questions should be neutral, without hints and subtexts" (Burda, 2013). **Communicating with people from different cultures.** When communicating with a person from another culture, be aware that not everything in our culture may be familiar to them, just as some aspects of other cultures may seem unusual to people of our own nationality. People from other cultures, especially victims of crime, can be very vulnerable and distrustful of the police, so it is important to understand and accept them, and to respect their traditions and rules, in order to avoid conflict and to get the best communication result. It is important to do this by keeping control of the conversation and not allowing the person from the other culture to overstep the boundaries, i.e. to take advantage of the differences in their culture. According to V. Pruskus (2013), in intercultural communication, one should not be prejudiced in assessing the behaviour of the other person, be aware of the interlocutor's cultural peculiarities, do not compare them with one's own culture, and strive to find the truth, not to overcome it.

Thus, taking into account the above, it can be said that when communicating with non-conflicted people, it is important to recognise and assess the type of person, and to come up with questions in advance. In the process of communication, it is necessary to observe changes in the person's behaviour and, if necessary, to change the communication tactics, because the non-conflict type may also become a conflict type.

Communication with conflict-type people

Police officers often have to communicate with this type of person. Interacting with a conflict-type person makes them feel uncomfortable, as they may be aggressive, have no control over their emotions, and may be under the influence of alcoholic beverages or narcotic or psychotropic substances, which only makes the situation worse. The word aggression connotes active action and is associated with destruction, violence and mutilation. People express their feelings directly, sometimes even using physical violence (Pruskus, 2012). Tim Petraitis (2010), who analysed the peculiarities of verbal communication between police officers and various individuals, noted that officers lack professionalism, restraint and tact when communicating. The author provides recommendations that should be followed in order to avoid conflict: avoid generalising evaluative statements about the citizen with whom one is communicating; speak tactfully, formally, avoid jargon, offensive metaphors; the officer should not threaten the citizen with physical or other types of reprisals, and R. Burda and S. Kuklianskis (2007) distinguish the tactical ways of communicating with the conflict type of people. "Interviewing in a conflict situation involves a procedural struggle, which is characterised by all the actions (techniques) of struggle that do not interfere with the process and other principles of interviewing tactics. Procedural struggle is not characterised by violence, terror or other immoral methods of struggle, but procedural struggle and its methods cannot be based solely on philanthropy, humility, evidence, etc.

Merely appealing to the conscience of the interviewees in a conflict situation will not do any good, and this is not only what the literature says" (Kočiūnas, 1995). First of all, for effective communication, it is suggested to concentrate on transforming a conflict situation into a non-conflict one. It is important to pay attention to the fact that in a conflict situation the principle of humanity must be followed, without demeaning the dignity of the interviewee. Doing the opposite will certainly not make communication effective. The authors suggest that

such interviews should be based on dexterity, misleading the adversary, weakening the will of the interviewee to resist by encouraging the willingness of the interviewee to give truthful testimony. There are many ways to do this, one of which is to logically construct sentences in such a way that the interviewee ends them unintentionally. It is also important to give the interviewee the impression that the investigator is aware of the circumstances that are the subject of the interview and is informed about the details of the offence. It is also important to find out and remove circumstances which may hinder the giving of truthful testimony, such as selfishness, fear and others. Nevertheless, the interviewer must constantly monitor the situation and, in order for the communication to be effective, assess the aggressive person's behaviour and modify the tactical methods of questioning (Kočiūnas, 1995).

A hostile and aggressive person should not be viewed with contempt or ridicule. On the contrary, hostility should be taken seriously, as a person's attitude can hinder effective communication. It should also be taken into account that sometimes hostility can be masked by feelings of anxiety. In this situation, it is important to transform hostility and aggression into other feelings that are masked. This can be done by helping the person to clarify and identify what feelings are really in his or her mind. It is also important to remain calm when communicating with an aggressive person, as responding with hostility can provoke much more aggression. Nevertheless, if the person's hostile feelings turn into insults, this should not be tolerated (Kočiūnas, 1995).

Types of dangerous people. A police officer has to communicate with dangerous persons quite often in his/her profession. Whether the communication takes place on the arrival of a call or during an interview with a dangerous person, it is useful to know how to distinguish the type of dangerous people and how to communicate with them. Joe Navarro and Toni Sciarra Poynter (2015) identify four types of dangerous people - narcissists, emotionally unstable personalities, paranoids and maniacs. When discussing *narcissists*, the authors mention that the main personality traits of narcissists are egocentrism, self- and other-centredness, no empathy, arrogance, rule-breaking, controlling and arrogance. *Emotionally unstable personalities* are distinguished by their high "volatility". They want to be liked, can be confrontational and chaotic, and their main characteristic is mood swings. *Paranoid* people tend to be panicky, suspicious, closed, stubborn and argumentative. These people can do anything to calm their fears. *Maniacs* have no empathy, no remorse and no regret for what they have done, and are ruthless, petty, lacking in self-control and manipulative. The authors explain that when communicating with dangerous types of people, it is important to set specific boundaries of what is permissible and acceptable, bearing in mind that the person is dangerous and can attack for any reason. It is important to control space and distance, take your time and give yourself time to think. It is also important to assess how dangerous the person is and to think about what scenarios you might have to face. In any case, extra precautions should be taken when communicating with a dangerous type of person, the person's condition should be constantly assessed, and if the communication is not effective, if no result is achieved, and if the person is becoming increasingly aggressive, it is better to discontinue the communication and postpone it to a later time. **Asocial people.** These are "persons who live only to satisfy their instinctive needs without regard to moral norms, societal requirements or conscience, and who are therefore habitually inclined to violate the rules of human society and the law, regardless of the extent of the possible punishment" (Kočiūnas, 1995). Asocial people are often associated with other types of behaviour as well, as their behaviour may include aggression, impulsivity, sadism, etc. R. Žukauskienė (2006) states that "antisocial persons are egoistic, impulsive, have conflicts with teachers, parents and peers since childhood, and start running away from home and loitering while still at school. Systematic work is unbearable for them. Uncritical, always

thinking they are right. They often start using drugs and alcohol." Addiction to drugs or alcohol can only make a person even more vulnerable to harm, because if they run out of money and do not have a steady income, addicts may start stealing and committing other crimes. It is therefore very difficult to make contact with an antisocial person. As the main concern of asocial persons is to satisfy their instinctive needs, they are often primitive thinkers and should not use complex word combinations or long sentences when communicating. **Communication with people with addictions.** Addiction can take everything away from a person. Relationships, relationships, work, a normal way of life become secondary or even forgotten, and the object of the addiction becomes the priority. In this context, effective communication with the addicted person becomes almost impossible. Police officers encounter these individuals very frequently in their work. They are usually people with an addiction to alcoholic beverages or narcotic substances, and there are also people addicted to gambling. Often these people are aggressive, because they are against the police officers and do not want help. Egunjobi (2019) explains that aggression can be expressed as a form of defence in addicted people. The author provides skills for effective communication with addicts: not to ignore the rights of the person, to allow him or her to express negative and positive thoughts, to be empathetic, to listen, to respect the person, and not to speak too personally, as this can provoke a lot of aggression and conflict.

In summary, communication with conflict-type individuals is not widely discussed in the scientific literature. Communication with a conflict-type person, even with a lot of experience, requires vigilance. It is important to find out as much information as possible about the conflicted interlocutor in such a way that it does not cause him or her aggression. Knowing the cause of the person's conflict makes the situation more manageable and allows you to formulate a plan of questions and conversation in your mind. It is important to set boundaries and not to overstep them, to remain calm.

Ways of communicating effectively with persons of different types of behaviour

The survey method was chosen for the exploratory research as it allows for the collection of systematic quantitative data on large populations, a targeted, detailed measurement of reality and a description of the phenomena under study (Gaižauskaitė, Mikėnė, 2014). The survey method was chosen in order to investigate the methods of effective communication used by the officers of the Vilnius County Chief Police Commissariat with persons with different types of behaviour and to analyse and compare the obtained data. The group of respondents was chosen based on their practice of communicating with different types of behavioural types of persons - they mostly have to communicate with various groups of persons, therefore they can most accurately indicate what is typical for various persons, what methods they use when communicating with one or another person, etc.

Characteristics of respondents. A questionnaire was developed for the study, consisting of 13 questions and demographic - professional data not included in the number of questions. Respondents were classified according to gender, age, education and length of service. A total of 102 police officers took part in the survey, with women being the most active, accounting for 64% of all respondents, while men were slightly less active at 37%. Looking at the age distribution of the respondents, it is notable that the majority of respondents were aged between 20 and 30. Respondents aged 31-40 accounted for 20% of the respondents, while those aged 41-50 accounted for 21% of the respondents. Only 4% of the respondents belonged to the age group 51-60 years. Young police investigators were therefore the most active respondents. In the education section, 7% of the respondents indicated that they had a secondary education,

14% of the respondents indicated a professional qualification, and 10% of the respondents indicated a post-secondary qualification. The largest proportion of respondents has a bachelor's degree, 55%, while only 14% of the police officers surveyed have a master's degree. In terms of length of service, the majority of respondents, i.e. 50%, are those who have been working for between 1 and 5 years. Between 6 and 10 years of service is held by 17% of the respondents. Respondents with more years of service are divided in similar proportions: 7% of respondents with 11 to 15 years of service, 9% of respondents with 16 to 20 years of service, 7% of respondents with 21 to 25 years of service, and 8% of respondents with 26 to 30 years of service as police officers.
Only 1% each of 35 and 38 year olds are responders. Thus, more women than men took part in the survey, with the highest number of respondents having a bachelor's degree and the lowest number of respondents having a high school diploma. In addition, the majority of respondents have been working as police officers for between 1 and 5 years and only a very small proportion have been working between 31 and 40 years.

Communicating with different types of behaviour

The survey asked respondents to indicate the most effective ways of communicating with different types of behaviour (Figure 1). It can be seen that the dominant communication methods with the identified types of people are listening, which was chosen by about 20% of respondents when communicating with non-conflict type people and 18% with conflict type people, and politeness and respect.

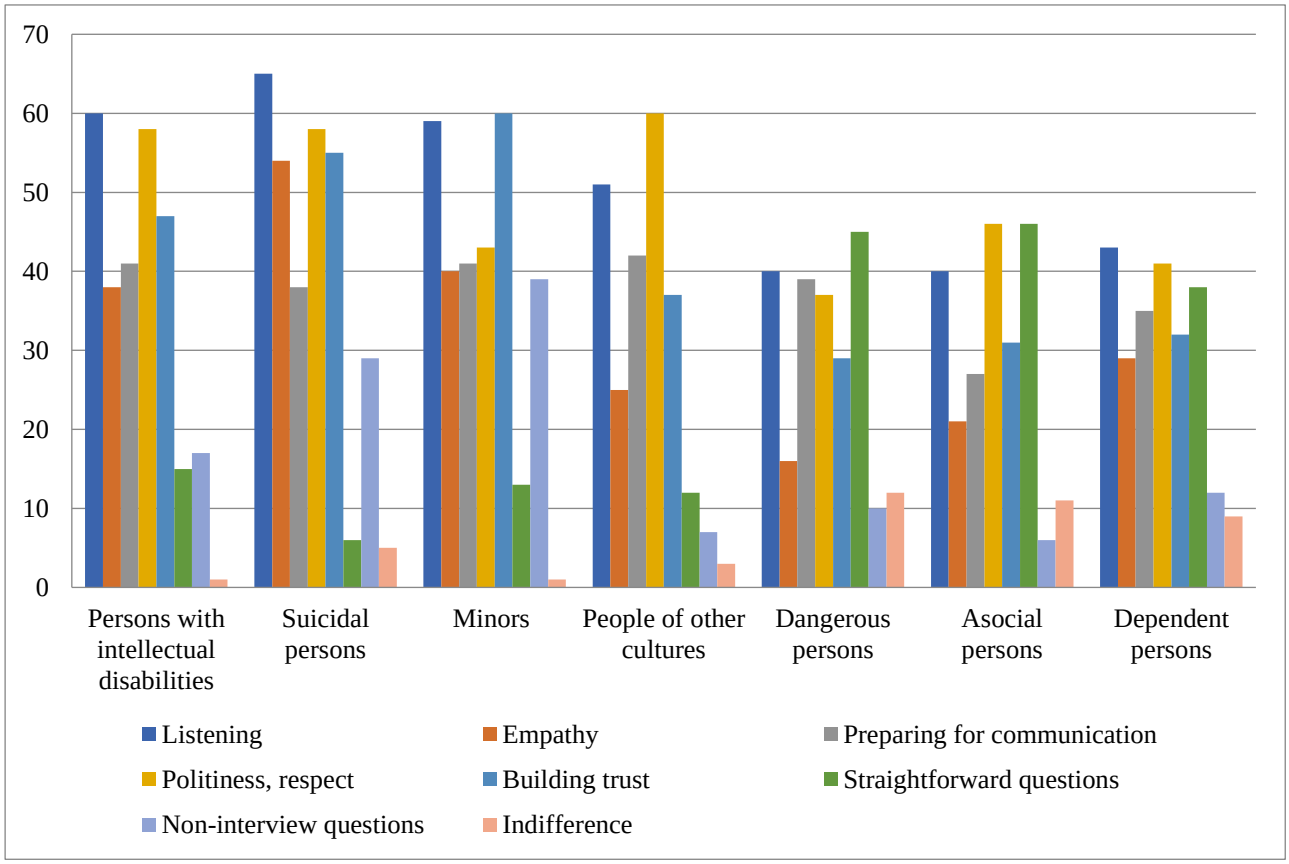

Figure 1: Communication methods of officers with different types of behaviour

When communicating with people with intellectual disabilities, suicidal people and people from other cultures, courtesy and respect were chosen by about 20% of the officers and 16% of the respondents when communicating with other types of behaviour. The lowest preference for indifference when communicating with different types of behaviour. Around 5% choose to be indifferent when dealing with antisocial, dangerous and dependent persons, and around 1% when dealing with non-conflicted persons. Respondents express empathy mostly towards the intellectually disabled (13.7% of respondents) and suicidal (17.4% of respondents), and least towards dangerous (7% of respondents) and antisocial (9.2% of respondents) people. Police officers prepare for communication with all the identified types of behaviour in a similar way. Building trust stands out when communicating with minors (20.3% of persons), suicidal persons (17.7% of persons) and persons with intellectual disabilities (17% of persons). It is more important for officers to build trust when communicating with these types than with other types of behaviour. Straightforward questions are asked of dangerous, antisocial and dependent persons. Non-interview questions stand out in communication with minors, chosen by 13.2%. They are also asked more in communication with people with intellectual disabilities (chosen by 6.1% of respondents) and suicidal people (chosen by 9.4% of respondents) than with others.

In addition to the communication methods chosen by police officers, the communication methods of the different social groups that police officers encounter are also important. According to the respondents (Figure 2), the most frequent silences are those of suicidal persons (28.9% of respondents), persons with intellectual disabilities (23% of respondents) and minors (22.8% of respondents). It turns out that 19.9% of the officers say that the most dangerous people are the ones who offend, 16.9% think that the asocial and 8.9% think that the addicted. Suicidal persons are the least likely to offend, with 1.3% of officers choosing them, and only 1.8% of respondents believing that minors/underage persons offend. The shortest answers are given by the intellectually disabled (20.1% of respondents), suicidal persons (20% of respondents) and minors (18.8% of respondents). Dangerous persons are the most likely to speak, chosen by 15.4% of respondents, while suicidal persons are the least likely, chosen by 2.2% of respondents. It is clear that aggressive communication is most common among dangerous persons and asocial persons. Around 17% of the respondents selected these types. In addition, 11.3% of the respondents believe that people with addictions are aggressive communicators. Polite communication stands out when communicating with people from other cultures, with 18.3% of officers saying that they are the most polite of the groups identified. Eye contact is avoided by almost all types of persons identified, with other cultures (8.6% of respondents), dangerous persons (5.2% of respondents) and asocial persons (8.4% of respondents) being the least avoided. All the types identified are also vague, but the most frequent are those with intellectual disabilities (20.1% of the sample). Emotionally (psychologically) dangerous persons try to influence (19.6% of respondents), to a lesser extent, asocial persons (10.1% of respondents) and addicts (11.7% of respondents).Polite communication stands out in communication with persons from other cultures - 18.3% of officials in the groups identified say that they are the most characterised by politeness. Eye contact is avoided by almost all types of persons identified, with other cultures (8.6% of respondents), dangerous persons (5.2% of respondents) and asocial persons (8.4% of respondents) being the least avoided. All the types identified are also vague, but the most frequent are those with intellectual disabilities (20.1% of the sample). Emotionally/psychologically vulnerable people (19.6% of respondents) try to influence (19.6% of respondents), followed to a lesser extent by antisocial people (10.1% of respondents) and dependent people (11.7% of respondents).

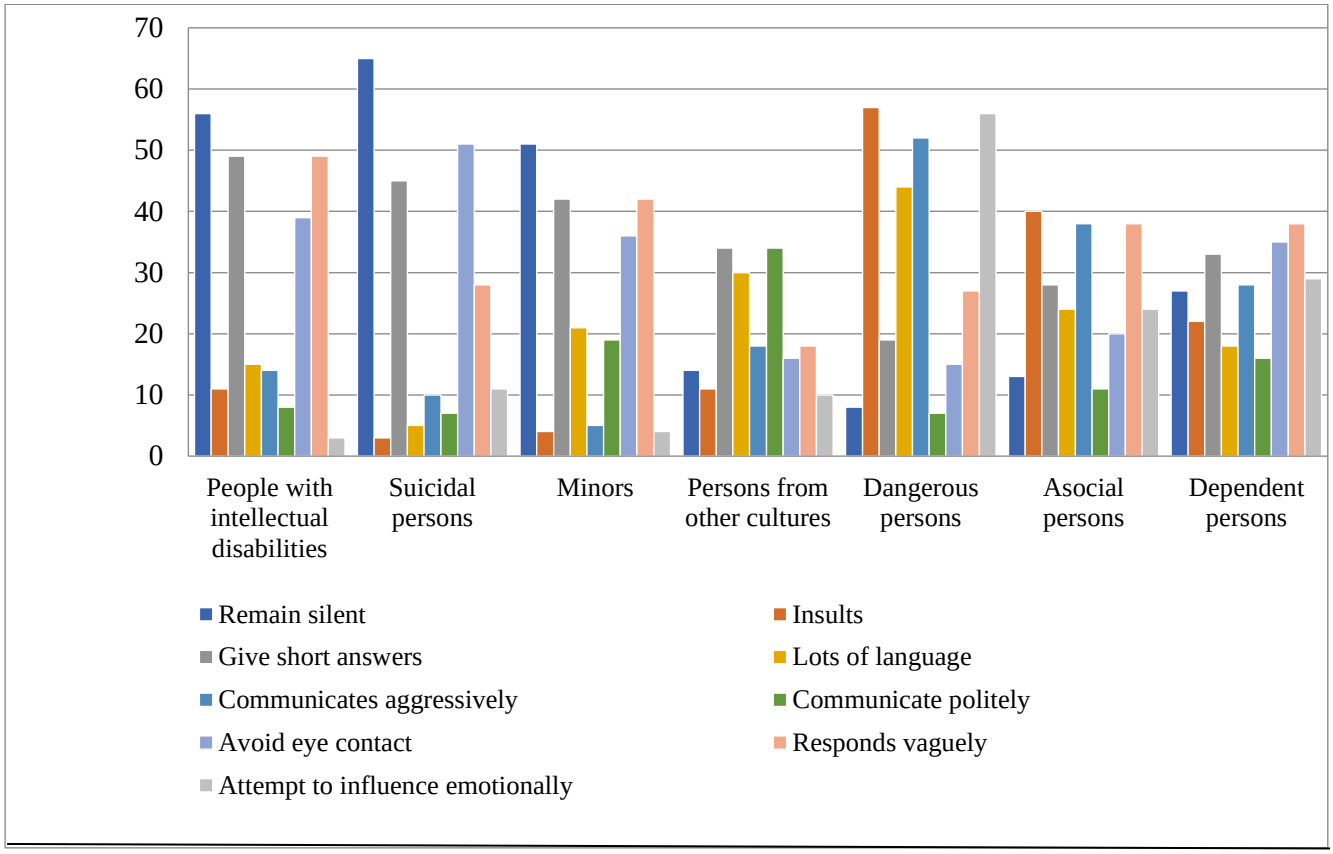

Figure 2: The most common methods of communication used by people with different types of behaviour

Obviously, when communicating with minors/minors, it is important that the communication does not have a negative impact on the child and does not cause bad consequences for the whole life. The majority of officers, i.e. 50.3%, encourage the person to answer in simple words, and allow him to freely add to the story. It turns out that 41.5% of officers do not ask additional questions or judge the child. However, 3.4% do not take any additional measures, and 1.4% of respondents say that they have a negative attitude towards children and do not look for their positive qualities. A couple of persons stated that they do not deal with children, while others added their own answers: "I talk before the interview on topics not related to the interview, so that the minor relaxes" and "First I make contact with the minor, ask about his interests, only then I start communicating on the necessary topic." Thus, officials take additional measures when communicating with minors/minors to make communication as smooth, efficient and understandable as possible for them, but there are people who are against children and do not aim for a good communication result.

When communicating with persons with an intellectual disability, 31.3% of the respondents are mainly troubled by the superficial thinking of the interlocutor, 28.1% of the respondents are hindered by the inaccuracy of the testimony, and 27.5% of the respondents lack the knowledge of how to communicate with such a person (Figure 4). In addition, 11.3% of respondents cited the excessive participation of a representative/advocate as a problem, and 1.9% of respondents indicated other reasons - that people with this type of behavior quickly get irritated, which causes more emotional difficulties, that people with intellectual disabilities do not understand many terms, especially legal ones and little language, so it is difficult to choose the right interview tactics. One respondent said that he had never had to communicate with such a person.

When faced with persons who wanted or want to commit suicide, as many as 70% of respondents say that they are assured of their ability to communicate with such a person, emphasize their positive aspects, express empathy, and are not afraid to discuss the issue of suicide. Unfortunately, 26% of respondents are afraid to communicate with such a person in order not to harm him even more and do not know how to communicate with him. Another 4% of officers answered that they would refer to psychologists; it would be timid to communicate with such a person, it would be scary to not be able to help; that they have not communicated with such persons. So, although the majority would not be afraid to communicate with a person who wants to commit suicide, many officers do not know how to do it.

The type of persons from other cultures is not exceptional in the need for additional means of communication. It is clear that there are people who think stereotypically and do not respect people from other cultures, which can lead them to become closed off or even more involved in criminal activities. When officials were asked if they follow a stereotypical attitude towards people of other cultures, 76% of respondents stated that they respect the traditions and rules of people of other cultures, unfortunately, 24% of respondents follow a stereotypical approach and think that all people of other cultures are the same.

As already mentioned, it is important to be constantly alert when communicating with another person. If the interlocutor gets annoyed, becoming aggressive, a conflict may arise. In this case, in order to control the conflict situation, it is necessary to use other methods of communication than were used when communicating with a non-conflict person. When police officers were asked when communication with a conflict-type person can be called effective, very similar answers were received from the officers. The most common: when aggression is controlled, the person calms down, no longer poses a threat, conflict is avoided and questions are answered, dialogue is created. Other respondents answered that communication is effective when the goal of the conversation is achieved and the legitimate interests of the person are not violated; when a person remains satisfied with the services provided by the officials; when the situation is under control, the necessary circumstances are clarified, communication is conducted in a calm, low voice; when a person at least minimally stops himself from continuing the conflict; when a person fulfills the requirements; when a person becomes more open; when trust, connection is created; common themes are found; when a person with a conflict type learns to speak and listen to the person communicating with him, instead of interrupting him and adding more and more different examples that have nothing to do with the event. Arguably, the responses are all similar, and the most common one is avoiding or managing conflict.

Officials were also asked to name the reasons preventing them from communicating with conflict-type individuals. It turned out that 24.7% of individuals chose aggression, 21.4% - hostility, and 17% chose addiction. Among other things, 15.5% noted misunderstanding of the degree of danger, 15.1% - primitive thinking of the interlocutor. Fear was chosen by 6.3% of officers. Thus, it can be assumed that aggression is the main factor preventing communication with conflict-type individuals.

In order to effectively communicate with antisocial individuals, you need to know what methods to use. It turned out that 49.9% of officers do not use complex word combinations, long sentences, 40.6% of officers identify their feelings and emotions, try to ignore communication difficulties and do their work, 5.6% of individuals stated that they have a prejudiced attitude about antisocial persons and condemns them, while 0.7% of respondents do not control their emotions and usually cross the boundaries of communication. Other officers interviewed indicated that they communicate with antisocial persons as specifically as possible, avoid spending time on them and take action; communicates respectfully, does not judge

individuals because of their lifestyle or that they interact with antisocial individuals in the same way as with all people.

Communicating with people addicted to alcohol, narcotics, psychotropic substances or other substances and in order to achieve a positive result of communication requires a lot of effort. The majority, i.e. 55.8% of officers, stated that they allow the person to express negative and positive thoughts, are empathetic, listen, and respect the person. However, 36.4% of officials advise addicts to seek treatment and explain what they can lose as a result of addiction. As it was already mentioned in the theoretical part of this work, it is advisable not to talk to the person too personally, not to preach to him, because this can only provoke aggression and conflict. However, 7% of respondents communicate superficially, express their negative attitude about addiction. Only 0.8% of respondents communicate in the same way as with all individuals.

It was also aimed to find out which elements of non-verbal language have the greatest influence on officers when communicating with individuals. It is noteworthy that the officers mostly value eye contact (23.2%), manner of speech (19.3%), facial expression (16.7%), and hand movements (16.4%) are also important. A slightly smaller number of respondents chose articulation (12.8%) and posture (11.6%).

Thus, after discussing the results of the conducted research, it can be observed that when communicating with various types of persons and in order to achieve a good result, it is necessary to apply different communication methods and tools, to carefully monitor the situation, the interlocutors, to be able to quickly and correctly identify the interviewees' communication habits and to predict their belonging to a certain social group for the group.

Conclusions

The effectiveness of communication is determined by the personality of the interlocutor, the understanding and application of communication goals, tasks, functions in the conversation, means of increasing the efficiency of the information sent and received, control of the conversation, and respect for the interlocutor. Different types of individuals use different communication techniques to achieve effective communication. In each case, human behavior must be taken into account and the method of communication to be chosen must be evaluated. When communicating with non-conflict-type individuals, it is important to listen, speak simply, show empathy, not have prejudices, and be polite. During communication with conflicting persons (dangerous, antisocial, dependent persons) one should avoid personalities, define specific boundaries and prevent them from being crossed, control space, distance, but also not ignore the rights of the individual. In addition to verbal communication, it is also important to know the characteristics of non-verbal communication. The conducted research revealed that police officers take into account the interviewees belonging to a certain social group and many of them choose communication methods accordingly to make the conversation as effective as possible.

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NETWORK OF RISK PERCEPTION IN THE LITERATURE FROM 2020 TO 2023

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Abstract. *Risk perception is a process that has been taken into account for the design of management and civil protection policies. In this sense, the objective of this work was to establish the network of factors around disaster risk expectations. An exploratory, transversal and psychometric work was carried out with a sample of 10 students assigned to a public university and civil protection institutions. The results demonstrate that the node related to resilience is the centrality, grouping and structuring factor of the other nodes. Such a process suggests learning based on reaction to risks and disasters. In relation to the literature consulted, the extension of the model is recommended in order to anticipate behaviour in the face of disasters. The formative implications of the findings of this work lie in pedagogical sequences where resilience is observed and implemented in the face of contingent hypothetical situations. In this sense, the contribution of the study to the state of the art lies in the establishment of a risk management system based on a neural network of perceptual biases regarding the magnitude of the impact of the event, as well as the resources perceived as strategies for adaptation to change. .*

Keywords: *Disaster, Model, Network, Resiliencia, Risk Perception.*

Introduction

The safety of crime in public transport suggests the implementation of policies, strategies and programs for the prevention of crime and prosecution of risk events that could be exacerbated by negligence, corruption, nepotism, opacity or incompetence of the authorities as guarantors of the civil protection (Garcia, 2021: p. 107). In the context of crime safety in public transport, the state has generated public opinion currents that legitimise its administration in the management and administration of public mobility through investments in video systems: security, training of specialised police or programs, checkpoints and assistance in tolls, cabins, federal roads and bridges.

However, robberies, kidnappings, accidents and aggressions against users have generated a counter propaganda that not only discredits the rector of the State, but also replaces it with a system of citizen self-management that consists of the prevention of crime through the dissemination of alleged criminals, routes of fear or police corruption, as well as the systematic denunciation through testimonies and video recordings before the media, while self-defense actions such as the capture of delinquents or lynching's are gestated.

The Metropolitan Area of the Valley of Mexico is concentrated in most of the public transport, but only in Mexico City 80% for 45% of users and 55% mobilise in motor transport. In contrast, the State of Mexico, located around Mexico City, concentrates 20% of public transportation for 55% of its inhabitants in Mexico City. This is an imbalance that translates into the state of Mexico and Mexico City. In this way, Mexico City receives around one million 735 thousand workers and students from the State of Mexico (one million 676 thousand), Hidalgo (28 thousand), Morelos (14 thousand) and Puebla (15 thousand). However, the complaints regarding insecurity have decreased. In 2012, 2441 complaints were lodged, but in 2018 only 1564 were processed. In Metropolitan Zone of the Valle México (ZMVM) about 45% of the vehicle fleet shuttle is the public transport private car followed with 29% and taxi use 11%. Inflation (4% accumulated during 2013) of gasoline has increased by 40%, premium by 30%, diesel by 48%, while salary only increased by 28%. Mexico City occupies the last places in terms of pedestrian movement with a figure of around 2%, followed by New York City with 10% and the City of London with 20% while in the city of Bombay 55% of the deployments are on foot.

About the family economy, transportation expenses are divided into 50% for buses or minibusses, 30% for urban buses, 16% for radio taxis and 2% for metro (Inegi, 2020). In this context, it is possible to notice that the sustainability of public transport implies the establishment of a collection system according to peri-urban mobility capacities. In 2012 there were around 580 robberies that by 2015 had increased to 600 thousand assaults in public, private and concessioned transport. In the cases by demarcation, 22% of the cases were registered in the Coyoacán delegation, followed by Gustavo A. Madero with 15% of the cases, Iztapalapa with 14% and Venustiano Carranza with 12% of the crimes.

However, public transportation of cities in Mexico is considered unsafe. It is estimated that in the last eight years around 20% of users have stopped transporting in the public system, considering it highly dangerous in Mexico City. In 2011, 78% of respondents said they felt unsafe in public transport and by 2015 they increased to 80% of respondents. In 2012, the minibus with 1394, followed by the taxi with 641 and the metro with 404 crimes were the scenarios of greatest insecurity. In 2015, 983 cases occurred in the minibus, 340 in the metro and 241 in taxis.

These data exemplify the volume of governance or coordination between political and civil actors, public and private sectors around security, even though statistics highlight the reduction of complaints, crimes seem to hide the discourses surrounding the problematic, since the reduction of complaints does not imply a reduction of crimes or a civil trust in the authorities (Garcia et al., 2022: p. 5).

Therefore, the aim of this paper is to carry out a meta-analysis of the literature related to safety or insecurity as a result of exposure or non-exposure of public transport users and their impact on their physical or emotional integrity registered in 2020 to 2023. From a meta-analytical approach, it will be possible to observe the effects of safety or insecurity on the health of users to adjust mobility policies and the public administration of the system, as well as citizen self-management.

Unlike the public policies of public transport that emerge from the discretion of authorities and advisors, meta-analytic approaches allow to reveal the retrospective conditions of exposure or not to security or insecurity and its effects on the users of a system (Espinoza et al., 2022: p. 73) . In the construction of an agenda on mobility in public transport, the meta-analytic approach suggests a systematic review of the literature that reports the effects of exposure or not of risk events such as accidents or diseases associated with crime, corruption,

extortion, the negligence, opacity or nepotism of the authorities and whose effects are observed in the mental and physical health of the users.

In such a scenario of exposure to risk events such as earthquakes, fires, coalitions, floods or landslides exacerbated by government action or inaction, public insecurity is created whose effects on the health of users has been recorded in order to establish the conditions of relative risk and proportion of indispensable probabilities to build Metropolitan governance (Sanchez et al., 2022: p. 312). This is a scenario in which social diagnosis, civil protection and evaluation of such intervention are convenient. In virtue of which, the development of an integrative model of state management and social self-management are indispensable to reach agreements between the parties involved.

The mediation of public policies and social needs suppose differences between political and social actors. This is because the inclusion of citizens in the political sphere and the inclusion of rulers in civil affairs is increasingly necessary. That is, a meta-analysis of the effects of risks in public transport on the health of users is a diagnostic that guides the strategies among civil society to achieve the sustainability of a system. Metropolitan governance and its public agenda are geared towards socio-state co-management, affirming more similarities than differences between authorities and users of public transport, although the establishment of tariffs seems to be a pending issue between the government and citizens, since Subsidies will prevail to the extent that the quality of the service is low.

Even though safety and quality in public transport is an objective, a task and a common goal among political and social actors, the differences between the rates of the city center with respect to the periphery, as well as deregulation of transport. Discretionary concessions and the deterioration of public transport units affect the health of users and seem to show that there is an ungovernability and the impossibility of governance or management and administration agreed between civil society and the State.

Literature consults, focuses its interest on the effects of public policies whose dimensions it places between acultural, multicultural, multicultural, intercultural and transcultural (Coronado et al., 2022: p. 219). The reviewed publications suggest that the acultural, multicultural and multicultural policies are linked to the cases of exposure and non-exposure without health consequences, since they highlight the rector of the State and the efficient administration of the system, legitimizing increases to the public service without corresponding to the quality and safety of them.

The acultural policy is distinguished from the multicultural and multicultural to the native communities that inhabit the cities with respect to the migrant flows that go from the urban periphery to the urban centrality. This is the case of availability, quality and transport subsidy, which in the centrality is two or three times greater than the cost, availability and quality of transport in the periphery.

The multicultural policy recognizes the arrival of migrant flows for labor or educational reasons but does not subscribe to these sectors and only guarantees its security with the video surveillance system that prevails in urban centrality. That is, it responds to complaints, but does not follow up on them or seek a comprehensive resolution to the problem, justifying its inaction due to the lack of complaints or endorsing its responsibility to individuals, promoting austerity so as not to attract the attention of the offender.

Multicultural policies on public transport highlight coexistence and order as central premises between migratory flows and native communities but adjusting the uses and customs of visitors to the laws of urban centrality. In this way, a crime committed in a unit that goes from the periphery to the centrality is considered a responsibility of the federal rather than local

authority. Or, the demarcation of responsibility before the deregulation of transport in the urban periphery.

In contrast, public mobility policies from intercultural and transcultural approaches highlight the exposure and non-exposure of users to risk events derived from climate change and exacerbated by local corruption with short, medium and long-term sequels in mental health and physics of the users, reflecting in the distrust towards their authorities and the conflicts with the dependencies of government in charge of the management and administration of the system (Carreon et al., 2020: p. 5).

The intercultural policy seeks co-responsible administration between the government entities of centrality and periphery, preventing and imparting justice to crimes committed in the public transport system and assistance to victims of risk, corruption and crime, but considering a dialogue permanent relationship between government and education and labor sectors, syndicates and civil organizations for the improvement of the quality and security of the system (Garcia et al., 2020: p. 235).

Based on the increase in risk events and corruption, the cross-cultural policy seeks to reduce risks in public transport based on the elimination of administrative boundaries for decentralization and investment; generating opportunities for health, education and employment in the periphery; training employees and police, as well as promoting lives free of violence and risks to users. Based on these distinctions, it is possible to notice that the literature seems to focus on the effects of multicultural and cross-cultural policies that recognize user exposure to risk and corruption, but do not know or recognize minimal sequelae in their mental and physical health, directing their speeches towards the subdistrict to attend to the well-being of the user.

Studies related to public transport focus on the subjectivity of authorities and users when evaluating the quality and security of public resources and services from their perceptions.

Additional property are differences between users over conventional transport with reference to public transportation called sustainable (Molina et al., 2020: p. 86). They also found significant differences between the uses of electricity optimization vehicles and hydrocarbons. Regarding the perceptions of the genders regarding the tariffs and environmental impact of transport in general, they also found differences. However, with regard to high, medium and low incomes, the differences were confined to the use of bicycles, rickshaws, motorcycles and trolleys.

Public transport was established as multidimensional due to its sociopolitical context and the daily use of university, has shown hypotheses concerning econcéntrics knowledge and its impact on the perceptual differences between men and women complement the above findings. The differences that stand out in the studies regarding how public transport is considered show a central problem inherent to the user: the representation of its instrumentation for a sustainable local development. It is known that the construction of a collective transport system arises from a female ethic of caring for the environment. In contrast, masculinity considers the system and the environment instrumental for an end to comfort, but the meta-analysis emphasizes that such distinctions are exacerbated in a cultural political system.

This is the case of postmaterialism that studies of public transport highlight as an explanation to the relationship between intensive use and destination planning. To the extent that users consider that the transport is a cost-effective instrument, they will plan their arrival at central, tourist, recreational or comfort-free places without considering the crowds, accidents or insecurity that the saturation of a transport system entails. determined hours (Hernandez et al., 2021: p. 11). On the contrary, from public policies that consider public transport as a cultural

heritage which should be conserved for future generations, the ethics of female care seems to emerge as a hallmark of the choice of destinations and the prevention of risks.

From a cultural policy, public transport is an instrument of entry and exit of the workforce with a predetermined destination of production, service and consumption (Garza et al., 2021: p. 2827). It is a classic perception that semi-rural periphery must be developed in an urban environment where services proliferate, and transport is distinguished by its efficiency of transfer to work and education nodes. The ethic of care is more distinctive of this policy since it seeks the prevention of accidents and diseases that reduce the productivity of the workforce or strengthen the health system for the care due to diseases.

The policultural and multicultural initiatives that influence public transport seek to endow it with a positive experience; recreational and satisfactory for the comfort of the user who visits shopping centers or recreational nodes, appreciating the diversity of entertainment or recreation, as well as the assurance that their integrity will always be protected. The ethics of care translates into the preservation of public spaces, central locations and public squares with the aim of promoting concord and pacification as a reward for the transfer of an unsafe scenario to a guarded site, but with freedom of expression and action. The transportation system is also an instrument for inclusion of minorities that manifest themselves in public places and interact with other migratory, tourist and native flows.

The provisions for the use of public transportation that distinguish acultural, poly and multicultural policies contrast with intercultural and transcultural initiatives to regulate the activities of natives based on the rights of migrants or the work of minorities according to the requirements native (Aguayo et al., 2022: p. 297). The ethic of care is exacerbated by the availability of public transport and its nodes that are no longer distinguished by their origin or destination.

The hypothesis regarding social postmaterialism in which high incomes correspond to the use of sustainable rather than conventional transport seems to show that the habitus around the use of public transport is oriented by materialistic and therefore anthropocentric views rather than by habitus. ecocentric and postmaterialist. The use, cost and impact of public transport in the university environment implies: Perceptions related to gender knowledge and perspectives that establish significant differences among users (Sandoval et al., 2021: p. 17). Therefore, the conventional public service compared to the so-called sustainable system, when considered asymmetric, explains the transition from environmental knowledge to environmental rationality.

However, a preponderant factor in the transition towards sustainability is postmaterialism. The hypothesis of differences between economic income does not support the difference between perceptions regarding the use of sustainable transport in relation to the disuse of conventional and polluting transport. In this way, the sustainability of public transport should be explained from the effect that transport policies have on user groups.

Studies of public transport will move towards lines related to metropolitan governance in order to generate programs and strategies for management or administration from the acultural, poly, multi, inter and transcultural approaches. The corresponding public policies will not only prevent the differences between political and social actors, public and private sectors, but will also generate transport systems according to the needs of the users, not because of the image of transport or the representation of their destination, but rather the emergence of environmental care proposals. This is the case of the helplessness or despair that distinguishes the urban centrality from the urban periphery. It is an unfavorable disposition to the collective use and the subsidy with respect to the investment in the sector until achieving its sustainability and with it contributing to the conservation of the city.

The objective of this work is to establish a neural network for learning risks from perceptual biases derived from resilience to disasters.

Are there significant differences between the theoretical structure of risk perception with respect to the observations made in the present work?

Hypothesis. Given that the pandemic impacted the local risk management system, significant differences are expected in terms of the theoretical structure of risk perception compared to the dimensions deduced in this work. Such differences lie in the fact that the literature maintains the crisis scenario as its central axis and the study's assessments refer to the response capacity of the sample surveyed. Furthermore, the prolongation of the health emergency increased resilience and such relationships were damaged in the differences between the management networks and the expectations of the sample surveyed. The significant differences between the theoretical structure and empirical observation allow us to build risk communication strategies focused on the central and structural node that results from the analysis.

Method

A documentary study was carried out with a selection of sources indexed to the main repositories of Latin America: Dialnet, Copernicus, Ebsco, Frontiers, Latindex, Publindex, Redalyc, Scielo, Scopus, WoS, Zenodo and Zotero considering the publication period from 2020. until 2023, as well as the keywords: "governance", "management", "self-management", "quality", "security", "administration", "mobility" and "transport" for the case of cities with risks documented in their public transport system and effects on users.

The information was codified, following the model of decomposition:

Literature type A for cases of exposure of users to risk events (floods, landslides, fires, coalitions, earthquakes) and exacerbation of the same by corruption (negligence, opacity, nepotism, extortion) with health effects (stress, helplessness, hyperopia, distrust)

Type B literature for cases of non-exposure to risk events and corruption, but with effects on health.

Literature type C for cases of exposure to risk and corruption events, but without effects on health.

Type D literature for cases of non-exposure to risk events and corruption, but without effects on health.

The meta-analysis technique is enough in terms of the parameters you can use to reach a conclusion. In the present work, considering that the problem alludes to the possible effects or not of risks in the public transport on the health of the users, the meta-analysis is understood as an instrument for the diagnosis of possible consequences for the use of public transport in users who may or may not be exposed to floods, fires, environmental contingencies, pollution, insecurity, violence and crime, associated with stress, exhaustion, depersonalization or frustration.

The information was processed in the statistical package for social sciences (SPSS version 23.0). The proportions of probability (OR) were estimated with a level of significance of 95%

The OR parameter (odds ratio) is used in health sciences to communicate the results of a research, referring to a coefficient between two occurrence probabilities of an event in order to anticipate a relative risk (RR), although in retrospective designs the OR parameter is more used.

The RR estimates suppose confusion biases since they endorse the effect of different risks allusive to the observed events, being the estimation of adjusted OR more feasible since the weighting of adjusted RR cannot be carried out with the most commonly used technique as

logistic regression, only binomial logarithmic models reduce confounding bias by providing RR and OR adjustment.

In this way, the formula to explain prospective and retrospective events is:

Prospective: OR = (a / b) (c / d); being a = exposed, b = intervened, c = not exposed and d = not intervened

Retrospective or unpaired cases and controls: OR = (a / c) (b / d) where a and c are the subjects' exposure to an event of interest, as well as c and d or exposure of the subjects without the event of interest. In both studies, as well as in cross-sectional studies, the confidence interval that suggests the degree of OR variability is fundamental.

Then, the information was processed in a matrix of content analysis with the purpose of extracting the **main concepts of the security agenda in public transport** and to establish hypotheses concerning the trajectories of the relationships between the selected concepts. Finally, the scope and limits of the model proposed in the framework of co-government between authorities and users were discussed.

From the literature of findings that relate or not the possible effects of risks in public transport with respect to the health of users with no sequelae, 100 expert judges in the thematic areas rated the results in a Delphi questionnaire in three rounds of feedback from opinions.

The information was coded from the Delphi technique, which suggests the qualification of experts considering: 0 for literature that reports no exposure and no user involvement; 1 for the literature that reports the exhibition, but not affect; 2 for literature that warns of exposure and affectation; 3 for the report of exposure and affectation.

Once the first qualification round was made, the results were returned to the judges who adjusted their qualification criteria or maintained their position. In a third final round, the lower and higher scores of judges who maintained their position or modified it were eliminated, but they deviated from the consensus.

Results

The proportions of probability of occurrence of risk events and their possible effects on the health of users. The associations between the types of policies and the types of literature allowed to carry out models to investigate their structural composition.

Table 1. Centrality measures per variable

Source: Elaborated with data study

	Network			
Variable	Betweenness	Closeness	Strength	Expected influence
Unpredictable	0.608	1.330	1.112	1.289
Uncontrollable	-0.532	-1.083	-1.026	0.366
Immeasurable	-1.291	-2.021	-1.816	-0.087
Propensity	-0.152	-0.202	-0.624	0.767
Aversion	-0.911	0.772	0.336	0.259
Vulnerability	-0.532	-0.160	1.278	0.273
Resilience	2.127	0.962	0.903	-1.423
Danger	-0.532	-0.303	0.459	-2.036
Risk	0.608	0.501	-0.478	0.048
Exposure	0.608	0.204	-0.143	0.543

Once the probabilities of relative risk were established around the risk events and their effects on the local health of public transport users, we proceeded to estimate their structure of relationship trajectories, considering the possible combinations between the types of policies and the types of literature (see Table 1).

Table 2. Clustering measures per variable
Source: Elaborated with data study

	Network			
Variable	Barrat	Onnela	WS	Zhang
Aversion	2.069	0.710	1.445	1.383
Danger	-0.383	0.550	0.557	-0.462
Exposure	-0.209	-0.459	-0.776	0.679
Immeasurable	0.544	-1.166	0.557	0.131
Propensity	0.733	-0.299	0.557	0.483
Resilience	-1.663	-0.580	-1.220	-2.290
Risk	0.376	1.987	1.356	0.240
Uncontrollable	-0.276	-1.368	-0.776	-0.706
Unpredictable	-0.615	0.614	-0.776	-0.059
Vulnerability	-0.577	0.011	-0.924	0.600

It is possible to appreciate that the trajectories of reflective relationships between the types of policies and the types of literature suggest a moderate relative risk. That is, the literature seems to record different exposures or not to risk events with different effects or not to the health of the users, highlighting the allusive to non-exposure and non-impact that in the acultural policies are established as a metropolitan agenda (see Table 2).

Table 3. Weights matrix

	Network									
Variable	Unpredictable	Uncontrollable	Immeasurable	Propensity	Aversion	Vulnerability	Resilience	Danger	Risk	Exposure
Unpredictable	0.000	0.095	-0.106	0.103	-0.350	0.260	0.000	0.150	0.377	0.438
Uncontrollable	0.095	0.000	-0.159	0.203	-0.026	0.028	0.073	0.000	-0.110	0.368
Immeasurable	-0.106	-0.159	0.000	0.215	0.039	0.034	0.138	0.070	0.000	0.000
Propensity	0.103	0.203	0.215	0.000	0.242	-0.183	-0.058	0.189	0.000	-0.023
Aversion	-0.350	-0.026	0.039	0.242	0.000	0.718	0.000	-0.141	0.000	-0.066
Vulnerability	0.260	0.028	0.034	-0.183	0.718	0.000	-0.266	-0.193	-0.118	0.143
Resilience	0.000	0.073	0.138	-0.058	0.000	-0.266	0.000	-0.817	0.410	0.036
Danger	0.150	0.000	0.070	0.189	-0.141	-0.193	-0.817	0.000	0.000	-0.070
Risk	0.377	-0.110	0.000	0.000	0.000	-0.118	0.410	0.000	0.000	-0.257
Exposure	0.438	0.368	0.000	-0.023	-0.066	0.143	0.036	-0.070	-0.257	0.000

With the purpose of observing the emergence of a common policy to the acultural, poly, multi, inter and transcultural policies, the estimation of a confirmatory structure was carried out.

It is possible to observe the emergence of a health policy configured from the acultural, poly, multi, inter and transcultural perspectives, suggesting a dependency relationship between these elements that would explain the composition of the health policy in terms of attention to the effects of risk events in public transport and its effect on users' health during the period from 2020 to 2023 (see Table 3).

The relations between the types of policies and the types of literature allowed to carry out an analysis of relations of dependence between the elements. The structure of dependency relations between the types of policies and the types of literature show that the acultural policies, indicated by literature that reports the exposure or not of users of public transport in risk events and that had effects on their health or not, influenced local health policies, indicated by the four types of exposure and sequelae enunciated.

In order to observe the probability ratio structure, the ranges and probability of occurrence were established. It is possible to see that there is a greater proportion of the probability that the principles of the cultural policy affect the local health policy. Next, the foundations of poly and multicultural politics would be influencing more than intercultural and transcultural presuppositions, suggesting that public transport is an instrument of management and risk management related to the effects of health events.

Discussion

The contribution of the present work to the state of the question lies in a meta-analysis of the contributions to the incidence of risk events associated with corruption on environmental public health, although the design of the research limits the findings to the local scenario, suggesting the extension of work to other metropolises in Latin America.

The technique of data meta-analysis allows glimpses of public transport as a contingent phenomenon that aggravates the risks and could reduce them whenever the metropolitan policies recognize exposure and with or without sequelae, as well as non-exposure and its minor effects or maximums in the health of the users.

The risk learning structure based on expectations has been reported in the literature as the central axis of the risk management, communication and management agenda. In this framework, resilience, a central factor of the established model, is a node linked to vulnerability. As threats, dangers and disasters emerge, vulnerability increases and resilience intensifies. This process of teaching and learning risk management is a function of the expectations of the parties involved. The literature suggests that the situation and magnitude define perception, although in the present work it is the capacity for resilience in the face of the environment or contingency that determines perception. In this way, a risk perception oriented towards risk communication is associated with the capacity for resilience and not only with the type of impact.

Perceptual biases around risk highlight heuristics as guiding principles for decisions and actions, but these shortcuts can be derived from dispositions in favor of risks. In other words, resilience focused on shortcuts to decisions and actions suggests adaptation to change. As an indicator of resilience, adaptation to change reflects the learning of a reactive system in the face of threats, dangers and disasters.

Therefore, it is advisable to approach risk management based on adaptive biases to change that reflect a degree of resilience to crises. The anticipation of risk aversion or propensity scenarios involves the establishment of a management system where learning is a function of adaptive responses to contingencies or disasters.

The pedagogical sequences that will allow a dissemination of risk management based on resilience must highlight adaptation to change. Once identified as the guiding axis of neural learning, risk propensity will define the type of resilience, the type of perception and the type of risk management.

Conclusion

The aim of this paper was to carry out a meta-analysis of public transport studies in order to compare metropolitan policies in the face of risk events and their effects on users. The review highlights the emergence of acultural, poly, multi, inter and transcultural systems to the extent that public transport was designed as an instrument of rural development management in reference to the city.

However, risk events have highlighted their effects on environmental public health, the emergence of an environmental care ethic and have highlighted a collective response of users known as postmaterialism to explain the intensive use of transport no longer only for its image and destiny, but for the idea of considering that the economic welfare generates more needs of transfer and shelter.

The consequences of the impact of risk events and public policies on the health of users is not explicitly recognized in the acultural, multicultural and multicultural approach, but it is in the intercultural and transcultural approach where the symbolization of these sequelae in diseases prevails. , accidents or contingencies.

Lines of research related to metropolitan public transport policies and their relation to risk events will allow us to anticipate contingent and differentiating scenarios between political and social actors, as well as between the public and private sectors.

The meta-analytical technique has allowed to differentiate the literature that deals with public policies, exposure risk events and probable sequels in users, but an analysis of the trajectories of relationships between these variables will allow to observe the efficiency of the programs and the effectiveness of the strategies to reduce risks, prevent accidents and address the illnesses derived from the transfer of users from the urban periphery to the central city.

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THE IMPACT OF ENVIRONMENTAL UNCERTAINTY ON CAREER MANAGEMENT

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Abstract. *The purpose of the study is to determine what factors affect the career opportunities of employees in the organization. A quantitative survey was conducted using the Anketa.lt website. Statistical Package for Social Science (SPSS) version 24.0 was used for statistical analysis of the survey data. The data analysis was carried out using descriptive statistics, comparisons between groups (Mann-Whitney, Kruskal-Wallis, χ^2 tests, Z-tests) and tests for statistical relationships (Spearman).*

The results of the study showed that the most important factors affecting career management and career opportunities in an organisation were the pandemic, the organisation's lack of concern for employees' careers, too much competition and a lack of cooperation between the organisation and employees. Environmental uncertainty factors were found to have a greater impact on younger and less experienced employees. Remote or hybrid workers are less likely to be exposed to uncertainty factors. The results of the study show that during the Covid-19 pandemic, uncertainty was amplified and affected men more than women. Most respondents are from the business sector, so restrictions on the survey are possible. The results of the study should help organizations respond more adequately to the influence of environmental uncertainty factors on the career management of their employees.

The paper analyses the uncertainty factors that influence the career management process in organisations.

Keywords*: career, career management, high environmental uncertainty*.

Introduction

According to Adamonienė et al. (2022), we live in a constantly changing and challenging environment. The field of career management also faces many challenges. Most employees feel stressed as a result. Organisations, employees, and career management in organisations are affected by environmental uncertainty.

A career is a long-term process of job opportunities, experience, and lifelong development. Careers are important for both the employee and the organisation. According to Rapuano and Valickas (2021), the role of organisations in career management is to help employees to develop their career potential, while strengthening their and their organisations' competitiveness. Employee career management is a process of planning, coordination, implementation, and control (Adamonienė et al. 2022).

Uncertainty affects the organisation's performance and employees. The internal factors that most affect career management in an organisation are mobbing in the work environment, intense competition between employees, inadequate communication within the organisation, the organisation's lack of concern for the career management of its employees, the organisation's rigidity, and the lack of cooperation between employees and the organisation. External environmental uncertainties include the unstable labour market situation and the COVID-19 pandemic. The Covid-19 pandemic has contributed significantly to environmental uncertainty in recent years. The pandemic has had a direct impact on the labour market, as the resulting constraints have caused some workers to lose their jobs. The nature and order of operations, working conditions and communication methods have changed.

Career management under environmental uncertainty is addressed by Čiutienė (2008), Serbes and Albay (2017), Ozguner (2014), Gyasam and Guantai (2018), Paichadze et al. (2019), Greenhaus et al. (2019), Uchejeso et al. (2020), Sarianti and Octerindah (2021), Barnes et al. (2021), Adamonienė et al. (2022), among others.

A review of recent research on the impact of organisational environmental uncertainty on employees' careers reveals that there is a lack of work that examines employees' careers in the context of high environmental uncertainty in the context of the most recent challenges in the organisational environment. As a result of the research analysis, it is noted that there is a lack of clearly identified factors that directly affect the career management of employees in organizations. This article should fill this research gap. The aim of this paper is to theoretically and empirically investigate the determinants of the influence of employee career management in the context of organizational environmental uncertainty.

The study focuses on the factors influencing career management. The aim of the study was to describe the factors influencing career management in the context of uncertainty of the organisational environment by means of the analysis of scientific literature and the results of an empirical study.

Research methods: scientific literature analysis, quantitative research - questionnaire survey. Statistical *Package for Social Science (*SPSS) version 24.0 was used for statistical analysis of the research data. The data analysis was carried out using descriptive statistics, comparisons between groups (Mann- Whitney, Kruskal-Wallis, χ^2 tests, Z-tests) and tests for statistical relationships (Spearman).

The article discusses career management, environmental uncertainty, and its impact on the career management process. It then moves on to the research part of the paper, discussing the research methodology, demographic statistics, and results. The paper concludes with the conclusions of the study.

Theoretical Analysis Career Management

Today, a career is seen as a continuous process of learning and development. To establish oneself and make a difference to an organisation, a person needs to continuously develop, learn, and push the boundaries of his or her capabilities (Adamonienė, 2022). A career is a long-term process of employability, experience, and lifelong learning. A career is also seen as a pattern of work experience that includes many phases and stages of life, and the transition from one stage to another (Gyasam & Guantai, 2018). It is not defined only as a profession or a job, but it is a continuous self-improvement, strengthening of knowledge and skills at all stages of life, resulting in a successful career (Adamonienė, 2022).

Careers can be discussed from two perspectives: organisational and personal careers (Uchejeso et al., 2020). The following models can be distinguished:

- ✓ Organisational (also known as traditional, bureaucratic, vertical) model;
- ✓ Personal (also known as horizontal, contemporary, or variable) model.

The traditional view is that careers can only be developed in a single organisation, whose members perceive careers as a linear progression from the bottom to the top, with all career stages being passed through (Korsakienė & Smaliukienė (2014) according to Baruch, 2004). In contrast to traditional careers, volatile careers are characterised by relationships that are not built by the organisation, but by the individual, and that need to be renewed over time as both the individual and the organisation change from time to time (Korsakienė & Smaliukienė (2014) according to Hall, Moss (1988)).

According to Adamonienė et al., (2022), a bureaucratic career is characterised by a "career ladder" structure in the organisation, individual achievements are compared with those of others of the same age, and career futures and plans are clear, predictable, and linked to the organisation. Bureaucratic careers are characterised by stable, clear future progression, obedience, and specific skills. The modern career model emphasises the importance of a flexible organisational structure, job satisfaction, self-development, and an individual and unique approach to success. Career plans are unpredictable and social security depends on personal and social factors. Modern careers value innovation, initiative, and creativity.

Career management is a purposeful process that involves engaging an individual in a range of activities that influence his or her high level of performance and professional growth (Paichadze et al., 2019). Career management involves the development of an employee's personal and environmental insights, strategies, and feedback (Sarianti & Octerindah, 2021). According to Dagienė (2018), the individual anticipates his or her own opportunities, observes the alternatives available in the organization, and sets and implements realistic career goals. The employee creates strategies, implements them, and receives feedback. In recent years, careers are no longer identified only with career progression (vertical career), salary or status. The measure of a career is personal achievement, self-development, upskilling, acquiring new competences and responsibilities. Career success is measured individually. What matters is the employee's sense of fulfilment, self-esteem, and job satisfaction. Organisational careers cover career management and planning in organisations and looks at the programmes or activities that an organization uses to help employees. This includes training and development opportunities, performance appraisal systems, performance planning and monitoring programmes. This is how the organization secures competent employees (Uchejeso et al., 2020)

According to Greenhaus et al. (2019), career management processes are becoming unpredictable and unstructured. Technology, websites, and social networking play a major role in career management. Flexibility, adaptability, and employability are the hallmarks of effective career management. In career management, employees:

- ✓ Gathers relevant information about themselves and their work;
- ✓ Based on the information available to them, they form a clear picture of their interests, abilities and values;
- ✓ Using the information gathered, develop specific career goals;
- ✓ Develops a strategy on how career goals should be achieved;
- ✓ Awaiting feedback on the effectiveness of the strategy.

Career management refers to the strategies and practices that are used to plan the development and progression of employees (Barnes et al., 2021). According to Adamonienė et al., (2022), career management is important for both the individual and the organisation. Career management is driven by continuous changes in the environment. Individuals who can notice and perceive these changes in the environment can build successful careers. Career management is not only about the individual but also about the environment and the organisation. Only a proper interaction of all these factors can guarantee a successful career. "If an organisation provides opportunities for successful adaptation, career progression, learning and development, the employee will be interested in working productively and staying with it" (Vidrinskaitė, 2020). Organisations can make a significant contribution to employees' career management through career management processes and should look for ways to support, engage and enable employees to progress in their careers.

Environmental uncertainty

The literature analysis has shown that environmental uncertainty factors have an impact on society, organisations, employees, and their career management in organisations. In terms of uncertainty, market dynamism, competition, increasing pace of change, technological development, organisational flexibility, collaboration, and communication are mentioned (Vveinhardt, 2017). These factors are not only important for the psychological health of the employee, but also for the performance and career in the organisation (Hyo Sun Jung et al., 2021). Organisations consider the organisational environment when making decisions. Factors such as globalisation, increasing competition, technological developments and rapid developments

in various fields create a sense of uncertainty (Pires & Alves, 2022). Increasing dynamism, unforeseen changes and increased competition require more intellectual knowledge and resources.

In relation to organisational uncertainty, Jucevičius et al., (2017) highlight the importance of the concepts of environmental dynamism and environmental complexity. The higher the rate of dynamicity parameters in an organisation, the more uncertain the organisational environment is and the more difficult it is to predict. In organisational environments with high rates of technological change, consumer volatility and increasing competition, the degree of uncertainty is very high. Another concept, environmental complexity, refers to the extent to which the factors affecting organisations are known, studied and predictable. Complex environments are characterised by differences between actors, their opinions, and values, and by the rapid development and implementation of new developments and innovations (see Table 1).

Table 1. Dimensions of environmental uncertainty: complexity, dynamism, and information needs.
Source: Jucevičius, Bakanauskienė, Brasaitė et al. (2017 p. 19) based on Duncan (1972) and Hatch et al. (2006).

COMPLEXITY	**SPEED OF ENVIRONMENTAL CHANGE** **Small**	**Large**
	Low uncertainty The information you need is known and available.	**Medium uncertainty** Constant demand for new information.
	Medium uncertainty Information overload.	**High uncertainty** Not sure what information would be needed.

With different levels of complexity and speed of change in the environment, the level of uncertainty also varies. The challenges are different in each case. The relationship and interaction between complexity, the rate of change in the environment and the information available is evident. The more information an organisation has, the lower the level of uncertainty. "Lack of social information, economic difficulties lead to stress. This leads to either apathy or perfectionism in the workplace. The consequences are mistakes, losses, frustration, burnout, or depression" (Ramašauskienė, 2022).

The unexpected global spread of the Covid-19 pandemic has further increased organisational uncertainty. Uncertainty encourages employees to engage in harmful behaviour

through a negative psychological response - mobbing. "Uncertainty can become a significant condition that causes friction between employees and increases the level of antisocial interpersonal conflict, which in one way or another affects the psychological climate of a group or organisation" (Vveinhardt, 2017).

Communication plays an important role in an organisation and influences the mental and physical well-being of employees. In a highly uncertain and dynamic change environment, organisations should clearly communicate change, vision, and motivation to employees.

The literature analysis identifies the following environmental uncertainty factors as the most important influencing factors in the career management process: (see Table 2).

Table 2. Internal and external uncertainty factors of career management.
Source: compiled by the author.

Internal Uncertainty Factors	**External environmental uncertainties**
Mobility in the work environment	Unstable labour market situation
High competition among employees	COVID-19 pandemic
Poor communication within the organisation	
Organisational neglect of staff career management	
Organisational rigidity	
Lack of cooperation between employees and the organisation	

The internal factors that most affect career management in an organisation are mobbing in the work environment, intense competition between employees, inadequate communication within the organisation, the organisation's lack of concern for the career management of its employees, the organisation's inflexibility, and the lack of cooperation between employees and the organisation. External environmental uncertainties such as instability in the labour market and the COVID-19 pandemic.

Environmental factors and adaptation to them are very important for every individual. The ability to adapt to the environment is the key to being able to represent oneself. The individual shall plan and regulate his/her actions and plans in the light of environmental factors.

Part of the study

A questionnaire survey was carried out to find out how employees' career management is affected by environmental uncertainties. In this case, to find out more specific factors that affect the career management of employees, the form of the questionnaire was chosen. The form of the questionnaire helped to identify and refine more factors that in one way or another influenced the career management process of employees working in different sectors. According to the latest data from the official statistics portal for the year 2021, the population of Lithuania is 2.801 million. Of these, 1 million 280.2 thousand people are employed. The survey sample was calculated using the calculator created by Anketa.lt. The estimated sample size is 383 respondents. This is the number of respondents that needed to be surveyed to reflect the opinion of all respondents with a margin of error of 0.5%. A random subset of the items in the general set is selected, the prevalence of the required attribute is examined and the prevalence across the general set is inferred from it. Individuals were randomly selected for the survey by posting survey links on Linkedin and other websites. An anonymous questionnaire was chosen to increase the number of respondents and openness.

Statistical *Package for Social Science* (SPSS) version 24.0 was used for the statistical analysis of the survey data. The data analysis used descriptive statistics, comparisons between

groups (Mann-Whitney, Kruskal-Wallis, χ^2 tests, Z-tests) and tests for statistical relationships (Spearman).

387 respondents took part in the survey. The majority of the respondents, 70.5% (n=273), were women and 29.5% (n=114) were men. Around 14% (n=54) were aged 18-25, 64.6% (n=250) were aged 26-40, 20.9% (n=81) were aged 41-64, and 0.5% (n=2) were aged over 65. Most of the workers in the study had a university degree, 7.8% (n=30) had a college degree, 1.3% (n=5) had a post-secondary degree and 1.8% (n=7) had a secondary education. About 46.5% (n=180) were those with more than 5 years of experience in the organisation and 43.2% (n=167) with more than 10 years of total experience. More than half of the 55.8% (n=216) of the subjects indicated that they work on the premises of the organisation, only 9% (n=35) work remotely, and 35.1% (n=136) of the subjects work in a hybrid way (remotely and on the premises). Also, more than two thirds of the 72.6% (n=281) were employed in the business sector, 25.8% (n=100) were employed in the public sector and 1.6% (n=6) were employed in non-governmental organisations.

The analysis of the survey results showed that the most important factors affecting employees' career prospects were the pandemic (37%; n=143), the organisation's lack of concern for its employees and their careers (36.4%; n=141), too much competition between employees (33.9%; n=131), lack of cooperation between employees and the organisation (33.3%; n=129) and inadequate communication within the organisation (30%; n=116). A quarter of employees were also affected by the unstable situation on the labour market (25.3%; n=98) and 15.5% (n=60) were affected by mobbing at work. However, 18.3% (n=71) of the respondents indicated that their career opportunities were not affected, while others (0.8%) were affected by the risk of bankruptcy of the organisation, family, lack of experience or lack of clarity on their career vision (see Figure 1)

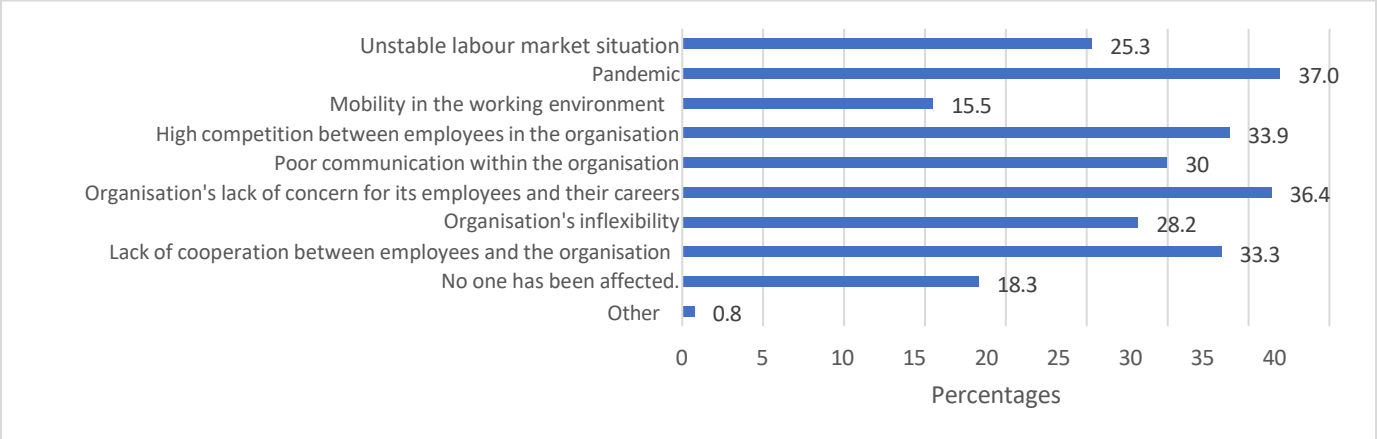

Figure 1. Environmental uncertainty factors affecting employees' career prospects in the organisation, percentage

It was found (see Figure 1) that workers aged 26-40 (31.2%) were more likely to be affected by the instability of the labour market than those aged 18-25 (11.1%) or over 41. (16.9%) (χ^2=13.472; df=2; p=0.001), and mobbing in the work environment (19.6%), than those aged 18-25 (3.7%) or over 41 (10.8%) (χ^2=10.318; df=2; p=0.006). However, employees aged 18-25 (48.1%) were more likely to be affected by intense competition than those aged 26-40 (30.4%) or over 41 (34.9%) (χ^2=6.303; df=2; p=0.043), as well as by inadequate communication (46.3%) than those aged 26-40 (28%) or over 41 (25.3%) (χ^2=8.182; df=2; p=0.017). They were also more likely to be affected by the organisation's lack of concern for employees (61.1%) than

26–40-year-olds (31.2%) or over 41s (36.1%).) (χ^2=17.159; df=2; p<0.001), and lack of cooperation (51.9%) than employees aged 26-40 (29.6%) or older than 41 (32.5%) (χ^2=9.925; df=2; p=0.007).

Table 3. Environmental uncertainty factors affecting employees' career prospects in the organisation by age, % (n)

Factors	Age			p (χ^2 tests)
	18-25	26-40	> 41	
Unstable labour market situation	11,1 (6)	31,2 (78)	16,9 (14)	0,001*
Pandemic	29,6 (16)	39,2 (98)	34,9 (29)	0,381
Mobility in the work environment	3,7 (2)	19,6 (49)	10,8 (9)	0,006*
High competition between employees in the organisation	48,1 (26)	30,4 (76)	34,9 (29)	0,043*
Poor communication within the organisation	46,3 (25)	28 (70)	25,3 (21)	0,017*
Organisations not caring about their employees and their careers	61,1 (33)	31,2 (78)	36,1 (30)	<0,001*
Organisational rigidity	35,2 (19)	27,2 (68)	26,5 (22)	0,462
Lack of cooperation between employees and the organisation	51,9 (28)	29,6 (74)	32,5 (27)	0,007*
No one has been affected	11,1 (6)	18,4 (46)	22,9 (1)	0,220
Other	1,9 (1)	0,8 (2)	-	0,481

** - p<0.05 when comparing by group*

It was found (see Table 3) that men (43%) were more likely than women (17.9%) to be affected by an unstable situation on the labour market (χ^2=26.651; df=1; p<0.001), by mobbing in the work environment (36.8% and 6.6%, respectively) (χ^2=56.169; df=1; p<0.001), by inadequate communication in the workplace (42.1% and 6.6%, respectively), by poor communication in the workplace (42.2% and 6.6%, respectively), and by poor communication in the workplace (42.3% and 4.1%, respectively). (χ^2=11.330; df=1; p=0.001), the organisation's lack of care for employees (44.7% and 33% respectively) (χ^2=4.810; df=1; p=0.037), the organisation's rigidity (36% and 24.9% respectively) (χ^2=4.859; df=1; p=0.035). We can also summarise that women (23.1%) were more likely to be unaffected than men (7%) (χ^2=13.845; df=1; p<0.001).

It was found (see Table 4) that those working on the premises of the organisation (29.6%) or remotely (28.6%) were more likely to be affected by the unstable situation on the labour market than those working in a hybrid way (17.6%) (χ^2=6.551; df=2; p=0.038). It was also found that those working on the premises of the organisation were more likely to be affected by mobbing in the work environment (24.5%) than those working remotely (neither) or in a hybrid setting (5.1%).) (χ^2=31.012; df=2; p<0.001), as well as high competition (39.8%) than those working remotely (20%) or in a hybrid mode (27.9%) (χ^2=8.551; df=2; p=0.014).

Table 4. Environmental uncertainty factors affecting employees' career prospects in the organisation by gender, % (n)

Factors	Gender		p (χ^2 tests)
	Men	Women	
Unstable labour market situation	43 (49)	17,9 (49)	<0,001*
Pandemic	30,7 (35)	39,6 (108)	0,107
Mobility in the work environment	36,8 (42)	6,6 (18)	<0,001*
High competition between employees in the organisation	37,7 (43)	32,2 (88)	0,346
Poor communication within the organisation	42,1 (48)	24,9 (68)	0,001*
Organisations not caring about their employees and their careers	44,7 (51)	33 (90)	0,037*
Organisational rigidity	36 (41)	24,9 (68)	0,035*

Those working on the premises of the organisation were found to be more affected by inadequate communication within the organisation (39.8%) than those working remotely (11.4%) or hybrid (19.1%).) (χ^2=23.337; df=2; p<0.001), and the organisation's lack of care for its employees (45.4%), than those working remotely (20%) or in a hybrid (26.5%) (χ^2=17.359; df=2; p<0.001). Similarly, those working on- site (34.7%) were more likely to be affected by the rigidity of the organisation than those working remotely (20%) or hybrid (19.9%) (χ^2=10.388; df=2; p=0.006), and by the lack of collaboration (42.1%) than those working remotely (11.4%) or hybrid (25%) (χ^2=19.328; df=2; p<0.001).

Table 5. Environmental uncertainty factors affecting employees' career prospects in the organisation by type of work organisation, % (n)

	Method of work in organization			
Factors	On the premises of the organisation	Remote	Hybrid	p (χ^2 tests)
Unstable labour market situation	29,6 (64)	28,6 (10)	17,6 (24)	0,038*
Pandemic	36,1 (78)	37,1 (13)	38,2 (52)	0,922
Mobility in the work environment	24,5 (53)	-	5,1 (7)	<0,001*
High competition between employees in the organisation	39,8 (86)	20 (7)	27,9 (38)	0,014*
Poor communication within the organisation	39,8 (86)	11,4 (4)	19,1 (26)	<0,001*
Organisations not caring about their employees and their careers	45,4 (98)	20 (7)	26,5 (36)	<0,001*
Organisational rigidity	34,7 (75)	20 (7)	19,9 (27)	0,006*
Lack of cooperation between employees and the organisation	42,1 (91)	11,4 (4)	25 (34)	<0,001*
No one has been affected	8,3 (18)	37,1 (13)	29,4 (40)	<0,001*
Other	-	5,7 (2)	0,7 (1)	0,002*

* - p<0.05 when comparing by group

Those working hybrid (29.4%) or remotely (37.1%) were more likely not to be affected than those working on-site (8.3%) (χ^2=33.827; df=2; p<0.001) (see Table 5)

When analysing the impact of environmental uncertainties by job sector (see Table 6), those working in the public sector were more likely to be affected by labour market instability (47%) than those working in the business sector (17.1%).) (χ^2=35.270; df=1; p<0.001), mobbing in the work environment (51% and 3.2%, respectively) (χ^2=126.993; df=1; p<0.001), inadequate communication within the organisation (45% and 3.2%, respectively), and inadequate communication within the organisation (45% and 4.2%, respectively). (χ^2=13.562; df=1; p<0.001) and organisational rigidity (46% and 22.4% respectively) (χ^2=20.78; df=1; p<0.001). However, those working in the business sector were more likely to be affected by the pandemic (41.6%) than those working in the public sector (24%) (χ^2=9.841; df=1; p=0.002) and by intense competition (38.1% and 24% respectively) (χ^2=6.479; df=1; p=0.014). They were also more likely to be unaffected (21%) than those working in the public sector (9%) (χ^2=7.239; df=1; p=0.006).

Table 6. Environmental uncertainty factors affecting employees' career prospects in the organisation by sector of work, % (n)

Factors	Labour sector		p (χ^2 tests)
	Business	**Public**	
Unstable labour market situation	17,1 (48)	47 (47)	<0,001*
Pandemic	41,6 (117)	24 (24)	0,002*
Mobility in the work environment	3,2 (9)	51 (51)	<0,001*
High competition between employees in the organisation	38,1 (107)	24 (24)	0,014*
Poor communication within the organisation	25,3 (71)	45 (45)	<0,001*
Organisations not caring about their employees and their careers	35 (100)	40 (40)	0,469
Organisational rigidity	22,4 (63)	46 (46)	<0,001*
Lack of cooperation between employees and the organisation	34,5 (97)	32 (32)	0,713
No one has been affected	21 (59)	9 (9)	0,006*
Other	0,7 (2)	1 (1)	0,779

* - p<0.05 when comparing by group

Workers with less work experience were found to be more negatively affected by the pandemic (r=-0.160; p=0.002). Similarly, those working in the public sector (M=2.36) were more likely to be negatively affected by the pandemic than those working in the business sector (M=2.69) (U=11611.5; p=0.007).

It was observed (see Table 6) that those working on the premises of the organisation (75.5%) were more likely to have increased feelings of uncertainty and insecurity than those working remotely (45.7%) or hybrid (50.7%).) (χ^2=27.811; df=2; p<0.001), and they are more likely to perceive that competition within the team has increased (37%) than those who work remotely (14.3%) or in a hybrid (17.6%) (χ^2=19.172; df=2; p<0.001). Those working on the premises of the organisation (10.2%) were more likely to believe that mobbing occurred in the organisation during the pandemic constraints than those working remotely (neither) or hybrid (0.7%) (χ^2=15.763; df=2; p<0.001). They were also more likely to experience poorer

performance (20.4%) than those working remotely (5.7%) or hybrid (7.4%) (χ^2=13.810; df=2; p=0.001). However, teleworkers (40%) and hybrid workers (37.5%) were more likely to be able to reconcile work and family than those working on the premises of the organisation (6.9%) (χ^2=56.280; df=2; p<0.001).

Table 7. Impact of Covid-19 pandemic constraints on workers according to work organisation, percent

Problems	Method of work organisation			p (χ^2 tests)
	On the premises of the organisation	Remote	Hybrid	
Increased sense of uncertainty	75,5 (163)	45,7 (16)	50,7 (69)	<0,001*
Increased competition within the team	37 (80)	14,3 (5)	17,6 (24)	<0,001*
Mobbing in the organisation	10,2 (22)	-	0,7 (1)	<0,001*
5Work performance has deteriorated	20,4 (44)	5,7 (2)	7,4 (10)	0,001*
Working from home has increased opportunities to combine work with family time	6,9 (15)	40 (14)	37,5 (51)	<0,001*
Not affected	15,3 (33)	20 (7)	15,4 (21)	0,770
Other	0,5 (1)	-	1,5 (2)	0,496

* - p<0.05 when comparing by group

The results showed that during the pandemic, mobbing was more frequent in the public sector (21%) than in the business sector (0.7%) (χ^2=53.519; df=1; p<0.001), and that performance was worse in the public sector (35%) than in the business sector (7.5%) (χ^2=44.573; df=1; p<0.001) (see Table 6).

Conclutions

Younger workers with less experience were found to be more affected by the pandemic and by internal uncertainty factors such as competition between colleagues, poor communication within the organisation, lack of support from the organisation in career management and mobbing.

Career prospects in organisations have been most affected by the pandemic, organisational neglect of their careers, too much competition between employees and a lack of cooperation.

On-site workers were more likely to be affected by poor communication within the organisation, the organisation's lack of concern for employees and their career management, the organisation's inflexibility, lack of cooperation and mobbing than remote and hybrid workers. It was observed that those working on the premises of the organisation during the Covid-19 pandemic had a greater sense of uncertainty, increased competition within the team and mobbing than those working remotely or in a hybrid environment. It could be argued that remote or hybrid workers are less likely to experience uncertainty.

When analysing the impact of environmental uncertainties by job sector, public sector workers were more likely to be affected by labour market instability, pandemics, mobbing, poor

communication, and organisational rigidities than those in the business sector. However, those working in the business sector were more affected by competition between colleagues.

The Covid-19 pandemic has increased uncertainty, increased competition within teams and reduced performance. Men were more likely than women to experience increased uncertainty.

Based on the results of the study, organizations are recommended to pay attention to the career management of young and employees with less work experience.

Depending on the results of the study, organizations are recommended to pay attention to the factors of career management strategies, communication, flexibility, competition in teams, mobbing, and cooperation, which clearly affect the career management of employees.

Organizations are recommended to provide employees remote or hybrid work opportunities to reduce the impact of environmental uncertainty on employees and their career management in the organization.

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STATINIŲ STATYMO AR REKONSTRAVIMO NUOMOJAMOJE VALSTYBINĖJE ŽEMĖJE PROBLEMATIKA

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Anotacija. *Straipsnyje aptariamas valstybinės žemės nuomos teisinis reguliavimas ir jo ypatumai Lietuvoje. Valstybine žeme gali būti disponuojama įvairiais būdais, įskaitant perleidimą neatlygintinai, parduodant, išnuomojant ar perduodant neatlygintinai naudotis. Straipsnyje dėmesys skiriamas valstybinės žemės nuomai, kaip alternatyvai žemės įsigijimui, suteikiant laikiną valdymo ir naudojimo teisę bei nuosavybės teisę į gaunamus produktus.*

Autorės tyrimo objektu pasirinko atlyginimo už valstybinėje nuomojamojoje žemėje esančio naujo statinio statybą ar rekonstrukciją, kai valstybinės žemės sklypas išnuomotais atitinkant Žemės įstatymo 9 str. 6 d. 1 p. nurodytą išimtį, norminį reguliavimą. Tyrimo tikslas – atskleisti šio atlyginimo teisinį reguliavimą, taikymo ir apskaičiavimo problematiką.

Teisiniu reguliavimu įtvirtintas „atlyginimas už galimybę statyti“, todėl straipsnyje pateikiama „atlyginimo“. „mokesčio“ ir „rinkliavos“ terminų analizė. Taip pat atskirai aptariamas atlyginimo objektas. Nors įstatymas numato, jog „atlyginimas už galimybę statyti“ taikomas visiems statiniams ir įrenginiams, tačiau atlyginimas apskaičiuojamas pagal kadastro bylos nurodomą užstatytą plotą. Statiniams ir įrenginiams, kurie neturi stogo užstatytas plotas kadastro bylose nenurodomas. Pagal Lietuvos Respublikos žemės ūkio ministerijos išaiškinimą, už statinių, kurie neturi stogo, statybą ar rekonstrukciją, atlyginimas netaikomas. Autorės pastebi, kad tokiu išaiškinimu akivaizdžiai susiaurinamos įstatymo normos, o praktinis Žemės įstatymo nuostatų, susijusių su „atlyginimu už galimybę statyti“ taikymas yra problematiškas.

Pagrindinės sąvokos: *valstybinės žemės nuoma, atlyginimas, mokestis, rinkliava, statinio statyba, statinio rekonstrukcija.*

Įvadas

Po ketverių metų diskusijų ir svarstymo 2021 m. lapkričio mėn. 11 d. Lietuvos Respublikos žemės įstatymas (toliau – ir Žemės įstatymas) buvo papildytas 9^1 str., kuriame buvo įtvirtinta naujovė: nustatyta, jog už statybas nuomojamojoje valstybinėje žemėje, kuri išnuomota ne aukciono būdu (taikant lengvatą pagal žemės įstatymo 9 str. 6 d. 1 p.) turi būti mokamas atlyginimas. Šis Žemės įstatymo papildymas įsigaliojo 2022 m. kovo mėn. 1 d. Nuo 2023 m. liepos 1 d. tos pačios Žemės įstatymo 9^1 str. nuostatos buvo perkeltos į 10 str.

Iki 2022 m. kovo mėn. 1 d. valstybinės žemės nuomininkai, išsinuomoję valstybinę žemę ne aukciono būdu, o taikant žemės įstatymo 9 str. 6 d. 1 p. numatytą išimtį, mokėjo tik žemės nuomos mokestį. Siekiant efektyvinti valstybinės žemės naudojimą, 2022 m. kovo mėn. 1 d. įsigaliojus žemės įstatymo pakeitimui, buvo įtvirtintas atlyginimo už naujo statinio statybą ar rekonstrukciją mokėjimas. Nacionalinės žemės tarnybos prie Lietuvos Respublikos Aplinkos ministerijos duomenimis, nuomojamuose kitos paskirties valstybinės žemės sklypuose 2020-2021 m. buvo vykdoma apie 200 projektų.

Šio atlyginimo nustatymas sulaukė labai daug diskusijų visuomenėje ir viešojoje erdvėje, todėl Lietuvos Respublikos Žemės ūkio ministerija 2021 m. atliko viešąją konsultaciją „Nekilnojamojo turto plėtra valstybinėje žemėje“. Priėmus šio įstatymo pataisas, buvo sulaukta daug kreipimųsi dėl išaiškinimų[1]. Nors įvykusios diskusijos išsprendė dalį keliamų klausimų, šiuo straipsniu siekiama išgryninti likusias neišspręstas problemas, kurios išryškėjo atlyginimo už naujo statinio statybą ar rekonstrukciją nuomojamoje valstybinėje žemėje taikymo praktikoje.

Pastebėtina, jog valstybinės žemės nuomos klausimas yra labai aktualus, tačiau sulaukia labai mažai mokslininkų bei teisės praktikų dėmesio. Štai A. Klimas ir M. Norkūnas analizuodami valstybinės žemės nuomos klausimo ne aukciono būdu problematiką, nurodė, jog nepaisant to, kad valstybinės žemės naudojimo tema yra visuomenei reikšminga, ši sritis nesulaukia pakankamo teisės mokslininkų dėmesio ir tema ištirta menkai. Lietuvos teisės mokslo jurisprudencijoje analizuojami tik pavieniai su žeme susiję klausimai[2]. Žemės ūkio paskirties žemės reguliacinius probleminius klausimus yra analizavęs P. Aleknavičius, kuris, analizuodamas kaimiškųjų teritorijų žemės naudojimo problemas, išskiria, kad nebaigta žemės reforma ir restitucijos procesai mažina iš valstybės nuomojančių žemės ūkio paskirties žemę ūkininkų skaičių, tačiau didina žemės nedirbančių savininkų kiekį. Taip pat paminėtinas E. Monkevičiaus parengtas vadovėlis Žemės teisė ir administravimas[3], tačiau jame nėra nuodugniau analizuojami kitos paskirties valstybinių žemės sklypų nuomos klausimai.

Šio tyrimo objektas – atlyginimo už valstybinėje nuomojamojoje žemėje esančio naujo statinio statybą ar rekonstrukciją, kai valstybinės žemės sklypas išnuomotais atitinkant Žemės įstatymo 9 str. 6 d. 1 p. nurodytą išimtį, norminis reguliavimas, apmokestinimo objektas bei atlyginimo dydžio apskaičiavimo problematika.

Tyrimo tikslas – atskleisti šio atlyginimo teisinį reguliavimą, taikymo ir apskaičiavimo problematiką. Atliekant tyrimą taikyti šie pagrindiniai tyrimo metodai – lingvistinė, loginė, sisteminė, istorinė ir kritinė analizė.

Straipsnio autorės išskiria tik esminius atlyginimo už statinių ar įrenginių naują statybą ar rekonstrukciją aspektus, todėl šiuo straipsniu nėra pretenduojama į visapusę šio atlyginimo analizę.

Valstybinės žemės nuomos teisinis reguliavimas ir ypatumai

Žemė yra svarbiausias aplinkos elementas, o sykiu ir nacionalinis turtas, sudarantis vieną iš valstybės egzistavimo pagrindų. Praktiškai bet kokia žmogaus veikla yra susijusi su žeme ir jos naudojimu, tik skiriasi tos veiklos tikslai ir teisiniai pagrindai[4]. Konstitucinis teismas pažymi, jog žemės, kaip riboto ištekliaus, tinkamas naudojimas yra žmogaus ir visuomenės išlikimo ir raidos sąlyga, tautos gerovės pagrindas, jos, kaip gamtos ištekliaus, racionalaus naudojimo užtikrinimas yra viešasis interesas, kurį garantuoti yra valstybės konstitucinė priedermė [5]. Lietuvos vyriausiasis administracinis teismas, apibendrindamas administracinę jurisprudenciją susijusią su žemės nuomos klausimais, apžvalgoje pažymi, jog pagal Lietuvos Respublikos žemės įstatyme įtvirtintą teisinį reguliavimą matyti, jog žemė – nacionalinis

[1] Lietuvos šilumos tiekėjų asociacijos 2022-07-26 raštas Nr.78 „Dėl Žemės įstatymo 9[1] straipsnio taikymo praktikos“ ; 2020 m. gruodžio 11 d. Nr. 2020-32/12 Lietuvos verslo konfederacijos kreipimasis į Seimo narius
[2] Klimas E., Norkūnas A., Valstybinės žemės nuomos sutartys: teisinio reguliavimo esmė ir praktinės problemos, Vilnius, 2020, 76 psl.
[3] Monkevičius E., Žemės teisė ir administravimas, Vilnius, 2014.
[4] Marcijonas, A., Sudavičius, B. Ekologinės teisės: vadovėlis. Vilnius: Eugrimas, 1996, 74 - 75 p.
[5] Lietuvos Respublikos Konstitucinio teismo 2006 m. kovo 14 d. nutarimas

Lietuvos turtas, todėl ir žemės teisiniai santykiai yra reguliuojami taip, kad būtų sudarytos sąlygos tenkinti visuomenės, fizinių ir juridinių asmenų poreikius racionaliai naudoti žemę, vykdyti ūkinę veiklą išsaugant ir gerinant gamtinę aplinką, gamtos ir kultūros paveldą, apsaugoti žemės nuosavybės, valdymo ir naudojimo teises[6].

Taigi, žemė yra ypatingas nuosavybės teisės objektas. Žemės nuosavybės, valdymo ir naudojimo santykius bei žemės tvarkymą ir administravimą Lietuvos Respublikoje reglamentuoja Žemės įstatymas. Šiame įstatyme rasime nuostatų, kurios reguliuoja išimtinai tarp privačių asmenų susiklostančius santykius aptariamoje srityje, o taip pat nuostatų, taikomų atvejais, kai atitinkamame teisiniame santykyje dalyvauja valstybinės valdžios institucijos, turinčios valdingus įgaliojimus kitų šio santykių dalyvių atžvilgiu.[7] Žemės įstatymo 1 straipsnio 2 d. nustatyta, kad, įgyvendinant žemės tvarkymo ir administravimo politiką, žemės santykiai reguliuojami taip, kad būtų sudarytos sąlygos tenkinti visuomenės, fizinių ir juridinių asmenų poreikius racionaliai naudoti žemę, vykdyti ūkinę veiklą išsaugant ir gerinant gamtinę aplinką, gamtos ir kultūros paveldą, apsaugoti žemės nuosavybės, valdymo ir naudojimo teises.
Kertiniai valstybinės žemės naudojimo Lietuvoje principai išplaukia iš Konstitucijos 47 straipsnio 1 dalies, kuri skelbia, kad Lietuvos Respublikai išimtine nuosavybės teise priklauso: žemės gelmės, taip pat valstybinės reikšmės vidaus vandenys, miškai, parkai, keliai, istorijos, archeologijos ir kultūros objektai.

Lietuvos vyriausiasis administracinis teismas pažymi, jog Lietuvos valstybei nuosavybės teise iš esmės priklauso visa įstatymų nustatytais pagrindais savivaldybių ir privačion nuosavybėn neįgyta žemė, įskaitant valstybės paveldėtą, paimtą visuomenės poreikiams, konfiskuotą bei sandoriais ir kitais įstatymų numatytais pagrindais valstybės nuosavybėn įgytą žemę. [8] Išskyrus Konstitucijoje ir įstatymuose numatytas išimtis, valstybinė žemė gali būti civilinių santykiu objektu. Iš tiesų, valstybine žeme gali būti disponuojama ją perleidžiant nuosavybėn neatlygintinai, parduodant, išnuomojant ar perduodant neatlygintinai naudotis, sudarant sandorius dėl žemės konsolidacijos, žemės servitutų Civilinio kodekso, Žemės ir kitų įstatymų nustatyta tvarka[9]. Valstybinės žemės panaudojimo prioritetų nustatymas yra reikšmingas socialinis ir ekonominis įrankis.

Kadangi ne kiekvienas išgali įsigyti žemės, dalis asmenų renkasi ne žemės pirkimo-pardavimo, bet žemės nuomos sutartį. Jos pagrindu įgyjama laikina žemės valdymo ir naudojimosi žemės sklypu teise, o taip pat suteikiamas būtinas pagrindas savarankiškai žemės nuomininko (toliau - nuomininko) veiklai, leidžiantis ją pradėti mažesnėmis sąnaudomis, kai neišgalima įsigyti ar tik norima laikinai valdyti ir naudoti žemės sklypą, bei suteikiama nuosavybės teisė į vaisius, produkciją ir išteklius, kurie gaunami naudojant žemę pagal sutarties sąlygas. [10]

Pagrindinis teisės aktas, reglamentuojantis valstybinės žemės nuomos santykius, yra Lietuvos Respublikos žemės įstatymas, o dar tiksliau, šio įstatymo 9 straipsnis. Šio straipsnio 5 dalyje nurodoma, kad „Valstybinė žemė, išskyrus šio straipsnio 6–9 dalyse nustatytus atvejus, išnuomojama aukciono būdu asmeniui, kuris pasiūlo didžiausią nuomos mokestį. Valstybinės žemės išnuomojimo aukcione ir be aukciono tvarkas nustato Vyriausybė“.[11]Tokiu būdu yra

[6] Lietuvos vyriausiojo administracinio teismo praktikos, aiškinant ir taikant žemės nuosavybės, valdymo ir naudojimo santykius bei žemės tvarkymą ir administravimą reglamentuojančių teisės aktų nuostatas, apibendrinimas, LVAT biuletenis Nr. 29, 528 psl.
[7] Ibid 533 psl.
[8] Ibid 534 psl.
[9] Ibid 550 psl.
[10] Marcijonas, A., Sudavičius, B. Ekologinės teisės: vadovėlis. Vilnius: Eugrimas, 1996.
[11] Lietuvos Respublikos Žemės įstatymas 9 str. 5 d.

nustatoma, kad optimaliausias valstybinės žemės suteikimo privatiems subjektams būdas yra aukcionas, nes taip sudaromos lygios galimybės privatiems subjektams konkuruoti dėl teisės sudaryti valstybinės žemės nuomos sutartį. Taip pat yra įgyvendinamas lygiateisiškumo principas: visi norintys asmenys turi lygias galimybes konkuruoti dėl teisės gauti valstybinės žemės nuomą.

Atkreiptinas dėmesys, kad Žemės įstatymo 9 straipsnio 6 dalyje yra numatytos išimtys, kuomet valstybinė žemė išnuomojama be aukciono. Dažniausiai praktikoje yra naudojamasi lengvata, nustatyta Žemės įstatymo 9 straipsnio 6 dalies 1 punkte: valstybinė žemė išnuomojama be aukciono, jeigu ji užstatyta fiziniams ir juridiniams asmenims nuosavybės teise priklausančiais ar jų nuomojamais statiniais ar įrenginiais (išskyrus laikinuosius statinius, inžinerinius tinklus bei neturinčius aiškios funkcinės priklausomybės ar apibrėžto naudojimo arba ūkinės veiklos pobūdžio statinius, kurie tarnauja pagrindiniam statiniui ar įrenginiui arba jo priklausiniui). Be aukciono valstybinė žemė esamiems statiniams eksploatuoti suteikiama tik tenkinant šias sąlygas: turi būti nustatytas statinių buvimo faktas; jie turi būti teisėti; statiniai turi turėti aiškią funkcinę priklausomybę, apibrėžtą naudojimo paskirtį arba ūkinės veiklos pobūdį; žemė yra būtina siekiant užtikrinti teisės į statinius (net ir nebaigtus, statomus statinius) įgyvendinimą.[12] Valstybinės žemės nuomos santykiuose reguliavimu ir juo pagrįsta teismų praktika yra siekiama užkirsti galimybę piktnaudžiauti lengvatine tvarka suteikta valstybinės žemės nuomos teise. Tam yra nustatomi reikalavimai įgyti valstybinės žemės nuomos teisę ir ją išsaugoti.[13] Toks valstybinės žemės nuomos sutarties sudarymas išimtine tvarka yra įstatymo rėmuose apibrėžta galimybė funkciškai savarankiškų statinių (ar statomų statinių) teisėtiems savininkams sudaryti galimybes naudotis valstybine žeme. Tokia įstatymo nuostata yra būtina, kitaip būtų pažeistos statinio (-ių) savininko nuosavybės (ar statinio (-ių) nuomininko nuomos) teisė – teisėtam statinio savininkui ar nuomininkui būtų užkirsta galimybė tinkamai naudotis jo turima nuosavybe arba toks naudojimasis būtų labai apsunkintas.

Konceptualaus požiūrio į „atlyginimo už galimybę statyti“ paieškos

Siekiant atskleisti pasikeitusio teisinio reguliavimo esmę, tikslinga išsiaiškinti, kokia už statybas nuomojamojoje valstybinėje žemėje, kuri išnuomota ne aukciono būdu (taikant lengvatą pagal Žemės įstatymo 9 str. 6 d. 1 p.) privalomo mokėti atlyginimo prigimtis?

Atlyginimo samprata

Žemės įstatymo 10 str.1 d. nurodo, jog valstybinės žemės, išnuomotos šio įstatymo 9 straipsnio 6 dalies 1 punkte nustatytu atveju, nuomos sutartyje galimybė statyti naujus ir (ar) rekonstruoti esamus statinius ar įrenginius įrašoma nuomininko prašymu sudarant valstybinės žemės nuomos sutartį arba susitarimą dėl valstybinės žemės nuomos sutarties pakeitimo. Nuomininko galimybė statyti naujus ir (ar) rekonstruoti esamus statinius ar įrenginius valstybinės žemės nuomos sutartyje numatoma tik tuo atveju, jeigu valstybinės žemės sklypas išnuomotas ilgesniam negu 3 metų laikotarpiui ir jeigu tokia statyba ir (ar) rekonstravimas galimi pagal galiojančius teritorijų planavimo dokumentų sprendinius ir atitinka nuomos sutartyje nurodytą valstybinės žemės sklypo pagrindinę žemės naudojimo paskirtį ir būdą. Valstybinės žemės nuomos sutartyje nurodoma, kad nuomininkas galimybę statyti ir (ar) rekonstruoti statinius ar įrenginius įgyja tik sumokėjęs į valstybės biudžetą ir savivaldybės,

[12] E. Klimas, A. Norkūnas, Valstybinės žemės nuomos sutartys: teisinio reguliavimo esmė ir praktinės problemos, Vilnius, 2020, 92 psl.
[13] E. Klimas, A. Norkūnas, Valstybinės žemės nuomos sutartys: teisinio reguliavimo esmė ir praktinės problemos, Vilnius, 2020, 93 psl.

kurios teritorijoje yra žemės sklypas, biudžetą šio straipsnio 3 ir 4 dalyse nurodytą atlyginimą už galimybę statyti ir (ar) rekonstruoti statinius ar įrenginius[14]

Taigi, įstatymo leidėjas nustatė visuotinai privalomą piniginį mokėjimą į valstybės ir savivaldybės biudžetą, įvardindamas jį „atlyginimu už galimybę statyti“ bei nustatė šio atlyginimo dydį, mokėjimo tvarką bei apibrėžė mokėtojų grupę.

Atlyginimo definicijos Lietuvos Respublikos teisės aktai nepateikia. Atliekant teisės aktų analizę atlyginimo sąvoka dažniausiai sutinkama įvairiuose kontekstuose. Įprastai atlyginimas apibrėžiamas kaip užmokestis, kurį darbdavys moka darbuotojui už jo atliekamą darbo funkciją. Darbo kodekso 39 str. nurodo, kad darbo užmokestis – atlyginimas už darbą, darbuotojo atliekamą pagal darbo sutartį. Lietuvos aukščiausiasis teismas yra pažymėjęs, jog darbo užmokestis yra atlyginimas už darbą, darbuotojo atliekamą pagal darbo sutartį, jis apima pagrindinį darbo užmokestį ir visus papildomus uždarbius, bet kokiu būdu tiesiogiai darbdavio išmokamas išmokas darbuotojui už jo atliktą darbą pagal iš anksto nustatytus rodiklius, t. y. priedus, priemokas ir pan. [15] Nagrinėjant diskriminacijos dėl darbo užmokesčio bylas, atlyginimu už darbą laikomas darbo užmokestis ar bet koks kitas atlygis, įskaitant atlygį grynaisiais pinigais arba natūra, kurį darbuotojas tiesiogiai ar netiesiogiai gauna iš darbdavio už savo darbą.[16]

Atlyginimo sąvoka yra dažnai sutinkama privatinių teisinių santykių reguliavime visai kitame kontekste nei darbo santykių plotmėje. Atlyginimas (bet ne darbo užmokestis) mokamas už darbus ar paslaugas pagal civilines sutartis ir civilinius santykius[17]. Civilinio kodekso 6.160 str. nurodo, jog sutartys gali būti dvišalės ar daugiašalės, atlygintinės ir neatlygintinės, ir t.t. Atlygintiniai yra tokie sandoriai, pagal kuriuos sandorio šalis už jo įvykdymą (tam tikrų veiksmų kitos šalies naudai atlikimą) iš kitos šalies turi gauti tam tikrą priešpriešinį turtinį pasitenkinimą (pvz. tam tikrą sumą, kitą turtą). Taigi, atlygintinio sandorio atveju, šalies pareigą atlikti tam tikrus veiksmus atitinka kitos šalies priešpriešinė pareiga pateikti kitai šaliai tam tikrą pobūdžio pasitenkinimą.[18]. Visada atlygintini sandoriai yra pirkimo-pardavimo, mainų, nuomos, kreditavimo.[19] Lietuvos Respublikos civilinio kodekso 6.716 straipsnio 1 dalis pateikia atlygintinų paslaugų sampratą ir teigia, kad „paslaugų sutartimi viena šalis (paslaugų teikėjas) įsipareigoja pagal kitos šalies (kliento) užsakymą suteikti klientui tam tikras nematerialaus pobūdžio (intelektines) ar kitokias paslaugas, nesusijusias su materialaus objekto sukūrimu, o klientas įsipareigoja už suteiktas paslaugas sumokėti”

Dar kitu aspektu „atlyginimo“ terminas naudojamas kalbant apie žalos (nuostolių) atlyginimą. Lietuvos Respublikos Konstitucijoje įtvirtinta, kad asmeniui padarytos materialinės ir moralinės žalos atlyginimą nustato įstatymas.[20] Lietuvos Respublikos civilinio kodekso 6.245 straipsnio 3 dalies ir 6.256 straipsnio 2 dalies nuostatose įtvirtinta, kad civilinė sutartinė atsakomybė gali pasireikšti nuostolių atlyginimu arba netesybų sumokėjimu. Nuostolių atlyginimas yra ypatinga sutartinės atsakomybės rūšis, nes ją galima taikyti bet kuriuo atveju, išskyrus retus atvejus, kurie gali būti numatyti įstatyme arba sutartyje. Todėl nuostolių

[14] Lietuvos Respublikos žemės įstatymo 10 str. 1 d.
[15] Lietuvos Aukščiausiojo teismo civilinė byla 2006-09-06 nutartis Nr. 3K-3-451
[16] Lietuvos Respublikos darbo kodekso 26 str. 4 d.
[17] Lietuvos Respublikos darbo kodekso komentaras. III dalis. Vilnius: Justitia, 2004, 262 psl.
[18] Mikelėnas V., Staskonis V., Vileita A., Mizaras V. Civilinė teisė bendroji. Dalis. Vilnius: Justitia, 2009, 323 psl.
[19] Ibid.
[20] Lietuvos Respublikos Konstitucijos 30 str. 2 d.

atlyginimas – universali (bendra) civilinės atsakomybės rūšis, taikoma esant bet kuriems prievolių pažeidimams.[21]

Taigi, atlyginimas - tai dažniausiai piniginis ar kitoks mokėjimas už tam tikrą atliktą darbą (apima tiek darbą atliktą vykdant darbo funkciją, tiek pagal civilinę sutartį), suteiktą paslaugą arba tam tikras piniginis mokėjimas, atlyginant padarytą žalą. Atlyginimas nėra nustatomas įstatymu, jis dažniausiai šalių sutariamas (sudarant darbo sutartį ar civilinį sandorį) arba atlieka atlygio už padarytą žalą funkciją (pavyzdžiui, žalos aplinkai atlyginimas[22]). Tradiciškai, atlyginimą šalys moka viena kitai, atlyginimas dažniausiai nėra mokamas į valstybės ar savivaldybės biudžetą.

Mokesčio sampratos analizė

Tiek teisės doktrinoje, tiek Lietuvos Respublikos teisės aktuose, įstatymo leidėjo numatytos privalomai mokamos piniginės įmokos labai dažnai yra įvardinamos kaip mokesčiai.

Lietuvos Respublikos teisės aktai nurodo, jog mokestis - tai mokesčio įstatyme mokesčių mokėtojui nustatyta piniginė prievolė valstybei, įskaitant įmokas ir rinkliavas.[23.] Vienas iš pagrindinių valstybės pajamų formavimo būdų yra mokesčiai. Jie yra valstybės finansų sistemos esminė dalis.24 Konstitucijos 127 str. nustato, jog valstybės biudžeto pajamos yra formuojamos iš mokesčių, privalomų mokėjimų, rinkliavų, pajamų iš valstybinio turto ir kitų įplaukų.

Teisės doktrinoje mokestis apibūdinamas kaip valstybės mokesčių įstatymais nustatytas visuotinai privalomas ir individualiai neatlygintinas bei negrąžintinas piniginis juridinių ir fizinių asmenų nustatyto dydžio mokėjimas į biudžetą, siekiant gauti valstybės pajamų, reikalingų viešųjų interesų tenkinimo finansavimui.25 Panaši mokesčio samprata pateikiama Vyriausiojo administracinio teismo doktrinoje. Vyriausiojo administracinio teismo išplėstinė teisėjų kolegija pažymėjo, jog mokesčiai apibrėžiami kaip valstybinės valdžios organų nustatyti, privalomi ir individualiai neatlygintini juridinių ir fizinių asmenų mokėjimai į valstybės (savivaldybės) biudžetą nurodant jų dydį ir mokėjimo tvarką. 26

Mokesčiai pasižymi įvairiapusiškumu, todėl juos galima kvalifikuoti pagal įvairius požymius. Pagal apmokestinimo pobūdį, mokesčiai yra skirstomi į tiesioginius ir netiesioginius. Tiesioginius mokesčius moka tiesiogiai atitinkamo apmokestinamojo objekto turėtojai ar naudotojai: tai gali būti pajamas uždirbantys gyventojai, pelną gaunantys juridiniai asmenys, žemės savininkai ir t.t.27 Netiesioginių mokesčių, tokių kaip pridėtinės vertės mokestis ar akcizai, apmokestinimui būdinga tai, kad mokestis sudaro prekės (paslaugos) kainos priedą ir nėra susijęs su mokesčio mokėtojo turtu ar pajamomis.[28]

[21] Ambrasienė D., Baranauskas E., Bublienė D. ir kt. Civilinė teisė. Prievolių teisė. Vilnius: Mykolo Romerio universitetas, 2004.
[22] Pvz. Lietuvos Respublikos aplinkos ministro 2015 m. sausio 13 d. įsakymas Nr. D1-29 „Dėl Lietuvos Respublikos aplinkos ministro 2010 m. rugpjūčio 12 d. įsakymo Nr. D1-695 "Dėl Laukinių gyvūnų rūšims ir jų buveinėms padarytos žalos apskaičiavimo metodikos patvirtinimo“ pakeitimo“ (TAR, 2015-01-15, Nr. 2015-00670)
[23] Lietuvos Respublikos mokesčių administravimo įstatymo 2 str. 25 p.
[24] Lietuvos vyriausiojo administracinio teismo praktikos, taikant mokesčių administravimą reglamentuojančias teisės normas, apibendrinimas (I dalis) 553 psl.
[25] Medelienė A., Sudavičius B. Mokesčių teisė. Vilnius: Registrų centras, 2011, 35 psl.
[26] 2002 m. sausio 25 d. sprendimas administracinėje byloje Nr. I-7/2003
[27] Medelienė A., Sudavičius B., Mokesčių teisė. Vilnius: Registrų centras, 2011 m., 44 psl.
[28] Ibid.

Visuotinai pripažįstama, jog pagrindinė mokesčių funkcija yra fiskalinė – valstybės siekis gauti pajamų, reikalingų valstybių (savivaldybių) veiklai. Be to, šiuo fiskaliniu instrumentu ar atskirais jo elementais (tarifu, mokesčio objektu, mokesčio mokėtojais, lengvatomis ir kt.) taip pat gali būti siekiama reguliuoti valstybėje vykstančius ekonominius, socialinius procesus, skatinti naudingas ūkines pastangas, paremti ūkinės plėtros prioritetus, pritraukti kapitalą, investicijas, ar priešingai – sustabdyti nepageidautinas socialinės-ekonominės veiklos tendencijas. [29]

Iš šių sampratų galime įžvelgti ir mokesčių požymius: visuotinį privalomumą, tiesioginį neatlygintinumą, įstatymų tvarkos laikymąsi apskaičiuojant ir sumokant mokestį. Visuotinio privalomumo požymis yra įtvirtintas Lietuvos Respublikos mokesčių administravimo įstatymo (toliau – ir Mokesčių administravimo įstatymas) 8 straipsnyje, kuriame nurodyta, jog mokesčius privalo mokėti kiekvienas gyventojas, taip pat yra įtvirtintas laikymosi požymis, kurio vykdymas ar nevykdymas turi atitinkamų pasekmių. Mokesčio neatlygintinumo požymio samprata yra aiškinama taip, kad mokestinė prievolė niekada nebuvo ir negali būti vertinama kaip atlyginimas už valstybės ir savivaldybės paslaugas, o sumokėtas mokestis nėra grąžinamas jį sumokėjusiam asmeniui, išskyrus įstatymo numatytas išimtis. [30]

Tačiau Lietuvos Vyriausiasis administracinis teismas nurodo, jog vadovaujantis Mokesčių administravimo įstatymo 2 straipsnio 7 dalimi, mokesčių įstatymams, sudarantiems nacionalinę mokesčių teisės sistemą, priskiriami ir atlygintinumo požymį turinčius privalomuosius mokėjimus į valstybės (savivaldybių) biudžetą nustatantys įstatymai: pavyzdžiui, Lietuvos Respublikos rinkliavų įstatymas, žyminį mokestį nustatantis Lietuvos Respublikos civilinio proceso kodeksas. [31]

Reikia atkreipti dėmesį, jog pajamos nebūtinai gali būti formuojamos tik valstybės biudžete, pagal dabartinį reguliavimą, jos gali būti kaupiamos ir kituose valstybės sudaromuose fonduose: savivaldybių biudžetuose, valstybinio socialinio draudimo fonduose ir kt. [32]

Rinkliavos, kaip mokesčių sistemos dalies, samprata

Visi mokesčiai, kuriuos nustato Seimas, sudaro mokesčių sistemą. Mokesčių įvairovė yra įtvirtinta Lietuvos Respublikos mokesčių administravimo įstatymo 13 straipsnyje, kuriame išvardinama daugiau nei 20 mokesčių rūšių: pridėtinės vertės mokestis, akcizai, gyventojų pajamų mokestis, nekilnojamojo turto mokestis, žemės mokestis, mokestis už valstybinius gamtos išteklius, valstybės rinkliava, mokestis už valstybės turto naudojimą patikėjimo teise[33]. Iš šio mokesčių sąrašo galima pastebėti, jog mokesčių sistema apima ne tik tradiciškai suprantamus mokesčius, bet ir kitas privalomas įmokas į biudžetą bei pinigų fondus: žyminį, konsulinį mokesčius, valstybės rinkliavą ir kt.[34]

Į valstybės ir savivaldybių biudžetus bei fondus mokama privaloma įmoka už valstybės ir vietos savivaldos institucijų, įstaigų, tarnybų ar organizacijų teikiamas paslaugas. Rinkliava gali būti valstybinė arba vietinė. Valstybės rinkliava – privaloma įmoka už valstybės ir vietos savivaldos institucijų, įstaigų, tarnybų ar organizacijų (toliau – institucijos), išskyrus teismus,

[29] Lietuvos vyriausiojo administracinio teismo praktikos, taikant mokesčių administravimą reglamentuojančias teisės normas, apibendrinimas (I dalis) 553 psl.
[30] Medelienė A., Sudavičius B., Mokesčių teisė. Vilnius: Registrų centras, 2011 m., 34 psl.
[31] Lietuvos vyriausiojo administracinio teismo praktikos, taikant mokesčių administravimą reglamentuojančias teisės normas, apibendrinimas (I dalis) 558 psl.
[32] Medelienė A., Sudavičius B. Mokesčių teisė. Vilnius: Registrų centras 2011 m., 32 psl.
[33] Lietuvos Respublikos mokesčių administravimo įstatymo 13 str.
[34] Marcijonas A., Sudavičius B., Mokesčių teisė. Vilnius: Teisinės informacijos centras, 2003 m. 22 p.

teikiamas paslaugas, išskyrus specialiuose įstatymuose nustatytas paslaugas, už kurias šiuose įstatymuose nustatyta tvarka numatytas kitoks atlyginimas.[35] Vietinių rinkliavų nustatymą, rinkimą ir kontrolę reglamentuoja Rinkliavų įstatymo 2 straipsnio 3 dalis, kuri šią rinkliavą apibrėžia, kaip savivaldybės tarybos sprendimu nustatytą privalomą įmoką, galiojančią tos savivaldybės teritorijoje.

Rinkliavos yra renkamos įvairiose srityse: už atliekų tvarkymą, emisijų leidimus ar kitas aplinkosaugos priemones, gali būti taikomos žemės ūkio veikloms, pvz., už žemės nuomą arba ūkininkavimo teisės naudojimą, už kelių naudojimą, transporto priemonių registraciją ir kt.

Lietuvos vyriausiasis administracinis teismas yra akcentavęs, kad vietinė rinkliava yra viešosios teisės nustatytas privalomasis mokėjimas, o ne privatinės (civilinės) teisės reguliavimo srities sutartinio pobūdžio įsipareigojimas, todėl pareiga mokėti minėtą rinkliavą atsiranda pagal tokias sąlygas, kurios yra numatytos ją nustatančiuose teisės aktuose[36].

Vietinė rinkliava ir iš jos kylantys teisiniai santykiai yra viešosios teisės reguliavimo dalykas. Šie santykiai – tai valdingo pobūdžio teisiniai santykiai tarp vietinės rinkliavos mokėtojų ir vietos savivaldos institucijų (šių institucijų įgaliojimus įgyvendinančių asmenų). Todėl dėl vietinių rinkliavų su jų mokėtojais nesitariama.[37]

Vien faktinė aplinkybė, jog atitinkamas fizinis ar juridinis asmuo yra laikytinas vietinės rinkliavos mokėtoju pagal savivaldybės tarybos sprendimą, kuriuo nustatyta rinkliava, ir (ar) rinkliavos nuostatus, suponuoja šio asmens pareigą nustatyta tvarka ir terminais mokėti atitinkamo dydžio vietinę rinkliavą.[38]

Taigi valstybės rinkliava savo esme skiriasi nuo mokesčių tikrąja to žodžio prasme (reguliarių mokesčių), kadangi yra tiesiogiai atlygintino pobūdžio. Valstybės rinkliava savo esme yra vienkartinio pobūdžio ar periodiškai mokamas atlyginimas už konkretų valstybės institucijos atliekamą veiksmą (pvz. atliekų tvarkymas) ar išduodamą teisinę galią turintį dokumentą. Rinkliavos kaip įmokos priklauso mokesčių sistemai, kadangi jos yra privalomos ir nustatytos įstatymu·

Iš pateiktos analizės matyti, jog Žemės įstatymo 10 str. nustatyto „atlyginimo už galimybę statyti“ prigimtis ir reglamentavimas yra artimesnis ne atlyginimo, o mokėjimo sąvokai, nes:

- tai įstatymu nustatytas atlyginimas;
- atlyginimas yra privalomas;
- atlyginimas mokamas į valstybės ir savivaldybės biudžetą;
- nustatytas apibrėžtas atlyginimą mokančiųjų ratas;
- mokėjimo atlygintumo požymis yra artimesnis rinkliavai, o ne civiliniam sandoriui.

„Atlyginimo už galimybę statyti“ apmokestinimo objektas

Žemės įstatymo 10 str. nurodyta, jog valstybinės žemės nuomininkas, sudaręs valstybinės žemės sutartį ne aukciono būdu, o taikant žemės įstatymo 9 str. 6 d. 1 p. numatytą lengvatą, galimybę statyti ir (ar) rekonstruoti statinius ar įrenginius įgyja tik sumokėjęs į valstybės ir

[35] Lietuvos Respublikos rinkliavų įstatymo 2 str. 1 p.
[36] Lietuvos vyriausiojo administracinio teismo 2023 m. kovo 29 d. nutartis administracinėje byloje Nr. TA-317-1188/2023
[37] Lietuvos vyriausiojo administracinio teismo praktikos, taikant mokesčių administravimą reglamentuojančias teisės normas, apibendrinimas (I dalis)
[38] Lietuvos vyriausiojo administracinio teismo 2023 m. kovo 29 d. nutartis administracinėje byloje Nr. TA-317-1188/2023

savivaldybės, kurios teritorijoje yra žemės sklypas, biudžetą teisės aktuose nurodytą atlyginimą už galimybę statyti ir (ar) rekonstruoti statinius ar įrenginius.

Pagal esamą reglamentavimą atlyginimas yra mokamas, kai žemės nuomininkas nori statyti naujai ar rekonstruoti esamus statinius ar įrenginius lengvatine tvarka išsinuomotame valstybiniame žemės sklype. Nustatant apmokestinimo objektą yra svarbūs šie kriterijai:

- Apmokestinimo objektas – statiniai arba įrenginiai;
- statybos rūšis: atlyginimas mokamas vykdant šias statybos rūšis - naują statybą arba rekonstrukciją;
- statiniai ar įrenginiai yra valstybinėje žemėje, kuri išnuomota taikant lengvatą, nurodytą žemės įstatymo 9 str. 6 d. 1 p. (ne aukciono būdu).

Norint suvokti pirmojo kriterijaus esmę reikia vadovautis Lietuvos Respublikos Statybos įstatymo 2 str. 84 p., kuriame nurodyta, jog statinys yra nekilnojamasis daiktas (pastatas arba inžinerinis statinys), turintis laikančiąsias konstrukcijas, kurios visos (ar jų dalis) sumontuotos statybos vietoje atliekant statybos darbus. Statiniai skirstomi į dvi rūšis: į pastatus ir į inžinerinius statinius.[39]

Pastatas - tai apdengtas stogu statinys, kurio didžiausią dalį sudaro patalpos[40]. Pastatą gali sudaryti antžeminė ir požeminė dalys, o pastarąją – pusrūsis (cokolinis aukštas) ir rūsys. Požeminė pastato dalis yra nuo nulinės altitudės iki rūsio (pusrūsio) konstrukcijų apačios.[41]

Inžineriniai statiniai – susisiekimo komunikacijos, inžineriniai tinklai, kanalai, taip pat visi kiti statiniai, kurie nėra pastatai[42]. Inžineriniai statiniai pagal paskirtį skirstomi į grupes: susisiekimo komunikacijos, inžineriniai tinklai, hidrotechnikos statiniai, kiti inžineriniai statiniai.[43] Inžineriniai tinklai – statinio statybos sklype (išskyrus statinio vidų) ir už jo ribų nutiesti komunaliniai ar vietiniai vandentiekio, nuotekų šalinimo, šilumos, naftos, dujų ar kito kuro, technologiniai vamzdynai, elektros perdavimo, energijos ir elektroninių ryšių tinklai kartu su maitinimo šaltiniais ir įrenginiais.[44]

Iš pateiktos klasifikacijos yra aišku, jog inžinerinių statinių sąvoka yra labai plati, apimanti ne tik pastatus, bet ir kelius, kiemo, automobilių stovėjimo aikšteles, vandentiekio, šilumos vamzdynus, elektros tinklus, sporto aikštynus ir t. t.

Štai Lietuvos Aukščiausiais teismas yra nurodęs, jog nagrinėjamoje byloje sprendžiamas specifinės rūšies statinio – gatvės – savavališkos statybos klausimas. Gatvė – kelias ar atskiras jo ruožas, esantis miesto ar kaimo gyvenamojoje vietovėje, paprastai turintis pavadinimą; kelias – inžinerinis statinys, skirtas transporto priemonių ir pėsčiųjų eismui. [45]

Statybos įstatymas išskiria dar vieną specifinę statinių rūšį - laikinuosius statinius. Laikinasis statinys tai statinys, kurį leidžiama statyti numatant naudoti ribotą terminą.[46] Statybos inspekcijos pateiktuose išaiškinimuose yra nurodyta jog, bet kuris statinys (nepriklausomai nuo jo kategorijos, paskirties) pripažįstamas laikinuoju statiniu, jeigu jo statybą leidžiančiame dokumente nurodomas šio statinio naudojimo terminas[47]. Nekilnojamojo

[39] Lietuvos Respublikos aplinkos ministro 2016 m. spalio 27 d. įsakymu Nr. D1 –713 patvirtinto statybos techninio reglamento 1.01.03:2017 „Statinių klasifikavimas“ 5 p.
[40] Lietuvos Respublikos statybos įstatymo 2 str. 37 p.
[41] Lietuvos Aukščiausiojo Teismo Civilinių bylų skyriaus 2022 m. kovo 23 d. nutartis civilinėje byloje Nr. e3K-3-70-1075/2022
[42] Lietuvos Respublikos statybos įstatymo 2 str. 16 p.
[43] Lietuvos Respublikos aplinkos ministro 2016 m. spalio 27 d. įsakymu Nr. D1 –713 patvirtinto statybos techninio reglamento 1.01.03:2017 „Statinių klasifikavimas“ 2 p.
[44] Lietuvos Respublikos statybos įstatymo 2 str. 17 p.
[45] Lietuvos aukščiausiasis teismas civilinė byla e3K-3-7-1075/2022
[46] Lietuvos Respublikos statybos įstatymas 2 str. 24 p.
[47] Valstybinės statybos inspekcijos 2017-11-06 raštas Nr. (9.12)-2D-15376)

turto kadastrinių matavimų ir kadastro duomenų surinkimo bei tikslinimo taisyklėse nustatyta, kad laikinųjų statinių kadastriniai matavimai neatliekami, taigi laikinasis statinys ir teisės į jį Nekilnojamojo turto registre neregistruojami.[48] Statinių, taip pat ir laikinųjų statinių, statyba užbaigiama Statybos įstatymo 28 straipsnyje nustatyta tvarka, t. y. išduodant statybos užbaigimo aktą arba surašant deklaraciją apie statybos užbaigimą, kurią turi tvirtinti statybos valstybinę priežiūrą vykdantys pareigūnai.[49] Statytojui nustatyta prievolė - atlikus statybos užbaigimo procedūras, statinį ir daiktines teises į jį įregistruoti Nekilnojamojo turto registre netaikytina, kai pastatytas laikinasis statinys[50]. Taigi, jeigu išduotame statybą leidžiančiame dokumente yra nurodytas laikinojo statinio požymis, t. y. statinio naudojimo terminas, tokio statinio statybos užbaigimo procedūros atliekamos nepateikus statinio kadastro duomenų bylos. Ši aplinkybė yra labai svarbi nagrinėjant atlyginimo dydžio, už statinio statybą ar rekonstrukciją, apskaičiavimą.

Atlyginimas už galimybę statyti ir (ar) rekonstruoti statinius ar įrenginius mokamas ir tais atvejais, kai statomi ir (ar) rekonstruojami statiniai, kurie nekilnojamojo turto registre registruojami kaip pagrindinio daikto priklausiniai[51].

Atlyginimas yra privalomas mokėti ne tik statant ar rekonstruojant statinius, bet ir įrenginius. Statybos įstatymo 2 str. 19 p. nurodo, jog įrenginiai – mašinos, prietaisai, įtaisai energijai, medžiagoms gaminti ir informacijai priimti, perduoti ar keisti. Atsižvelgiant į formuluotę įrenginys gali būti tiek kilnojamasis, tiek nekilnojamasis daiktas, bet kokios funkcinės paskirties. Įrenginys - įrengtas sudėtingas mechanizmas: Vaizdo perdavimo įrenginys. Kodavimo įrenginys. Vandens ėmimo įrenginys.[52]. Įranga yra aparatų, įrenginių, prietaisų, įtaisų ir kitokių techninių priemonių visuma, pvz.: bandymų įranga, statybos įranga, lazerinė chirurgijos įranga ir t. t.[53]

Iš pateiktos analizės yra aišku, jog objektais, už kurių statybą mokamas atlyginimas, laikomi visi statiniai, įskaitant visus inžinerinius statinius, laikinuosius statinius ir t.t.. Jokių išimčių dėl statinio rūšies ar funkcinės priklausomybės įstatymas nenumato. Taip pat atlyginimas turi būti mokamas už bet kokio įrenginio (neatsižvelgiant ar jis kilnojamas ar ne) statybą. Taigi vykdant bet kokio statinio ar įrenginio nuomojamame valstybiniame sklype naują statybą ar rekonstrukciją už tokią statybą nuo 2022 m. kovo 1 d. turi būti mokamas naujai nustatytas atlyginimas. Kadangi įstatymo leidėjas nenumato jokių išimčių ar tikslinimų, darytina išvada, jog atlyginimas turi būti mokamas statant ar rekonstruojant visus įrenginius ir statinius.

Antras kriterijus, kuris svarbus atlyginimo apskaičiavimui yra statybos rūšis.

Statybos įstatymo 2 str. 26 p. nurodo, jog naujo statinio statyba tai statyba, kurios tikslas – statinių neužimtame žemės paviršiaus plote pastatyti statinį, atstatyti visiškai sugriuvusį, sunaikintą, nugriautą statinį. Taigi, naujo statinio statyba yra tokia statybos rūšis, kai yra sukuriamas visiškai naujas objektas (naujas statinys) arba atstatomas visiškai sugriuvęs,

[48] Nekilnojamojo turto kadastrinių matavimų ir kadastro duomenų surinkimo bei tikslinimo taisyklėse, patvirtintose Lietuvos Respublikos žemės ūkio ministro 2002 m. gruodžio 30 d. įsakymu Nr. 522 „Dėl Nekilnojamojo turto kadastrinių matavimų ir kadastro duomenų surinkimo bei tikslinimo taisyklių patvirtinimo“
[49] 2017-08-31 Valstybinės Statybų Inspekcijos raštas Nr. (9.120-2D-12258)
[50] Valstybinės statybos inspekcijos raštas Nr. (2017-11-06, Nr. (9.12)-2D-15376)
[51] Kitos paskirties valstybinės žemės sklypų pardavimo ir nuomos taisyklių, patvirtintų Lietuvos Respublikos Vyriausybės nutarimu Nr. 260, 41 p.
[52] www.zodynas.lt
[53] Valstybinės lietuvių kalbos komisijos konsultacijų bankas

sunaikintas, nugriautas statinys. Tai reiškia, kad nauja statinio statyba gali būti konstatuota tik nustačius, kad teisėtai pastatytas statinys anksčiau neegzistavo.[54]

Statinio rekonstravimas – statyba, kurios tikslas – perstatyti statinį: pakeisti statinio laikančiąsias konstrukcijas, pakeičiant statinio išorės matmenis (ilgį, plotį, aukštį ir pan.).[55]Antrasis statinio rekonstravimo požymis pagal Statybos įstatymo 2 straipsnio 18 dalį – statinio išorės matmenų pakeitimas (ilgio, pločio, aukščio ir pan.). Atkreiptinas dėmesys į tai, kad Statybos įstatymo 2 straipsnio 18 dalyje nurodytas statinio išorės matmenų sąrašas (ilgis, plotis, aukštis, ir pan.) nėra baigtinis. Pagal Nekilnojamojo turto kadastro įstatymo 6 straipsnio 2 dalies 5 punktą į Nekilnojamojo turto kadastrą įrašomi šie statinio parametrai: plotas, tūris, ilgis, plotis, skersmuo, skerspjūvis, aukštis, gylis, perimetras arba kiti statiniams būdingi geometriniai parametrai.[56] Statybos įstatymo ir STR 1.01.08:2002 „Statinio statybos rūšys“ nuostatos teikia pagrindą daryti išvadą, jog pagrindinis požymis, dėl kurio statybos darbai laikomi rekonstrukcija, yra aplinkybė, ar atliekant tokius darbus pakeičiamos statinio laikančiosios konstrukcijos. Kai atliekant statybos darbus perdaromos esamo statinio laikančiosios konstrukcijos, tokie darbai kvalifikuotini kaip statinio rekonstrukcija. Jei laikančiosios konstrukcijos nekeičiamos, laikytina, kad vykdoma nauja statyba[57]

Iš nurodytų teisės normų yra aišku, jog sąrašas, kokiai statybos rūšiai yra taikomas mokestis yra baigtinis ir negali būti aiškinamas plečiamai: apmokestinimas yra taikomas tik dviem statinio rūšims: naujai statybai ir rekonstrukcijai. Todėl valstybinės žemės nuomininkui vykdant bet kokią kitą statinio statybos rūšį (pvz. kapitalinį ar paprastąjį remontą ar statinio griovimą) atlyginimas (mokestis) už tokią statybą nėra mokamas.

Atlyginimo už galimybę statyti ar rekonstruoti statinį ar įrenginį, esantį valstybinėje nuomojamojoje žemėje apskaičiavimo problematika

Valstybinės žemės nuomininkas, pageidaujantis įgyvendinti valstybinės žemės nuomos sutartyje numatytą galimybę statyti naujus ir (ar) rekonstruoti esamus statinius ar įrenginius Vyriausybės nustatyta tvarka turi sumokėti atlyginimą už galimybę statyti valstybinėje žemėje: kai statomo naujo ir (ar) rekonstruojamo esamo statinio ar įrenginio juo užstatytas žemės plotas didėja iki atitinkamo procento, palyginti su iki statybos ir (ar) rekonstravimo esamu Nekilnojamojo turto registre kaip pagrindinis daiktas įregistruotu statiniu ar įrenginiu užstatytu plotu, ir (ar) po statybos ir (ar) rekonstravimo statinio ar įrenginio bendras plotas didėja iki atitinkamo procento, palyginti su iki statybos ir (ar) rekonstravimo Nekilnojamojo turto registre kaip pagrindinis daiktas įregistruoto statinio ar įrenginio bendru plotu, – sumą, lygią atitinkamam procentui vidutinės valstybinės žemės sklypo ar jo dalies rinkos vertės, nustatytos atliekant vertinimą masiniu būdu Vyriausybės nustatyta tvarka.[58]
Atlygimo apskaičiavimui naudojami šie duomenys: statinio ar įrenginio užstatytas žemės plotas bei bendras plotas, todėl skaičiuojant atlyginimą, turi būti atsižvelgiama į teisės aktus, kurie nustato tokius statinio ir įrenginio duomenis, kaip bendras plotas ir užstatytas plotas.

[54] Lietuvos Aukščiausiojo Teismo Civilinių bylų skyriaus 2022 m. vasario 3 d. nutartis civilinėje byloje Nr. e3K-3-7-1075/2022
[55] Lietuvos Respublikos Statybos įstatymas 2 str. 24 p.
[56] Lietuvos Aukščiausiojo Teismo Civilinių bylų skyriaus 2022 m. kovo 23 d. nutartis civilinėje byloje Nr. e3K-3-70-1075/2022
[57] Lietuvos Aukščiausiojo Teismo Civilinių bylų skyriaus 2016 m. rugsėjo 30 d. nutartis civilinėje byloje Nr. 3K-3-409-690/2016
[58] Lietuvos Respublikos žemės įstatymo 10 str. 3 d.

Statinių, įrenginių bendro ploto ir užstatyto ploto nustatymo ir apskaičiavimo tvarką reglamentuoja Lietuvos Respublikos nekilnojamojo turto kadastro nuostatai, patvirtinti Lietuvos Respublikos Vyriausybės 2002 m. balandžio 15 d. nutarimu Nr. 534 „Dėl Lietuvos Respublikos nekilnojamojo turto kadastro nuostatų patvirtinimo“ bei Nekilnojamojo turto kadastrinių matavimų ir kadastro duomenų surinkimo bei tikslinimo taisyklės, patvirtintos Lietuvos Respublikos žemės ūkio ministro 2002 m. gruodžio 30 d. įsakymu Nr. 522 „Dėl Nekilnojamojo turto kadastrinių matavimų ir kadastro duomenų surinkimo bei tikslinimo taisyklių patvirtinimo“. Kadastrinių matavimų taisyklių 132 punkto nuostatos nurodo, jog pastato (taip pat stogą turinčio inžinerinio statinio) užimtas žemės plotas (užstatytas plotas) – pastato (stogą turinčio inžinerinio statinio) antžeminės dalies išorinių sienų horizontalios projekcijos ir už jos ribų esančios požeminės pastato dalies (jei ji yra) horizontalios projekcijos plotų suma. Stogą turinčio inžinerinio statinio, kuris neturi išorinių sienų (pvz., stoginės), atveju antžeminėje dalyje skaičiuojamas stogo horizontalios projekcijos plotas; jeigu vertikalios laikančiosios konstrukcijos (stulpai, kolonos) išsikiša už stogo konstrukcijos, horizontalus pjūvis atliekamas pagal išorines šių vertikalių laikančiųjų konstrukcijų kraštines.[59]

Teisės aktai nereglamentuoja ir nenumato kaip apskaičiuojamas užstatytas žemės plotas stogo neturintiems statiniams. Taip pat teisės aktai nenumato ir nereglamentuoja kaip atlyginimas skaičiuojamas laikinajam statiniui, kurio kadastro duomenų bylos nėra rengiamos ir nėra registruojamos Nekilnojamojo turto registre.

2022-08-31 žemės ūkio ministerija paskelbė išaiškinimą, kad Statiniais (įrenginiais) užimtas žemės plotas (užstatytas plotas) skaičiuojamas pagal kadastrinių matavimų taisyklių 132 punktą, kuris nustato, kad pastato (taip pat stogą turinčio inžinerinio statinio) užimtas žemės plotas (užstatytas plotas) – pastato (stogą turinčio inžinerinio statinio) antžeminės dalies išorinių sienų horizontalios projekcijos ir už jos ribų esančios požeminės pastato dalies (jei ji yra) horizontalios projekcijos plotų suma. Savo išaiškinime nurodė, jog remiantis tuo, darytina išvada, kad užimtas (užstatytas) žemės plotas skaičiuojamas pastatams ir stogą turintiems inžinieriniams statiniams ir nenustatomas inžinieriniams statiniams, neturintiems stogo, todėl tais atvejais, kai nuomojamame valstybinės žemės sklype ketinama statyti naujus (rekonstruoti esamus) statinius, kuriems sutinkamai su teisės aktais nėra skaičiuojamas ir nustatomas bendras plotas ir užstatytas žemės plotas, atlyginimas už teisę statyti valstybinėje žemėje neturėtų būti skaičiuojamas.[60] Nacionalinė žemės tarnyba prie Aplinkos ministerijos (iki 2023 m. – prie Žemės ūkio ministerijos) taip pat teikia išaiškinimą, jog atlyginimo už galimybę statyti valstybiname žemės sklype, išnuomotame ne aukciono būdu, saulės šviesos energijos elektrinę mokėti nereikia, nes saulės elektrinė yra stogo neturintis inžinerinis statinys.[61]

Atsižvelgiant į pateiktus išaiškinimus, darytina išvada, jog Žemės ūkio ministerija nurodo, kad atlyginimas yra skaičiuojamas tik statiniams ir įrenginiams turintiems stogą. Neturintiems stogo statiniams ir įrenginiams atlyginimo mokėjimas netaikomas.

Įstatymų leidybos teisė pagal Konstituciją suteikta Lietuvos Respublikos Seimui.[62] Žemės ūkio ministerija yra vykdomosios valdžios subjektas, kuris vykdo įstatymus.[63] Viešojo administravimo subjektai - tai Konstitucijoje nurodytos ar specialiaisiais įstatymais legitimuotos valstybinės ar savivaldybių institucijos, įstaigos, pareigūnai, įgalioti ir teisiškai įpareigoti atlikti viešąjį administravimą, t. y. leisti norminius aktus, priimti individualius

[59] Kadastro taisyklų 132 p.
[60] 2022-08-31 Lietuvos Respublikos žemės ūkio ministerijos raštas Nr. 2D-2473(12.146E) „dėl statybų nuomojamojoje žemėje“
[61] Nacionalinės žemės tarnybos prie Lietuvos Respublikos aplinkos ministerijos raštas Nr. 8SD-(14.8.125E)
[62] Lietuvos Respublikos Konstitucijos 67 str.
[63] Lietuvos Respublikos Konstitucijos 94 str.

administraciniu sprendimus, kontroliuoti, kaip laikomasi nustatytų viešojo elgesio taisyklių , taikyti administracinį poveikį, teikti administracines paslaugas įgyvendinant konstitucines informavimo, skundo, ekonomines ir kitas asmenų laisves ir teises.[64] Viešasis administravimas – teisės aktais reglamentuota viešojo administravimo subjektų veikla, skirta teisės aktams įgyvendinti: administracinis reglamentavimas, administracinių sprendimų priėmimas, teisės aktų ir administracinių sprendimų įgyvendinimo priežiūra, administracinių paslaugų teikimas, viešųjų paslaugų teikimo administravimas.[65] Taigi šia definicine norma atskleidžiama bendriausia Lietuvos valstybės vykdomosios valdžios paskirtis – vykdyti įstatymus (Konstitucijos 94 str. 1 d. 2 p.) ir vietos savivaldos institucijų pareiga įgyvendinti įstatymus.[66] Ministerijos valdymo akto pripažinimą teisėtu lemia dvi esminės sąlygos: jo neprieštaravimas aukštesnės galios norminiam teisės aktui – Konstitucijai, įstatymui.[67] Įstatymų viršenybė riboja poįstatyminio akto reguliavimo pobūdį – jo paskirtis tikslinti (detalizuoti) įstatymą, bet ne keisti jo normas ir konkuruoti su įstatyminiu reguliavimu.[68]

Teisės teorijos literatūroje skiriami interpretuotų teisės normų aktai, kuriuos priima teisės normą aiškinanti institucija.[69] Administracinės teisės aiškinimas – tai teisės subjektų (valstybės institucijų, organizacijų, pareigūnų) intelektinė veikla siekiant išaiškinti administracinės normos tikrąją prasmę ir paaiškinti ją kitiems subjektams. [70] Galiojantys Lietuvos Respublikos įstatymai teisės aiškinimo aktui nesuteikia teisės akto galios, t.y. aiškinimo aktas paprastai nesukelia teisinių padarinių.[71]

Lietuvos Respublikos žemės ūkio ministerija teikdama išaiškinimą nurodo, jog pagal Lietuvos Respublikos įstatymus, Lietuvos Respublikos žemės ūkio ministerijos nuostatus, patvirtintus Lietuvos Respublikos Vyriausybės 1998 m. rugsėjo 15 d. nutarimu Nr. 1120 „Dėl Lietuvos Respublikos žemės ūkio ministerijos nuostatų patvirtinimo“, ir kitus teisės aktus Žemės ūkio ministerijos kompetencijai nepriskirtas teisės aktų bei jų taikymo oficialus aiškinimas, todėl toliau teikiama nuomonė negali būti laikoma oficialiu teisės aiškinimu ir neturi privalomojo pobūdžio.[72]

Atsižvelgiant į tai, kad Žemės įstatymo 10 straipsnyje jokios išimties dėl atlyginimo skaičiavimo (tiksliau netaikymo) statiniams ir įrenginiams, kurie neturi stogo, nėra numatyta, darytina išvada, kad privaloma atlyginimą skaičiuoti visiems statiniams ir įrenginiams. Vienas iš atlyginimo apskaičiavimo rodiklių yra statinio ar įrenginio užimtas žemės plotas. Poįstatyminiuose teisės aktuose yra įtvirtintas užimamo ploto apskaičiavimas tik statiniams, kurie turi stogą. Kaip apskaičiuojamas atlyginimas statiniams, neturintiems stogo ar laikiniesiems statiniams, kurių kadastro duomenys yra neregistruojami, teisės aktai nenumato. Žemės ūkio ministerija nėra įstatymo leidėjas, ji gali aiškinti įstatymo normos tikrąją prasmę ir taikymo būdą, tačiau negali aiškinti įstatymo jį siaurindama.

Nuo 2024 n. sausio 1 d. įsigalioja Lietuvos Respublikos žemės įstatymo 10 str. pakeitimai, kuriais nurodoma, jog atlyginimas skaičiuojamas už naujai statomus ar rekonstruojamus statinius. Šiame įstatymo straipsnyje nebelieka įrenginių sąvokos.

[64] Andruškevičius A., Administracinė teisė, Vilnius, 2008, 65 psl.
[65] Viešojo administravimo įstatymo 2 str. 18 p.
[66] Andruškevičius A., Administracinė teisė, Vilnius, 2008, 105 psl.
[67] Andruškevičius A., Administracinė teisė, Vilnius, 2008, 179 psl.
[68] Andruškevičius A., Administracinė teisė, Vilnius, 2008, 180 psl.
[69] Vaišvila A, Teisės teorija, Vilnius: Justitia, 2000, 245 p.
[70] Lietuvos administracinė teisė. Bendroji dalis, Vilnius, 2005, 184 p.
[71] Andruškevičius A., Administracinė teisė, Vilnius, 2008, 142 psl.
[72] 2022-08-31 žemės ūkio ministerijos raštas Nr. 2D-2473(12.146E) „dėl statybų nuomojamojoje žemėje“

Išvados

Žemė yra nacionalinis turtas, užtikrinantis visuomenės gerovę ir tvarų jos naudojimą. Atlikus teisės aktų sisteminę analizę, prieinama išvados, kad Įstatymų leidėjas reglamentuoja žemės nuosavybės, valdymo ir naudojimo santykius bei žemės panaudojimo prioritetus, siekiant racionaliai naudoti žemę ir saugoti gamtą bei kultūrinį paveldą. Didžiausią valstybinės žemės nuomos efektyvumą siekiama užtikrinti per aukcionus, taip užtikrinant lygias galimybes privatiems subjektams. Tačiau yra išimčių, kai valstybine žeme gali būti disponuojama be aukciono, pavyzdžiui, kai joje yra statinių. Toks teisinis reguliavimas yra skirtas siekiant išvengti piktnaudžiavimo valstybine žeme ir užtikrinti jos teisėtą bei efektyvų naudojimą.

Išanalizavus skirtingų finansinių įsipareigojimų - atlyginimo, mokesčio ir rinkliavos - sąvokas bei jų esmines ypatybes, prieita išvados, kad Žemės įstatymo nustatytas „atlyginimas už galimybę statyti“ iš tiesų yra artimesnis mokesčio sąvokai nei atlyginimui. Šią išvadą pagrindžia nustatytos aplinkybės: privalomumas, mokėjimas į biudžetą ir aiškiai nustatytas mokėtojų ratas. Taigi, išanalizavus minėtąją sąvoką, galima daryti išvadą, kad tai yra privalomas piniginis mokėjimas, artimesnis mokesčiui arba mokėjimui už konkrečią valstybės teikiamą paslaugą, nei tiesioginis darbo užmokestis.

Atlikus teisės aktų analizę, nustatyta, kad „atlyginimas už galimybę statyti“ siejamas:

1. su specialiu apmokestinimo objektu: t.y. statiniais ir įrenginiais, įskaitant pastatus, inžinerinius statinius, laikinus ir įrangą, kurių statyba ar rekonstrukcija vyksta valstybinėje žemėje, išsinuomotoje su lengvatomis.
2. Su statybos rūšimis: apmokestinimas taikomas naujos statybos ir rekonstrukcijos atveju. Nauja statyba kuria visiškai naują objektą arba atstato visiškai sugriuvusį, sunaikintą ar nugriautą statinį. Rekonstrukcija apima laikančiųjų konstrukcijų pakeitimus arba išorės matmenų modifikacijas.
3. Su atlyginimu, kuris mokamas už galimybę statyti ar rekonstruoti statinius ar įrenginius valstybinėje žemėje. Įstatymas nenumato išimčių ar tikslinimų, tad reikia mokėti atlyginimą už visų rūšių statybą ar rekonstrukciją, nepaisant jų funkcijos arba tipo. Tačiau apmokestinimas netaikomas kitoms statybos rūšims, tokiose kaip kapitalinis ar paprastasis remontas ar statinio griovimas, vykdomas valstybinėje žemėje, kuri išsinuomota su lengvatomis.

Atlyginimo už galimybę statyti ar rekonstruoti statinį ar įrenginį valstybinėje nuomojamoje žemėje apskaičiavimas kelia nemažai iššūkių ir gali būti sudėtingas dėl teisinio reguliavimo spragų ir neaiškumų. Kai kurios teisės aktų interpretacijos dėl užstatyto žemės ploto yra neginčytinos, tačiau kilus klausimams dėl statinių ar įrenginių, neturinčių stogo ar laikinųjų statinių, įstatymai ir nuostatos yra neaiškios. Vienas iš atlyginimo apskaičiavimo rodiklių yra statinio ar įrenginio užimtas žemės plotas. Poįstatyminiuose teisės aktuose yra įtvirtintas užimamo ploto apskaičiavimas tik statiniams, kurie turi stogą. Kaip apskaičiuojamas atlyginimas statiniams, neturintiems stogo ar laikiniesiems statiniams, kurių kadastro duomenys yra neregistruojami, teisės aktai nenumato. Taigi, darytina išvada, kad teisės aktų nuostatos dėl atlyginimo už galimybę statyti ar rekonstruoti statinį ar įrenginį valstybinėje nuomojamoje žemėje vis dar kelia iššūkių praktikoje.

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ISSUES RELATED TO THE CONSTRUCTION OR RECONSTRUCTION OF BUILDINGS ON LEASED STATE LAND

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Summary

The article discusses the legal regulation of state land lease and its peculiarities in Lithuania. State land can be disposed of in various ways, including transfer for free, sale, lease or transfer for free use. This article focuses on the leasing of state land as an alternative to land acquisition, providing temporary possession and use rights and ownership of the resulting products.

The authors have chosen as the object of their research the normative regulation of remuneration for the construction or reconstruction of a new building located on the state leased land, when the state land plot is leased in accordance with the exception specified in Article 9, paragraph 6, clause 1 of the Land Law. The aim of the study is to disclose the legal regulation of this remuneration, its application and calculation issues.

The legal regulation establishes a 'remuneration for the possibility to build', therefore the article refers to 'remuneration'. "An analysis of the terms 'fee' and 'charge'. The subject of remuneration is also discussed separately. Although the law provides that the 'remuneration for the possibility to build' applies to all buildings and installations, the remuneration is calculated on the basis of the built-up area indicated in the cadastral file. For structures and installations without a roof, the built-up area is not indicated in the cadastral files. According to the interpretation of the Ministry of Agriculture of the Republic of Lithuania, no remuneration is

payable for the construction or reconstruction of unroofed structures. The authors observe that this interpretation clearly narrows the scope of the law.

Keywords: lease of state land, remuneration, tax, fee, construction of a building, reconstruction of a building.

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POSSIBILITIES OF EMPLOYEES‘ CAREER DEVELOPMENT IN STATUTORY INSTITUTIONS

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Abstract. *The article analyzes career development possibilities in statutory institutions. The scientific literature presents various aspects of career planning and management of employees in organizations. The concept of career can be described as a joint effort between an individual and an organization to achieve employee satisfaction in performance, together with appropriate criteria for the organization's competitiveness. Employee's responsibility for his personal career has more to do with planning, organization and management. Meanwhile, employee career management is more attributed to the organization itself. Purpose of the article: to analyze career development possibilities of employees, identify problem areas and provide career development guidelines in statutory institutions. The article discusses the issue of career concept, examines the peculiarities of career development in statutory institutions. The conducted quantitative empirical research assumed the possibility of determining the main factors that encourage and hinder career development in statutory institutions; problem areas and solution options are identified, and a model of career management and implementation options is presented.*

Keywords: *career; career development; statutory institution.*

Introduction

An employee's career is becoming more and more relevant both for the person himself and for the organization. In the 21st century, workers are increasingly focused on pursuing careers that provide satisfaction in their professional activities. When a person is firmly aware of his goal, he becomes a persistently striving to “see“ more possibilities for career development. It can be stated that a person's career is a sequence of continuous diverse development that lasts throughout his life. There are still cases when career is associated only with a profession, but they are getting smaller and smaller. In order for a person to achieve the set goals, he must expand the boundaries of his capabilities, constantly learn and not be afraid of new experiences (Green, 2020). People working in statutory institutions are characterized by certain differences, as their work activities are regulated according to the statute and other legal acts, which may have quite strict employment requirements and career possibilities.

In Lithuania, the issues of career development possibilities of employees in statutory institutions are still poorly studied, and very little research is carried out on career possibilities in these organizations. A fair and honest career in a statutory institution can be prevented by

certain negatively influencing circumstances, and there are no detailed ways, actions, methods or measures preventing this (Adamonienė, Kuveika and Petkevičiūtė, 2022). An individual, starting to work in a statutory institution, taking an oath to faithfully fulfill his duties and serve the good of society and the state, must understand the meaning of his professional development and career possibilities. The field of career management in the Lithuanian civil service, and especially in the statutory civil service, is still far from spread (Muravjova, 2010). Most civil servants are limited in their career possibilities because the state government does not provide them with the necessary conditions to pursue higher positions. Also, certain processes began to create an internal conflict between lower and higher officials, due to unfair activities that affect career development. The topic is relevant both in terms of science and practice. The topic of career in scientific literature is considered both among Lithuanian authors such as Sakalas, Šalčius, 1997; Stanišauskienė, 2016, Petkevičiūtė, 2006, 2013 ; Laurinavičius, 2003; Valickas, 2014, etc., and foreign authors such as Heijden, Davie, Bozionelos, De Vos, 2022 ; Hall, 1995; Greenhaus, 2015, etc.

Scientific novelty and level of investigation of the problem under study. The study on career development possibilities of employees of statutory institutions is characterized by a peculiar novelty in this topic. Researcher A. Laurinavičius conducted a study on the problems of career management of the country's police and customs officers, but many aspects that are relevant today have not been analyzed (Laurinavičius, 2003). Legislation, documents and quantitative research were analyzed for the study.

The article analyzes following problem areas: what factors determine the possibilities of career implementation and what complicates the management and implementation of career in a statutory institution. *Purpose of the study*. To discuss issues of career development possibilities of employees in theoretical and practical aspects. *Research tasks*: to present the results of analysis of the scientific literature on the career and its development possibilities in the theoretical aspect; to conduct a study of career development possibilities of employees in the statutory institution, to name problem areas; to present a model of career development possibilities of employees, which can be applied in statutory organizations.

Career development as an essential factor in personal identity

The 21st century is characterized by the fact that workers are looking for meaning and identity in their professional activities. (Guillen, 2021). In this way, the career acquires a much broader context than before and includes many more factors. Today, the so-called "Millennial generation" is everywhere looking for meaning and self-realization (Howe, 2018). Many authors describe a career as a path of professional development, constantly setting new goals, challenges, achieving new positive results (Katkonienė, Ustinavičiūtė and Žemaitytė, 2011). Analyzing the origin of the concept, it can be found that the concept of career is derived from the Latin word "carraria", which means a person's running, the course of actions and the path of life, or from the French word "carriere", which designates a field of activity or a profession. In English, the meaning of "career" is to define race. Later, the use of the word was developed to "an intense flow like the sun through the clouds" and "a person's professional progress throughout his life" (Čiutienė, 2006). According to Kučinskienė R. (2003), career lies in the historical changes of people's work and relationship with life to satisfy growing desires, both higher and lower life needs. Strive to realize medium and long-term goals and aspirations.

Before the industrial revolution, a career, understood as stability in an organization or profession, almost did not exist. In the society of the time, any change in social roles or duties was not so much related to the will or initiative expressed by a person, but to his position in the

social or organizational structure. All changes were conditioned by clearly defined social norms. As Giddens (2000) states, "... each person has special possibilities that can be implemented...", which was alien to modern culture. Gender, lineage, social status, and other identity-relevant attributes were relatively constant. In modern society, it was necessary to go through various stages of life, but these transitions were due to institutional processes (Valickas et al., 2015).

In the 19th century, the concept of career acquired the meaning of professional activity and work path. As organizations developed, the need arose to properly direct the careers of employees. One of the first to describe the importance of career for the organization was Weber, who was convinced that such a career management system should exist in the organization, where employees, gaining more and more experience and knowledge, could occupy positions requiring more responsibility (Inkson, 2009) .

At the beginning of the 20th century, career phenomena were dealt by Parsons (1909), who is considered a pioneer in career development, his research has had a lasting impact on career theory. Parsons was one of the first to point out that people differ in their abilities and skills, interests, personal characteristics and values.

A career lasts a lifetime, but its success depends on each individual personally. If a person feels fullness in work activity, no other person can claim that a career has failed. Not all employees are eager for leadership positions, some associate a career advancement with a development in a particular field or personal growth (Sakalas and Šilingienė, 2000). In the time of Frank Parsons (1909), who is considered the pioneer of career development, the term "career" was often used synonymously as "occupation", "profession" (Patton ir McMahon, 2006).

One of the earliest career concepts was presented by Erving Goffman (1961), which states that traditionally the term "career" is associated with successful professional growth, but that the concept should be used in a broader sense, pointing to any social sequence of any person's entire life (Hall, 2002).

Thus, for most of the 20th century, the traditional organizational view of career prevailed throughout the world, which can be described as a successful career that is associated with individual achievements, the most important of which are higher positions, achieved status and higher wages (Valickas et al., 2015).

The Universal Lithuanian encyclopedia (2023) defines the concept of career as a quick and successful rise in the service, in society, as well as a certain success in life. In one aspect, career is a certain activity, and in another, it has to do with the planning and implementation of a whole life (Stanišauskienė, 2015).

A career is an individual's motives, results, abilities, needs, when goals are pursued not only for recognition in society or monetary reward, status. Most often, it is aimed at the possibility to improve, self-realization, self-expression and improvement in a certain area (Valickas et al., 2015). The career approach includes not only goals, abilities, motives, but also changing duties in order to accumulate work experiences that are meaningful for the individual and the organization, which would ensure the required level of knowledge and career satisfaction. (Korsakienė, Smaliukienė, 2014; Poon, Brisco, Abdul-Ghan, Jones, 2015). Some researchers describe the concept of career as professional experience gained over a period of time, others define it as achievement in the field of work, and still others argue that it is learning

to act individually to achieve the goals set (Rosinaitė, 2010). Each person's understanding of career is individual, for some the term "career" means a chance to receive desired training that would reveal a person's goals, desires and expectations about a professional role. In the 21st century, the responsibility for career development is directed towards the individual, not the organization. This formation is influenced by: gender, education, age, character, and so on. It is not easy to describe what experience has the most impact on this process, since formation begins in early childhood and continues throughout life. It is not for nothing that it is said that every man is the blacksmith of his life (Lamanauskas ir Augienė, 2015).

Summing up the ideas of the authors examined about a career, it can be said that a career is a sequence of human roles throughout life.

For fulfillment, work and career development can be among the most important and satisfying activities in life. In the scientific literature, authors (Petkevičiūtė, 2013) distinguish two career models:

- *Personal* (modern, alternating, horizontal). This model is characterized not only by vertical, but also by horizontal career movement, individual work space and subjectivity of the relationship with professional success, flexibility and professional mobility, less responsibility, a sense of stability and social security.
- *Organisational* (traditional, bureaucratic, vertical). In the organizational career model, the role of a person depends mainly on the goals, expectations of the organization, and this includes only a part of the employees. In this model, there is a dominant upward or downward movement in positions within the organization, with the greatest responsibility for an individual's career being borne by the organization itself.

When talking about a personal career, we can use Hall's definition that an individual's personal career is differently perceived and understood, that a career is usually related to the professional experience that an individual is engaged in throughout his life (Baginskas, 2021). Personal career is related to the activities of each employee, which are influenced by the individual values, aspirations and behavior of a person. In modern society, a career depends on the goals, aspirations and capabilities of a person. For successful career development and implementation, proper career management, self-knowledge, appropriate career decision-making and, above all, career planning and career plan implementation are essential. Self-realization is closely related to personal career, i.e., greater inner satisfaction, material reward, motivation and sense of meaning are obtained (Rosinaitė, 2010).

The second distinguished career model is an organizational career (traditional, bureaucratic, vertical). In the work of researchers, a traditional approach to career often prevails, which is characterized by "<...when employees are not involved in the process of making career plans, but are limited to executive roles" (Valickas et al., 2015, 18). This model is not characterized by flexibility in relation to the person, but allows the employee to ensure the career future and social security (Raudeliūnas and Valickas, 2018). Petkevičiūtė (2006) provides the following five main force changes to the organizational career model:

1. *High expectations.*Employees have expectations that do not correspond to reality and are not directly related to work experience;
2. *Autonomy.* In today's society, freedom at work and independence are important for employees, as well as ability to make their own decisions;

3. *Gender*. Reduction of separation between female and male positions and salary;
4. *Taking care of lifestyle.* Fullness both in the workplace and in the family and balance between work and personal life.
5. *Career perception.* Most people understand the concept of career differently, so the needs, goals and personal values are also different.

The goal of a person in an organization is not only to secure financial well-being, but also self-realization and discovery of a vocation. It can be stated that these five aspects are important in the 21st century. For employees of the organization who value freedom of speech, are confident, want to ensure equal possibilities and are rapidly climbing the career ladder. Modern organizations need to work harder to maintain human capital, adapt and pay attention to these five fundamental changes in strength.

Career development and choice of profession in an organization are determined by subjective and objective factors (Valickas, 2014):

- Subjective factors (internal) are perception of the situation, family life of a specific person, his circumstances, goals, plans, change of aspirations.
- Objective factors (external) are visible, real environment where the situation and possibilities to achieve the goal set for a person prevail, i.e., career management, knowledge development.

In the scientific literature, various career factors and their groups are distinguished, but most often two groups are indicated, i.e., internal and external. A person, guided by his personal needs and taking into account the need for the environment, chooses a profession and forms his career path. A person tends to prioritize work that provides possibilities to take advantage of the skills and abilities available. Equally important is fair remuneration that meets expectations and a working environment, in other words, a comfort zone that must satisfy the employee so that motivation does not decrease. Everyone has a need for communication, so a good team can raise the level of trust at work (Dromantaitė, 2012).

Although there are a number of factors that relate to subjective and objective career success, the most common theoretical distinctions are combination of three theoretical distances: human capital, social capital and motivational factors. Human capital is a success that depends on the individual himself, his education, skills, knowledge. On the contrary, benevolence in social connections allows people to get jobs and competitive results, i.e., promotion or higher wages. And finally, the success of motivation in a career is a person's own effort to achieve a career (Paradnikė, Bandzevičienė, Endriulaitienė, 2016; Hirschi, etc., 2018).

Four groups of factors that influence a successful career are also distinguished (Hirschi, et al., 2018):

1. Human capital – general and professional knowledge, skills that are needed in the labor market.
2. Environment – work challenges, career possibilities and social support in the career.
3. Motivation – clear goals and interest in achieving them, self-confidence.
4. Career management behavior - learning and gathering information about career possibilities, social networks (Figure 1).

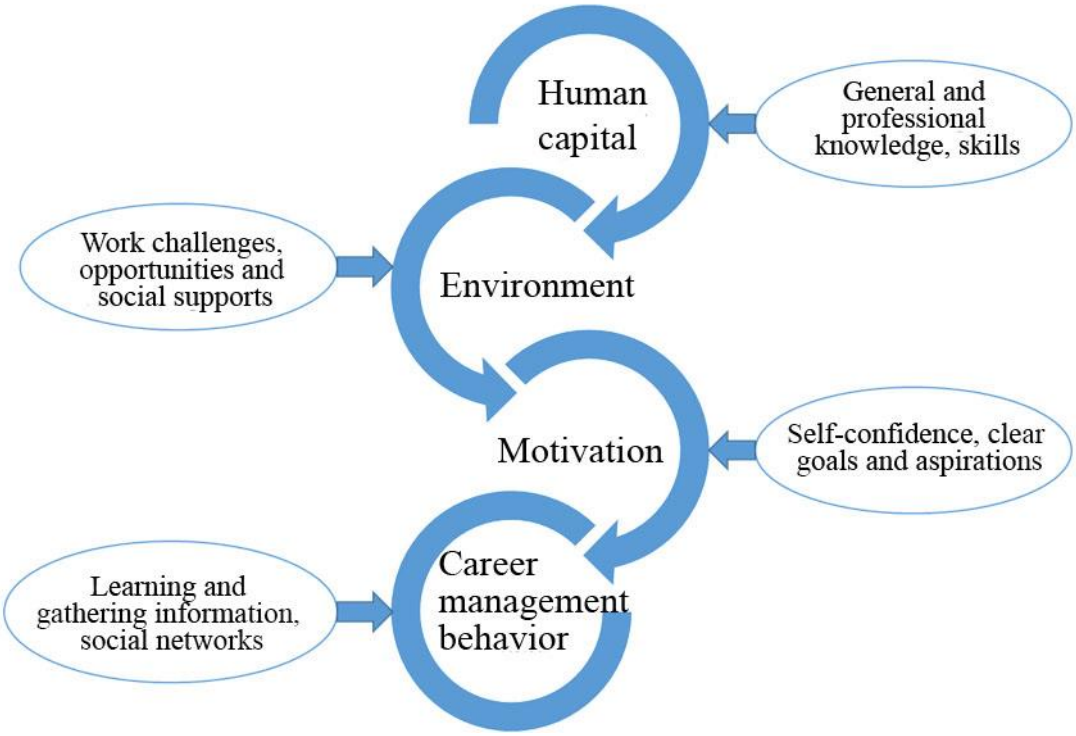

Figure 1. Four groups of factors influencing career
Source: compiled by the author, according to Hirschi, A., Nagy, N., Baumeler, F., Johnston, C. S., Spurk, D. (2018). Assessing Key Predictors of Career Success: Development and Validation of the Career Resources Questionnaire. Journal of Career Assessment.

Thus, although career is continuous, it is based on the sequence of work and learning experiences that the person acquires through learning and working in processes. Just like objective, subjective factors and their perception are necessary and equally important in planning your career.

The first scientist to describe the career in the organization was Weber, who was convinced that there should be such a system in the organizational career that employees could occupy higher and higher positions as they gain more experience and have the opportunity to develop their career in a vertical direction. This work model has been implemented in large Japanese organizations (Raudeliūnas and Valickas, 2018).

The scientific literature also describes models of three-dimensional organization as a career space. The model distinguishes three organizational career directions (Valickas, 2014):

- *Vertical career* is a person's rise to a higher position in an organization that provides higher pay and status. The individual is given greater privileges.
- *Horizontal functional career* - the transition of an individual to work at the same level, equivalent position, that is, to another project or program. This allows the employee to show knowledge and develop in the profession. This career model is most suitable for people looking for adventures and challenges at work, as this is often encountered in this model.
- *Radial career* - movement within the organization, when an individual can move towards or away from the circle of the organization by increasing or decreasing his influence (Figure 2).

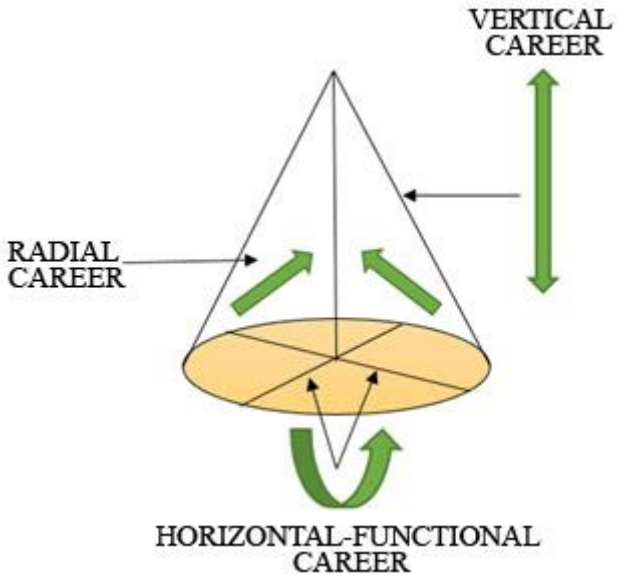

Figure 2. Three directions of organizational career
Source: compiled by the author, according to Valickas A., Chomentauskas G., Dereškevičiūtė E., Žukauskaitė I., Navickienė L. (2014). *Asmeninės karjeros valdymo vadovas dėstytojui*. Vilnius: Vilniaus universiteto Karjeros centras.

Most often, several career models are relevant and applicable, i.e., vertical and horizontal career. Vertical career offers possibilities to rise to the top tier of the hierarchy, which provides a visible assessment (provided by status and higher pay), motivational measures (encourages focus on work) and more complex tasks (prevents work from becoming monotonous) (Petkevičiūtė, 2013). Another career model, horizontal, involves moving to another area. This model allows you to demonstrate the accumulated knowledge, encourages improvement, acquiring new knowledge and getting to know different activities.

Organizational approach to career that existed in the past, also known as vertical, in which career was perceived as a ladder of hierarchy, and success was measured by moving up this ladder and by the signs of human achievements, i.e., social status, higher salary, various awards. However, it has been observed that in order to occupy higher positions, employees have to compete more with their co-workers. Although this career is characterized by rigid structures, stability allows an increasingly clear understanding of career paths. In modern career, an employee is less and less limited to work in a specific company, people are flexible, often learn, constantly develop their abilities and strive to use their abilities to the maximum (Valickas, etc., 2014).

In summary, it can be stated that nowadays personal career, which depends on one's own possibilities and goals, aspirations, becomes more important, while organizational career, which depends on the organization's values and plans, becomes less and less relevant. People feel less and less uncommitted to one organization. It is much more important to fulfill their personal aspirations. However, in today's society, with an organizational approach to a career, the desire to meet expectations of both the organization and the employee is not difficult to implement, since organizations are increasingly focused on human resources and their retention in the organization.

Research methodology

A quantitative study was conducted on career development possibilities for employees of the statutory institution. To conduct the study, a questionnaire consisting of 25 questions was prepared. The questionnaire compiled by the authors was placed on the website www.apklausa.lt, with the respondents being chosen from the officers of the statutory institution. This method was chosen due to the fact that using the advantages of the internet, people can be interviewed regardless of their geographical location, and the obtained data are easier to process and analyze. The first 7 questions of the questionnaire were submitted to statutory officials in order to clarify their general characteristics, i.e., age, gender, length of service, qualification level, available education, etc., which may play a role in assessing career possibilities for officers. Other questions were about the clarity of the career system and ways to pursue career in a statutory institution. In order to find out what career development options are available while working in the statutory institution, respondents were asked how their career developed while working in the statutory institution; how they were promoted or rewarded in the service during the last 3 years of work. Questions about professional development and career development possibilities, conditions and wishes were asked with the aim of finding out the opinion of officials. A separate question aimed to find out the opinion of officials about the obstacles to career development.

The research sample size was determined by the Paniotto formula (Kardelis, 2017). The research was participated by 129 respondents. The obtained research data were processed using the Microsoft Excel computer program.

Research results and their analysis.

The research was participated by 129 respondents, majority of them were women - 51.2% (66) and men - 48.8% (63). According to the age distribution of the respondents, the majority are 35-45-year-olds and make up 29.5%, 25-35-year-olds make up 28.7% and, respectively, 45 and over, persons working in the institution make up 23.3%, and young people up to 25 make only 18.6% of the age group work. It can be assumed that the age of statutory officers is increasing and the system is dominated by older people, while the number of young people choosing this profession is decreasing, which could become an acute problem in the future.

Statutory civil servants may receive a state pension based on their internal service seniority. It is granted if the official has served for 25 years or more. According to the internal service seniority indicator, almost a third of respondents serve over 20 years in the internal service system, so some of the officers may already retire from service or will be able to do so in the near future. It is important to mention that individuals may choose to continue to serve until a certain age, depending on the link established in Article 73 of the VTS Statute of the Internal Service of the Republic of Lithuania, 2018). The smallest part of the respondents - 13.2%, has been working in the internal service system for 10-15 years, while the newly started service respondents with up to 5 years of experience make up 25.6%. The rest of the respondents, i.e., the most active in the survey were the persons serving in the internal service system for over 20 years, who have the most experience.

According to the level of education, more than two thirds of respondents have a university degree, 14% of respondents have a professional degree, 12.4% have a higher non - university degree, and 5.4% of respondents have a higher level of qualification.

The choice of statutory civil servants to work in a statutory institution was largely determined by social and other guarantees, which were noted by 39% of respondents. It was mainly identified as a vocation or a dream, an intrinsic motivation, and a desire to help others: („*the set goal of being a police officer, other criteria only as an addition to the goal and*

aspiration, when I chose this profession neither pay nor social guarantees were important, the more important desire was to be a representative of this profession, the work seemed respectful and important for the good of the people“). One of the respondents based his choice to work in a statutory institution on the fact that: ("*working in a statutory institution did not have to serve in the soviet army“*). Some of the respondents also said it was a spontaneous choice: ("*just got an offer, and since I was not working, I agreed*“, „*work that happened at the time*“, „*I just came up with that.*“, „*I didn't know what to study so I chose this direction.* “.) 2 respondents stated that their choice was determined by („*desire to work in the criminal police", " work with criminal cases*“).

Favorable career possibilities and conditions for training and qualification as a choice to work in a statutory institution are assessed by 12.7 and 11.7 percent of respondents, respectively.

Answers to the question: "*Do you have a clear career system in the statutory institution?*“. 112 respondents (86.8 percent) chose the answer option that the career system in the statutory institution is clear, but 13.2 percent of respondents did not find the career system clear. It can be assumed that 13.2 percent of respondents may not be familiar with the legislation establishing a career system in a statutory institution.

In order to find out what career development options are available while working in a statutory institution, respondents were asked how they developed their career while working in a statutory institution. In response to this question, statutory officials could choose more than one answer option. The vast majority of officers, about 50 percent, have moved to higher positions throughout their service life. About 15 percent gained a higher qualification, and 14 percent were transferred to a vacant equivalent position.

The results of the study indicated that employees are subject to both personal, horizontal career model (rotation) and organizational, vertical career model when moving to higher positions. 16.2 percent of respondents said they had not met any of the expected factors, but it should also be noted that 33 people have been in the internal service for up to 5 years, so it is likely that the person has just "joined" the ranks of officers and has not had much possibilities to develop a career. About 7 percent of respondents chose the answer option "other" and commented that their career developed through selection: („*I started working in the middle link, after passing the selection I moved to the higher link*“, „*participation in the selection process (transfer to all new positions took place by selection)*") (Figure 3). One study participant stated that ("*reforming the police system forced me to change positions*"), while another respondent distinguished that his career developed both in the vertical career model of moving to higher positions and in the horizontal career model of working in the same positions: ("*I started working as an interrogator, after the abolition of the interrogation department I became "only" an investigator of the criminal police, later a chief investigator, after the abolition of the criminal police in the districts I transferred to the public police as the same chief investigator*“).

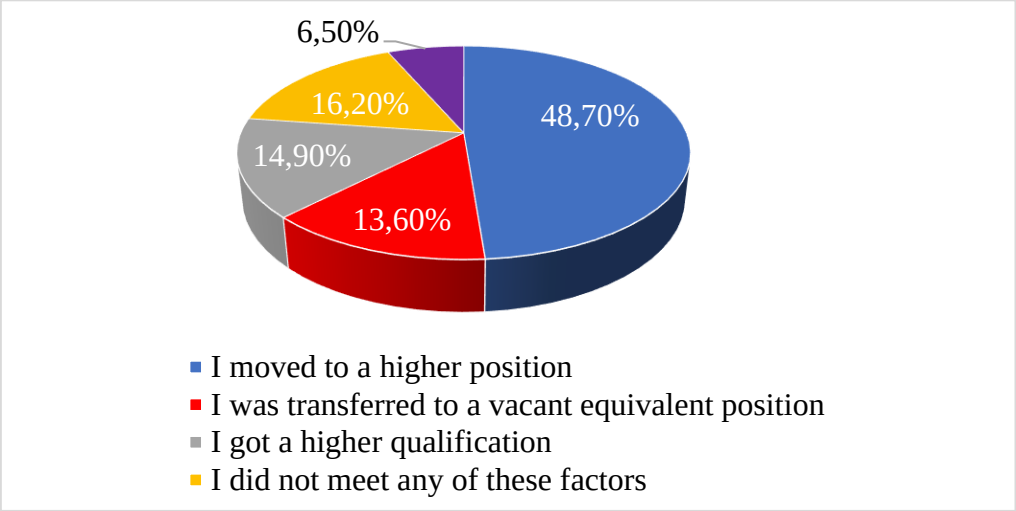

Figure 3. Career development possibilities while working in a statutory institution.

When assessing the main obstacles to career development, officials could choose more than one answer option. As one of the main obstacles to career development, about 15 percent of respondents singled out a lack of motivation. Also, 12.1% of respondents singled out unwillingness to take on more responsibility as an obstacle to career development. According to the research participants, gender and age have the least influence on career development (Figure 4).

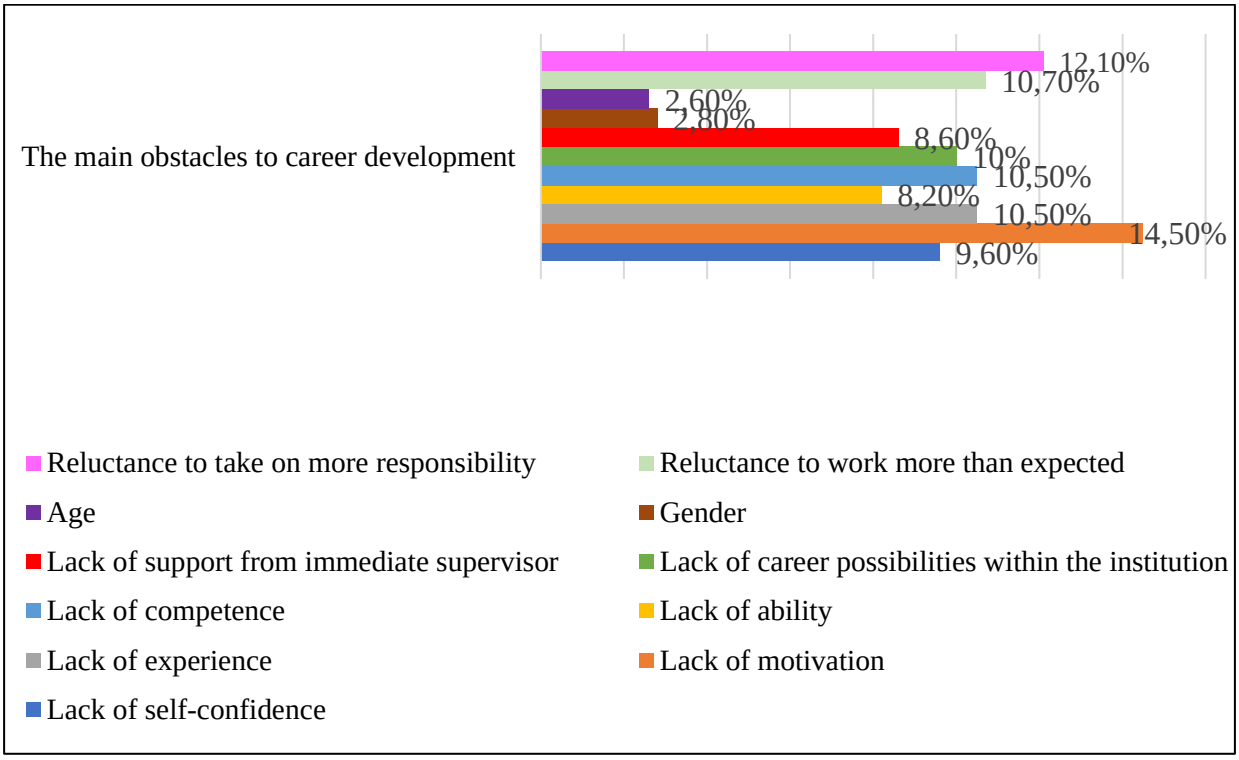

Figure 4. The main obstacles to career development.

The research participants were asked whether they are interested in improving themselves in refresher courses. The vast majority of respondents (about 88 percent) said they were interested in improving their qualifications, but about 12 percent said they were not interested in improving their qualifications.

The research participants were also asked a question: *is the training to which they were sent useful and if it helped in the current position?* In this regard, it was sought to clarify whether the training carried out is useful for the current position in the statutory institution. More than 2/3 of the respondents (76%) found the training useful and helpful to perform their current duties, while 21.7% of the respondents did not see the benefits of the training. The research participants were also asked to comment on the optional answer option, resulting in various opinions about the training: ("*Helps to deal with work-related matters faster and more accurately, to qualify for violation and to be useful.*“, „*Not related to my direct work. Training is most often dismissively "retold" theory.*“). According to the opinion of the study participants, we can see that most respondents are dissatisfied with the fact that part of the training is not related to the functions performed, as well as the low competence of the teachers is distinguished ("*Because the teachers had less experience and knowledge. The questions asked were not answered.*"), a small selection of training ("*The training is mostly for incident response officers, or specialist officers. What concerns pre-trial officers (not working with serious crimes) training is a small choice.*"), inefficiency of training and lack of practice ("*Because organized courses do not bring the planned benefits. A tick is placed that the training took place, but there is no meaning from it and, in most cases, you have to learn through practice.*", "*If information is presented through practice - perfect, but if only dry theory is presented - zero benefit.*” However, one of the study participants noted that: ("*All trainings, without exception, give new knowledge or update old ones, and it depends only on the person how and to what extent they will apply them in the work. A motivated person always works proactively, is not afraid to make mistakes and tries innovations, which ultimately leads to success in the results of work. Conversely, some employees (colleagues) are basically lazy and do not apply new knowledge, as a result they do nothing, do not know how to do anything, do not improve, poor work results, and as a result career possibilities are extremely limited, and usually such "non-doers" are the most dissatisfied with salary and management , system, etc. (they don't see their faults, this type of colleagues think that they are paid a salary only for coming to work), it's a good thing that there are only a few of such people in the departments, but they always "shout" the loudest.*“).

It is important to find out whether the officials have the right conditions for career advancement, so they were asked to assess the conditions for career development. The results of the survey showed that 54 percent of the respondents thought the conditions for career development are created or more created than not created, about 5 percent of the respondents do not have an opinion, and about 42 percent of the respondents indicated that the conditions are not created or more not created than created. Such distribution could be due to the fact that some of the respondents are not interested in developing a career in a statutory institution.

In order to find out how many officials want to pursue a career in general, the question "*Do you want to pursue a career in a statutory institution?"* was asked. Almost half of the research participants said that they really want to pursue a career. Only about 5 percent of the respondents are convinced that they do not want to pursue a career in a statutory institution. In summary, it can be said that the vast majority of the respondents are ready to pursue a career, but another significant part is undecided and doubts whether a career is necessary for them.The respondents were asked how they assess their career possibilities while working at this institution. About 57 percent of the respondents believe that a career can only be developed

while already in a certain position. 36 percent of the research participants believe that the institution has excellent conditions for pursuing a career at all levels, and only 7 percent of the respondents believe that it is impossible to develop a career (Figure 5). Summing up the results of the research, it can be said that more than half of the research participants working in the statutory institution believe that the conditions for career development are not the same and fair for everyone.

When explaining whether all statutory officials are given equal career possibilities, more than half of the respondents expressed the opinion that equal career possibilities are not given to everyone, and about a third of the respondents said that possibilities are the same for everyone. According to the responses of the respondents, it can be assumed that not all officials are guaranteed equal career possibilities.

In order to find out what career possibilities exist, the research participants were asked how long they had worked in a statutory institution before reaching the first step of their career. The highest percentage of the respondents (27.1%) worked from two to five years before the first career achievement. 22.5% - did not have such possibility yet. 12.4% of the respondents worked up to one year before the first career achievement, and also 12.4% of the respondents worked from one to two years. From the research data, it can be seen that it is easier and faster for some to develop their career, while for others it takes longer than 11 years, but this may depend on the individual's desire and efforts. It can be assumed that although not everyone is given equal career possibilities according to officials, it is possible to develop a career depending on the desire and efforts made.

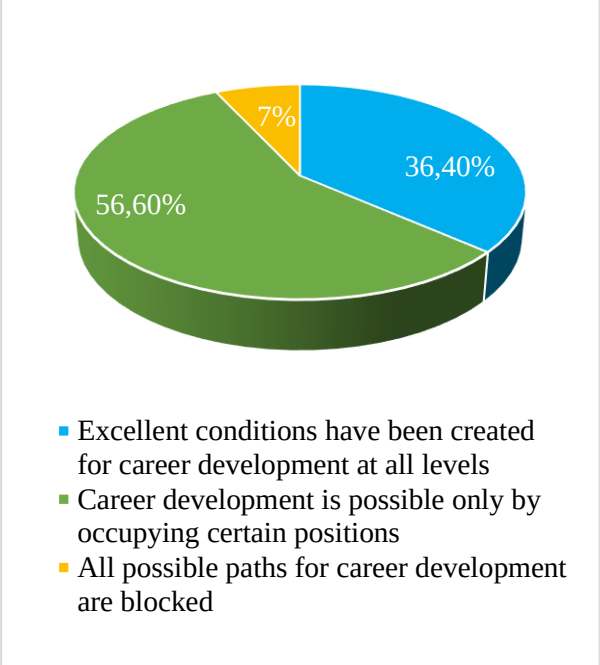

Figure 5. Opinion of respondents about personal career development possibilities

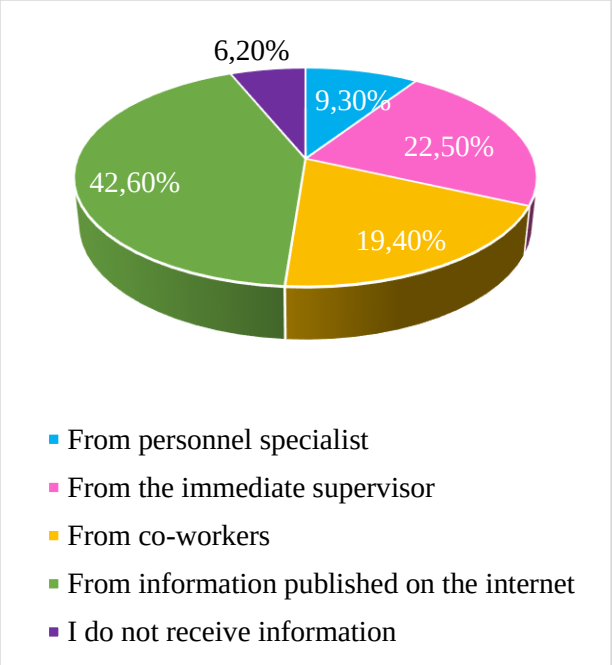

Figure 6. Most commonly received information about the development of career possibilities

The study participants were asked the question of where most often they receive information about the development of career possibilities. More than a third of the study participants responded that the information comes from information posted on the internet, about 20 percent of respondents get the information from their immediate supervisor, and 19

percent of those surveyed get this information from their colleagues (Figure 6). It can be stated that both the immediate supervisor and the co-workers in the institution are interested in the person pursuing a career because they inform their colleagues about such possibilities.

The aim of the research was to find out whether the level of education has influence on career development in a statutory institution. More than 2 thirds said education has an impact on career development possibilities, while 15 percent said education has no impact. In a statutory institution, when applying for certain positions, one of the special requirements is a certain qualification level, for example, higher university or equivalent education in the field of law. Thus, it is impossible to develop a career without the necessary level of education to certain positions, which is also supported by the overwhelming majority of survey respondents.

Knowing about the influence of the level of education on career development, the next aim was to find out whether the immediate supervisor of the statutory officers has an influence on the officers' career possibilities, i.e., whether career possibilities depend on the relationship with the immediate supervisor. 72.9% of the respondents answered that their career possibilities depend or depend more than not on the relationship with their immediate supervisor. The rest of the respondents (27.1%) believe that the relationship between their career possibilities and their immediate supervisor does not affect or have no opinion. The study suggests that having a bad relationship with your immediate supervisor can limit career possibilities and make it more difficult to develop a career than having a good relationship with your supervisor, which leads to dishonesty towards other officials.

Research data on respondents' opinion on who is responsible for career development indicated that 69% of the respondents believe that it is the responsibility of both the individual and the organization, 19.4% of the respondents believe that it is the responsibility of the organization, and only 11.6% of officials believe that it is the individual's own responsibility. Summarizing the available data, it can be stated that this is the responsibility of both the individual and the organization, because only by combining the goals and values of the organization with the goals, values and abilities of the individual a successful career implementation can be achieved.

The respondents were asked if they were familiar with the legislation determining their career options. It turned out that 81 percent are familiar with this legislation, and 19 percent have not read the legislation governing career possibilities in a statutory institution.

In the last question of the completed questionnaire, we wanted to find out the opinion of the officials whether the career and career development possibilities are sufficiently clearly regulated in the normative legal acts. About half of the research participants replied that they had no opinion, a third of the subjects said that career and its development options were clearly regulated, and 24 percent of officials said that the regulation of career and its development was not clear. Such a high percentage could have formed the opinion of the overwhelming majority, due to the fact that some of the respondents are not familiar with this legislation and therefore do not have an opinion.

In summary, it can be stated that the statutory institution has created suitable conditions for the career development of employees. It should be noted that both the immediate supervisor of the officers and other colleagues willingly share about career development possibilities. During the research, it was found that according to the working time until the first career achievement, 25% of the officers worked for up to 2 years, and for 50% of the officers it lasted up to 5 years, and it was also revealed that almost half of the research participants have moved on to work in higher positions. However, the study found the problem that not all officers are considered to have equal career possibilities, and the fact that career possibilities depend on relationships with the immediate supervisor, making it easier for those with acquaintances to

pursue a career that is not fair to other officials. Also, the results of the study indicated that not all officials working in the statutory institution are interested in pursuing a career. The main obstacles to career development are lack of motivation and unwillingness to take on more responsibility.

Career development possibilities model the statutory institution

After conducting the analysis of the scientific literature in the theoretical part and receiving the results of the research of career management and implementation possibilities, the proposed model of career management and implementation possibilities was adapted to the statutory institution (Figure 7).

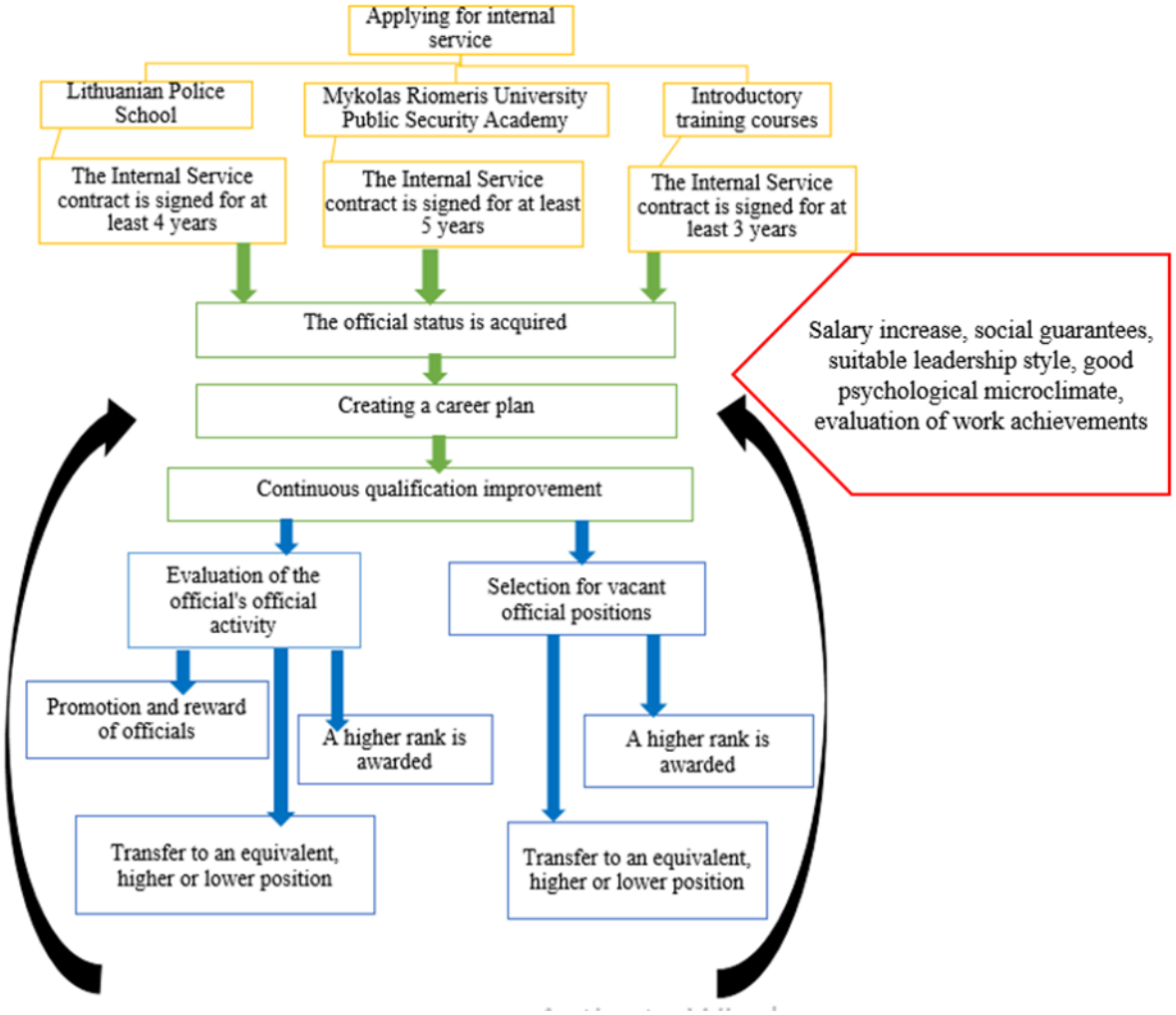

Figure 7. Model of career development possibilities.
Source: compiled by the authors, based on the theoretical aspects of career management and the study of career management and implementation options

In the statutory institution, the career path begins with admission to the statutory vocational training institution. When applying for internal service, a person also has certain requirements: age from 18 to 60 years; at least secondary education; impeccable reputation and

loyalty to the state of Lithuania, etc. The person's physical fitness and health status are also checked.

The official should discuss the personal career plan drawn up by the official when starting work in a particular statutory institution together with his immediate supervisor. It proposes to provide for how much and in what training a person plans to participate and what knowledge and skills he would like to acquire in order to achieve career possibilities. Also, the immediate supervisor should provide the necessary advice to individuals, and the organization should conduct seminars on career management and implementation. The drawn up plan should be updated every year before the official performance evaluation. If the officer succeeds in implementing the career plan, but there are no possibilities at the time to give the person a higher rank or to promote the person in positions (e.g., there are no vacant positions), in order to maintain motivation, the person should be encouraged by other means: e.g., a one-time cash payment, providing additional paid holidays, etc.

The individual, having a developed career plan, would continue to constantly improve his competence. Currently, many trainings are organized remotely (in 2022, 81% of the training participants advanced their qualifications remotely), but it would be appropriate to organize more live training. This need was also indicated by the respondents in the study. It is appropriate to review the variety of training offered so that appropriate training can be selected by officers at various levels. To ensure the effectiveness of training, it is appropriate to test the knowledge gained by officials at the end of each training. After receiving a rating of less than 7 points on a ten-point scale, the training should be repeated and the prepared test should be carried out again.

In the model compiled and proposed by the authors (Figure 7), it can be seen that persons in higher positions could pursue a career by participating in selections for vacant official positions and according to annual evaluations of official performance ("very good") at the initiative of the immediate supervisor. Selection for the vacant position of an official should be carried out by organizing interviews with applicants.

The conducted research found that a third of statutory police officers are promoted or rewarded only once during the last 3 years in the service, therefore, in the model of career development possibilities presented by the authors, the promotion and reward of officers, following the evaluation of the officer's official performance, is singled out. By encouraging officers with external motivation factors, such as gratitude, verbal praise, one can expect higher quality work results and individual job satisfaction, which will motivate him to further raise his qualifications and pursue a career. (Figure 7).

In conclusion, it can be stated that a person who wants to pursue a career in a statutory institution must first of all acquire the status of an official by applying for the internal service system, signing an entry contract for internal service, studying in one of the educational institutions. After obtaining the status of an officer, in the opinion of the authors, the officer should draw up a personal career plan and coordinate it with the immediate supervisor. By continuing to improve his qualifications, an individual could seek higher positions through selection or evaluation methods.

Conclusions

There is a variety of definitions of career in the literature, but most often the literature presents career in four main senses: career as achievements, career as a profession, as a permanent job, and career as a lifelong sequence of different roles. The scientific literature also distinguishes 2 main career models: personal, which can also be called modern or horizontal,

and organizational, which is also called traditional or vertical. The personal career model is dominated by horizontal career movement, where the transition to equivalent positions and the career is the responsibility of the individual himself, while the organizational career model is dominated by vertical career movement, where the ascent or descent to higher or lower positions and greater responsibility for the person's career is assumed by the organization. Also in the scientific literature, various career factors and their groups that affect career development are distinguished. Most often, two groups are distinguished, i.e., internal factors – goals, plans, education of a particular person, and external factors – career management, knowledge development. Motivation is also one of the most important words in management and implementation of officer's career. It has been established that officials can be motivated by external and internal motivation factors.

During the research, it was established that not all officers are guaranteed equal career possibilities. Often, career development depends on relationships with the immediate supervisor and acquaintances with high-ranking persons in the police. It was found that the level of education affects career development, while gender does not affect career development. The research also found that not all employees in the institution are interested in developing a career. The respondents identified a lack of motivation and unwillingness to take on more responsibility as the main obstacles to career development. The most motivating reasons for officials to refuse job offers in the private sector and remain working in a statutory institution are salary increases, social guarantees, appropriate management style, good psychological microclimate, etc.

The authors developed and proposed a model of career development possibilities for employees, with an emphasis on creating a career plan. With proper career planning and goals set, the need for career development arises. Qualification improvement is also singled out, since during the research it was found that during the entire period of service, qualifications were improved quite rarely. In this way, it can be stated that the range of professional development programs needs to be expanded, the number of compulsory training participation per month is determined and more attention is paid selection of lecturers and problems of training topics.

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LIAUDIES PAMALDUMO ELEMENTAI ALDONOS ELENOS PUIŠYTĖS KŪRYBOJE

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Anotacija. *Svarbūs A. E. Puišytę formavę veiksniai yra krikščioniškoji kultūra, išlaikyta agrarinė pasaulėjauta, domėjimasis filosofija ir Vakarų Europos kultūriniu kontekstu. Straipsnyje siekiama atskleisti, kokie religinio pasaulėvaizdžio elementai būdingi A. E. Puišytės kūrybai. Pasitelkiama Lietuvoje skelbta medžiaga apie liaudies pamaldumo praktikas, remiamasi teorinėmis studijomis. Straipsniu siekiama pasigilinti į konkrečias liaudies pamaldumo praktikų pasireiškimo formas. Tyrimo objektas – liaudies pamaldumo elementai A. E. Puišytės kūryboje. Tyrimo tikslas – apžvelgti liaudies pamaldumo elementus ir praktikas A. E. Puišytės poezijos rinkiniuose, išleistuose po 1990 m. Tyrimo uždaviniai:1. Remiantis teorine literatūra ir literatūros kritikos straipsniais, nustatyti, kokie liaudies pamaldumo elementai būdingi A. E. Puišytės kūrybai; 2. Charakterizuoti A. E. Puišytės religinę pasaulėjautą; 3. Aptarti liaudies pamaldumo elementų raišką. Tyrimo metodai: aprašomasis, analitinis ir sintezės.*

Poetės kūryba turi sąlyčio taškų su B. Baltrušaitytės, J. Strielkūno, Novalio, P. Celano poezija. A. E. Puišytės lyrika papildo 20 a. lietuvių religinės poezijos kontekstą. Religinis pažinimas poetės suvokiamas dvejopai: oficialusis, išdėstytas Šventraštyje, ir liaudinis, glaudžiai susijęs su senaisiais papročiais. A. E. Puišytės kūrybai būdinga tyliosios maldos praktika. Poetė dažnai renkasi nuošalę, kurioje atsiskleidžia gilūs religiniai išgyvenimai. A. E. Puišytės kūryboje idealistinė krikščioniška pasaulėžiūra tiesiogiai susijusi su panteistiniu pasaulio matymu ir tautine kultūra.

Namų erdvė – saugiausia kasdienio pamaldumo pasireiškimo vieta. Eilėraščiai, dedikuoti vyrui ir sūnui, sustiprina dvasinio intymumo jausmą. Pagrindinės erdvės, kuriose pasireiškia liaudiškojo pamaldumo elementai: a) sakralinės paskirties, b) namų ir c) gamtos. Žmogaus gyvenimas suvokiamas kaip šventa apeiga, kurios ištakų reikėtų ieškoti pagonybėje, o tęstinumo – krikščioniškoje Dievo sampratoje.

Liaudies pamaldumo turinį A. E. Puišytės kūryboje sudaro įvairių pamaldumo praktikų (gavėnios, advento, Didžiosios savaitės) elementai, glaudžiai susieti su liturginiu laiku, krašto tradicija ir meniškai įkomponuoti į poetinį tekstą. A. E. Puišytės pasaulėžiūroje svarbią vietą užima tautinės kultūros elementai. Straipsnis gali būti reikšmingas tuo, kad iki šiol lietuvių literatūrologijoje nesama studijų, skirtų liaudies pamaldumo elementams rašytojų kūryboje atskleisti. Dažniausiai liaudies pamaldumo elementai nagrinėjami, įtraukiant juos į bendresnius religinės pasaulėžiūros ir tematikos tyrinėjimus. Tuo tarpu šiuo straipsniu siekiama pasigilinti į konkrečias liaudies pamaldumo praktikų pasireiškimo formas.

A. E. Puišytės kūryba nuosekliai papildo ir tęsia J. Baltrušaičio, O. Galdikaitės, A. Miškinio, L. Andriekaus, R. Keturakio, J. Juškaičio religinės meditacijos tradiciją, praturtindama ją tobulai suvaldyto klasikinio eiliavimo ženklais.

Pagrindinės sąvokos: *liaudies pamaldumas, lietuvių religinė poezija, tautiškumas, papročiai, religiniai siužetai.*

Įvadas

Tebesitęsiantis tautinis atgimimas ketvirtajame dešimtmetyje sutapo su Aldonos Elenos Puišytės biografijos pradžia, vėliau sekęs neramus – bolševizmo ir fašizmo stiprėjimo, karo, viena po kitos ėjusių okupacijų – laikas sutapo su poetės vaikyste ir jaunyste, kai nelaisvoje Lietuvoje teko atsisakyti svajonės studijuoti lituanistiką. Baigusi farmacijos studijas, savarankiškai gilinosi į humanitarinius mokslus. „Bet stebėtinai platus ir išsamus yra jos savarankiškai įgytas išsilavinimas, gražus raštingumas, istorijos, svarbių kultūros tekstų, taip pat ir Šventraščio, išmanymas.“ (Daujotytė, 2006, 11). Svarbūs A. E. Puišytę formavę veiksniai

yra krikščioniškoji kultūra, išlaikyta agrarinė baltiškoji pasaulėjauta, priklausymas „socialinių-istorinių lūžių kartos vaikams“ (Puišytė, 2003, p. 40), domėjimasis moderniosios katalikybės sąjūdžiu, filosofija ir Vakarų Europos kultūriniu kontekstu (sovietmečiu skaitė pogrindyje platinamas knygas).

Straipsnyje aptariamas pasaulėžiūros klausimas, turint tikslą rekonstruoti poetės intelektualines orientacijas, dvasinio gyvenimo horizontus, išryškinti kūrybos dominantes. Siekiama atskleisti, kokie religinio pasaulėvaizdžio elementai būdingi A. E. Puišytei, atstovaujančiai kartai, atėjusiai po V. Mykolaičio-Putino, J. Aisčio, A. Miškinio, S. Santvaro. „Okupacinės propagandos mitas apie neva „mokslinį“ ateizmą ir „nemokslinį“ tikėjimą, okupacinė geležinė uždanga, atribojusi Lietuvą nuo šį mitą griaunančios modernios literatūros, lėmė, kad tie intelektualai, tarp jų rašytojai, kuriems rūpėjo krikščionybė, neretai ėjo jos link įvairiais aplinkkeliais. Tokių aplinkkelių išvengė ir per pogrindžio literatūrą brandų, intelektualų tikėjimą formavo tik nedaugelis rašytojų, pirmiausia J. Juškaitis, A. E. Puišytė, H. A. Čigriejus.“ (Čiočytė ir kt., 2018, p. 553)

A. E. Puišytės poetinio pasaulio žmogus yra įsišaknijęs savo meto istoriniame laike, o vidinėmis aspiracijomis artimas moderniosios katalikybės sąjūdžio dvasiai. Aptariami A. E. Puišytės kūryboje atsiskleidžiantys liaudies pamaldumo aspektai, atsinešti iš vaikystės ir pasiekę 21 a., patvirtinantys teiginį, kad „nepaisant vykstančios sekuliarizacijos, kintančio požiūrio į religingumą, liaudies religingumas, šventųjų gerbimo praktikos yra svarbi religingo asmens, jo šeimos ar bendruomeninio gyvenimo dalis.“ (Kairaitytė, 2015, p. 38)

Tyrimo objektas – liaudies pamaldumo elementai A. E. Puišytės kūryboje.

Tyrimo tikslas – apžvelgti liaudies pamaldumo elementus ir praktikas A. E. Puišytės poezijos rinkiniuose, išleistuose po 1990 m.

Tyrimo uždaviniai:

1. Remiantis teorine literatūra ir literatūros kritikos straipsniais, nustatyti, kokie liaudies pamaldumo elementai būdingi A. E. Puišytės kūrybai.
2. Charakterizuoti A. E. Puišytės religinę pasaulėjautą.
3. Aptarti liaudies pamaldumo elementų raišką.

Straipsnyje pasitelkiama Lietuvoje skelbta medžiaga apie liaudies pamaldumo praktikas, remiamasi teorinėmis studijomis, skirtomis liaudies religingumo aspektams lietuvių literatūroje atskleisti.

Tyrimo metodai: aprašomasis, analitinis ir sintezės.

Straipsnis gali būti reikšmingas tuo, kad iki šiol lietuvių literatūrologijoje nesama studijų, skirtų liaudies pamaldumo elementams rašytojų kūryboje atskleisti. Nevienareikšmis oficialaus religinio pažinimo, grindžiamo Šventraščiu, ir liaudinio religingumo, susijusio su kasdieniu praktikavimu, ryšys. Dažniausiai liaudies pamaldumo elementai nagrinėjami, įtraukiant juos į bendresnius religinės pasaulėžiūros ir tematikos tyrinėjimus. Tuo tarpu šiuo straipsniu siekiama pasigilinti į konkrečias liaudies pamaldumo praktikų pasireiškimo formas, panagrinėti oficialaus ir liaudies pamaldumo sąsajas.

Liaudies pamaldumo kilmė ir raiška

Dėl savo eklektiškumo (kanoninių ir nekanoninių maldos praktikų integravimo) liaudies pamaldumas nėra lengvai apibrėžiamas reiškinys (dėl liaudies pamaldumui būdingo periodiškumo ir namų aplinkoje atliekamų apeigų dar vartojama sąvoka kasdienis pamaldumas). S. Stumbra liaudies pamaldumą apibrėžia kaip tikinčio žmogaus religingumo raišką, praturtintą maldos formomis, apeigomis, taip pat periodiškai atliekamais maldingumo aktais (Stumbra, 2014, p. 228). Liaudies pamaldumas pasireiškia ten, kur krikščioniškas

tikėjimo turinys realizuojamas įvairių etninių kultūrų pateikiamomis formomis (Motuzas, 2005, p. 366). Tiek liaudiškojo pamaldumo, tiek religingumo konceptai traktuojami sinonimiškai ir vertinami kaip lygiavertės konkrečią liaudies religijos praktinę išraišką turinčios sąvokos (Mardosa, 2009, p. 49). Pasak A. Motuzo, Lietuvoje nuo seno paplitusios ir geriausiai žinomos Jėzui Kristui ir Mergelei Marijai skirtos liaudies pamaldumo praktikos, taip pat kalbamas ir giedamas rožinis, 14-os stočių Kryžiaus kelias, Graudūs verksmai, Žemaičių Kalvarijos Kryžiaus kelias, Gedulinės valandos (psalmės) (Motuzas, 2013, p. 66). Be to, liaudies pamaldumas pasireiškia minint kalendorines religines šventes (šventųjų minėjimai, Sekminės, Žolinės, Škaplierinė arba Prapjovos, Porciunkulė). Apeigos neatsiejamos nuo sakralinių daiktų – šventųjų paveikslų, šventintų žvakių, kreidos, vandens ir žolynų, beržo ar kadagio šakų – naudojimo ritualiniams tikslams. Tai sakramentalijos, kurios „įvairiomis formomis plačiai įsikomponavusios į liaudies kultūrą ir tais jos elementais, kurie sąveikoje su papročiais, tikėjimais, maginėmis praktikomis užima svarbią liaudiškojo pamaldumo turinio dalį, sudaro ypatingą ir savitą liaudies kasdienio gyvenimo pusę“ (Mardosa, 2012, p. 21). Jos, koreliuodamos tarpusavyje, sudaro tam tikrą hierarchiją, sukuria apeiginį kontekstą. Svarbiausią vietą užima kryžius ir Jėzaus Kristaus ir Švč. Mergelės Marijos paveikslai, kabantys garbingiausiose namų vietose (pagrindiniame kambaryje, alkieriuje) ar virš lovų galvūgalio, taip atliekantys apsaugos funkciją. „Apibūdinant liaudiškąjį pamaldumą, iškyla ir kryžiaus ženklas – tai, kas stiprina pasitikėjimą, padeda pakelti kentėjimus ir rezignaciją“ (Jakaitė, 2019, p. 75). Tyrinėtojų pastebėta, kad garbinant Marijos paveikslus buvo tikimasi ne tik asmeninės apsaugos, bet ir motiniškos pagalbos ištikus stichinėms nelaimėms, gaisrui, badui ir pan. (Kairaitytė, 2010, p. 42). Pašventintus ir sudžiovintus žolynus laikydavo už šventųjų paveikslų, kad užėjus griaustiniui pasmilkytų jais namus, susirgę gerdavo jų arbatą (Urbonienė, 1998, p. 33). Dažnai pasitaikančios sakramentalijos ir daiktai, susiję su liaudies pamaldumu, namų aplinkoje – Dievo „mūkelės“, per Žolinę pašventintų skintų žolynų puokštės, rožančiai ir vadinamosios lakunkos šventintam vandeniui laikyti (Gediminskaitė, 2013, p. 2). Pastarosios būdavo kabinamos prie įėjimo į namus ar prie lovos. Visi šie objektai sudaro savitą religinės paskirties namų erdvę, vieną iš liaudies pamaldumo išraiškų (Kairaitytė, 2015, p. 44). Religinių atributų saugojimo vieta namuose dažniausiai atlieka „altorėlio“ funkciją, susijusią su pamaldumo praktikomis, rečiau būdinga vien estetinė paskirtis.

Liaudies tikėjimui pasireikšti labai svarbūs papročiai. Pasak J. Mardosos, „liaudies religija pirmiausia būdinga tradicinei kultūrai, kurioje religiniai veiksmai sudarė nemažą kiekvieno kultūrinio reiškinio dalį ir religinių tiesų supratimas galėjo būti įvairus ne tik lokaliu požiūriu, bet ir atskiros šeimos, net individo, lygiu“ (Mardosa, 2004, p. 161). Nuo 17 a. pirmos pusės Skausmingosios (liaudyje vadintos Sopulingąja) Dievo Motinos atvaizduose išpopuliarėjo septynių kalavijų Švč. Mergelės Marijos krūtinėje motyvas, paremtas Evangelijos pagal Luką motyvu: „... ir tavo pačios sielą pervers kalavijas, kad būtų atskleistos daugelio širdžių mintys.“ (Lk, 2, 35) Tai tradiciškai nusistovėjęs siužeto traktavimas, kai į Sopulingosios širdį (krūtinę) įsmeigti vienas ar septyni kalavijai. Siužetui atpažinti svarbi Marijos poza, skausminga išraiška, drabužis (Urbonienė, 1998, p. 26). Nepaisant įkūnijamo skausmo, Marijos vaizdavimas liaudies tradicijoje ir bažnytinėje ikonografijoje siejamas su šviesa, spindėjimu (Marijos galva dažnai vainikuota spindinčiu nimbu). Spindėjimas būdingas ir Dievo „mūkelei“. „Taigi, krikščioniškoje visuomenėje egzistuojančius simbolius, apeigas ir papročius bei jų elementus, nepriklausomai nuo jų kilmės, reikia vertinti kaip konkretaus istorinio laikotarpio krikščioniškosios pasaulėžiūros liaudiškąjį variantą“ (Mardosa, 2012, p. 17). Liaudies pamaldumo fenomenas svarbus ne tik papročių išsaugojimo prasme, bet ir sužadinti vidinėms nuostatoms: kantrybei, kryžiaus pajautai kasdieniniame gyvenime, pasiaukojimui, atvirumui kitiems, dievobaimingumui, tikintiesiems išreikšti ypatingą santykį su Dievu.

Pasaulio sakralumo problema A. E. Puišytės kūryboje

A. E. Puišytė, gerai susipažinusi su XX a. katalikybės filosofijos naujomis tendencijomis, kryptingai rinkosi autoritetus (tarp kurių N. Berdiajevas, R. M. Rilkė, Ž. Maritenas, J. Baltrušaitis, J. Eretas, S. Šalkauskis, A. Maceina, J. Girnius), į kuriuos stengėsi sutelkti savo dvasinį fokusą. Prancūzų rašytojo ir filosofo Ernesto Helo (Ernest Hello, 1828–1885) materijos ir dvasingumo problemų sprendimas filosofijoje, socialinės doktrinos derinimas su pamaldumu ir pasitikėjimu Dievu padarė įtaką A. E. Puišytės religingumo sampratai. Žvilgsnis krypo ir į talentingus savo kartos kūrėjus B. Baltrušaitytę, J. Strielkūną, A. Verbą. „Dosni, reikli, atidi esmėms, visa gyvenimo patirtimi buvimo (ir mirties) prasmę įstengianti atverti“ (Keturakis, 2003, 8) poetės kūryba turi sąlyčio taškų su G. Mistral, N. Zaks, Novalio, P. Celano poezija (Puišytė, 2013). „Baltrušaitiškomis pasaulėvaizdžio dominantėmis“ (Daujotytė, 2011) A. E. Puišytės lyrika fundamentaliai įsiterpia į 20 a. lietuvių religinės poezijos kontekstą. Autorė nuosekliai tęsia ir esmingai papildo J. Baltrušaičio, O. Galdikaitės, A. Miškinio, L. Andriekaus, R. Keturakio, J. Juškaičio „šventumo patirties“ (Daujotytė, 2011) tradiciją.

Produktyvi literatė, dėl politinės konjunktūros buvusi šalia literatūrinių permainų sūkurio („Mano takas – vienišuolės.“) (Puišytė, 2001, p. 62), ieškojusi lietuvių religinės lyrikos naujų galimybių, bene labiausiai iš savosios kartos orientavosi į religinės ir tautinės kultūros integravimą, įdomi visų pirma originaliomis etinio apsisprendimo nuostatomis, „meditatyvinėmis prasmėmis susisiejanti su Vinco Mykolaičio-Putino, Jurgio Baltrušaičio poezija“ (Gužauskis, 2019, pp. 165–166). A. E. Puišytės pasaulėžiūroje svarbią vietą užima tautinės kultūros elementai (įsitvirtinus Lietuvoje krikščionybei, liaudies pamaldumo praktikos tapo vienu iš jų). Svarbu visa, „kas susieta su dvasine atspara, netgi atkaklia tautinės savasties gintimi.“ (Daujotytė, 2006, p. 11).

Aptariant liaudiškojo pamaldumo elementus A. E. Puišytės kūryboje, iškyla vietos klausimas. Eilėraščiuose nesama aiškiai pastebimo centro ir periferijos išskyrimo. Pamaldumo praktikos „įvietinamos“ įvairiose erdvėse. Dažniausiai tai būna sakralios vietos (bažnyčia, šventorius, koplyčia), tačiau dažnos ir asmeninio gyvenimo erdvės (namai, gimtinė, sodas, Antvardės pakrantės). Pamaldumo nuotaika ir formalioji jo išraiška (maldų formuluotės, žegnonė, žvakių uždegimas, smilkymas) sudaro A. E. Puišytės „atskirąją tikrovę“ (Daujotytė, 2011). Gamtovaizdis neretai sukrikščioninamas – tai žymi koplytstulpis, rūpintojėlis, bažnyčia, koplyčia ar varpinė („Pasviręs koplytstulpis / prie senojo vieškelio. / Septyni surūdiję kalavijai / Sopulingosios Širdyje...“) (Puišytė, 1996, p. 52). Yra dvi pastovios kryptys – į dangų (ten kyla smilkalai) ir į žemę (kasdienio pamaldumo patirtys išgyvenamos gimtojo kaimo, namų, šeimos erdvėje). Tačiau visa ko centre – galutinė realybė, kurią A. E. Puišytės kūrybai didelę įtaką padaręs Frydrichas Helderlinas (1770–1843) yra įvardijęs Šventuma.

Gyvenimo ir tikėjimo dermės perspektyva – viena pagrindinių A. E. Puišytės kūrybos linkmių. Lygiagretus, integruotas gyvenimo ir tikėjimo egzistavimas pasireiškia įvairiomis kasdieninės maldos praktikomis. Religinis pažinimas poetės suvokiamas dvejopai: oficialusis, išdėstytas Šventraštyje, ir liaudinis, glaudžiai susijęs su senaisiais papročiais, gamtos pajautimu, atsigręžimu į kasdienybę: „Saulė – tarsi Monstrancija – / žydrynėj dangaus spinduliuoja. / Žydinčio sodo kvapų smilkalai / kyla pagarbint Visatos Kūrėją.“ (Puišytė, 1996, p. 10)

Neardant vienybės subtiliai diferencijuojamos kanoninio ir liaudiškojo tikėjimo formos. „<...> šaknys į dangų (Kristus – Vynmedis, o mes jo šakelės) ir šaknys į žemę.“ (Puišytė, 2003, p. 111) Kasdienio pamaldumo praktikavimo pobūdis nėra teologinis, greičiau jame labai natūraliu būdu įprasminamos Dievo pažinimo prieigos. Tokiu būdu literatūros forma laikoma religinės patirties raiška (Mikelaitis, 2013, p. 187). Kasdieninės pamaldumo formos neretai

lydimos nuojautų, potyrių, priartinančių juos prie apreiškimo paslapties: „Viskas iš Tavo rankų, Viešpatie: / šis vakaras, nušvitę / artimųjų veidai, / tylioji vakarė malda.“ (Puišytė, 1996, p. 30) Apreiškimo fenomenas suvokiamas labai asmeniškai, įsiklausant, įsižiūrint, pajaučiant vienumoje: „Juk poezija – iš giluminių dvasios patyrimų. O išgyvenimų gelmė atsiveria tik susitelkime ir tyloje. Akistatoje su savimi ir tikrosios būties realumu.“ (Puišytė, 2014). A. E. Puišytė prigimties šviesoje stengiasi suvokti žmogui duoto pažinimo ribas, universalumo platybėse klaidžiojančios minties trajektorijas. Poetei didelę įtaką padarė filosofo Antano Maceinos mintys apie būtį (ateistinės cenzūros metais A. E. Puišytė gilinosi į pogrindžio sąlygomis išleistus A. Maceinos raštus) (Puišytė, 2003, p. 138). Bet žmogus – „skurdus piligrimas“. Jo sąmonei svarbus konkretumas, nepretenduojantis į pilnutinį žinojimą. Egzistencinės prasmės tampa apibrėžtos, teologinę literatūros sampratą grindžiant vadinamąja patirties teologija (Mikelaitis, 2013, p. 187). Evangelinio teksto gelmė („Neapviliančią / Evangelijos viltį / Nešuos širdyje.“) (Puišytė, 2004, p. 108) nejučia transformuojama atmintyje iškylančiomis kasdienio pamaldumo praktikomis („Senas giesmynas: / Karunkas ir giesmes / Giedojo tėvai.“) (Puišytė, 2004, p. 70). Giesmės ir litanijos plaukia iš praeities. Eilėraščių cikle „Vigilijos“ dabartis nutilusi, nuščiuvusi, kontempliatyvi: „Maldoje vakarinėj tyliai, tyliai su meile / artimųjų vardus paminėsiu.“ (Puišytė, 2005, p. 251). Arba: „Kiek viltingojo grožio tylioje kasdienybėj, / kiek tylaus nubudimo kantrybėj.“ (Puišytė, 2005, p. 251) Ryškėja tyliosios maldos praktika, išskiriama kaip specifinė lietuviškoji maldos forma (Jakaitė, 2019, p. 80).

Racionalias tikėjimo prieigas („Filosofų gudrybėj Sutvėrėjo ieškojau. O radau / vien maldoj Tėve mūsų...“) (Puišytė, 2005, p. 261) keičia liaudiškojo pamaldumo patirtys (kukavinis rožančius, grabnyčių žvakė, rarotų giesmės, patiestas calūnas, kalbamos karunkos, šventinta kreida rašomos karalių vardų pirmosios raidės). Pastarosios artimos, su pirmais vaikystės įspūdžiais įkūnijusios gero, teisingo gyvenimo kelio perspektyvą. Nors liaudies pamaldumo praktikos paprastai siejamos su bendruomeniškumo jausmu, A. E. Puišytė dažnai renkasi nuošalę, kurioje atsiskleidžia gilūs religiniai išgyvenimai. Bendrystės jausmas, svarbus pamaldumo praktikoms, ateina prisiminimų forma iš vaikystės, iš tos etninės kultūros terpės, kurioje religingumas reiškėsi autentiškai. Retrospektyviai apmąstomos liaudiškojo pamaldumo formos susiejamos su šiuolaikinio mokslo atradimais (DNR molekulės grafinis vaizdas poetei primena kryžių). Giliausiais protu prieinamais potyriais artėjama prie mistinių V. Mačerniui būdingų išgyvenimų: „Budėk! Malda tebus nei skydas / Tylioj keistų regėjimų nakty...“ (Puišytė, 2019, p. 74). Religija ir liaudiškasis pamaldumas yra dvi artimos sferos: vienai priklauso religinės dogmos, kitai – patyrimu grindžiamos tikėjimo praktikos. Minėtos sferos apima visą poetės pasaulį, jų takoskyra gali būti suvokiama kaip skirtis tarp to, kas dieviška, idealu (absoliutinė būtis), ir to, kas žemiška, žmogaus sukurta (sukurtoji būtis).

Viena vertus, liaudiškojo pamaldumo formos poetės praturtinamos panteistiniais elementais („Smilkina Aukščiausiajam / kvapnų kodylą ir žydintis sodas. / Dėkoja pažadinta būčiai gamta.“) (Puišytė, 2001, p. 122), kita vertus, kasdienio šventumo apeigos siejamos su transcendencija („Senovinė krikštykla, / kur krikštijo tave. / Dievo Apvaizdos Akis / žvelgia nuo altoriaus“) (Puišytė, 1996, p. 18). Pagrindine teze tampa materialaus pasaulio priklausomybė nuo antgamtinių jėgų. Pagrįstai kyla klausimas, kokiu santykiu A. E. Puišytės kūryboje susijusi idealistinė krikščioniška pasaulėžiūra su panteistiniu pasaulio matymu? Poetės savimonėje kasdienio religingumo elementai persipynę su tautine kultūra (pvz., žalvario motyvas). Galima sakyti, iš jos išaugę, hermetiškai prigludę taip, kad net sunku įžvelgti ribą tarp taikingą sambūvį sudarančių narių („Padėkoti dangaus šviesai ir žemės dulkei už buvimo stebuklą.“) (Puišytė, 2003, p. 62). Ir šitą senovinį substratą gerai yra pajutusi A. E. Puišytė. Tai susitikimas su praeitimi čia ir dabar, su praeitimi, kuri pati pasitinka. Panteistinis pasaulio matymas – labai aiški suvokimo forma A. E. Puišytės lyrikoje. Jo restauruoti nereikia, nes jis

čia pat, kraštovaizdyje. Vaikystės kaip prarasto rojaus tema papildo poetės mitologinių įvaizdžių sistemą. Kaip antai, eilėraštyje „Jau tiktai sapnuose regiu...“ (Puišytė, 2010, p. 54) Patiriamas žemės šventumas jungia pagoniškąją ir krikščioniškąją Lietuvą. Nevengdama panteistinio prado, A. E. Puišytė visada remiasi į krikščioniškąjį Dievą – lyg į uolą. Gyvenama Apvaizdos sukurtame pasaulyje, jį jaučiant, paklūstant numatytajai tvarkai („Visur palikti Tavo ženklai. / Išmokyk juos atpažinti, / kad neklaidžiočiau kelyje.“) (Puišytė, 1996, p. 46). Dievo nuolatinis buvimas įgauna grafinę-stilistinę išraišką – dieviškąjį asmenį nominuojantys įvardžiai rašomi iš didžiosios raidės. A. E. Puišytės lyrinis subjektas yra klausiantis „Kas yra Tas, kuris lydi, nematomas, bet esantis...“ (Puišytė, 2019, p. 159), juntąs ir savo laikinumą, ir savo amžinybę, noriai susiejęs save ontologiniais saitais su Dievu. „Paskutinumas, riba turi švytėjimo, kuris pagauna neabejinguosius tikrumui.“ (Daujotytė, 2006, p. 11) Kasdienio pamaldumo elementai (mamos maldaknygė, pašventinta kreida, suskilęs rūpintojėlis, šventųjų paveikslai, kukavinis rožančius), dažnai susiję su materialiais objektais, kuriems reikia postūmio iš išorės, kad taptų įdvasinti, yra ir įkvėpimo, ir eilėraščių siužeto šaltinis.

A. E. Puišytės eilėraščiuose nėra akivaizdaus susitikimo su mirusiais motyvų, nors nuolat stengiamasi įsiklausyti į jų kitokią būtį, kartais prasilenkiant su mitologine galvosena, nes, anot G. Beresnevičiaus, „gyviesiems svarbiausia buvo išvengti mirusiojo pasilikimo netoliese“ (Beresnevičius, 1990, 117). Poetės minima ašaruvė, – indas, kuriame „senovės lietuvių įkapėse saugomos protėvių ašaros“ (Berenis, 1992, p. 214), nuo seno naudotas nekrokulto ritualuose, – mirties, per kurią įsijungiama į amžinąją gyvybės tėkmę, į dieviškąjį laiką, simbolis. Žodis, ko gero, pirmąkart poetinėje kalboje pavartotas A. E. Puišytės kraštiečio J. Baltrušaičio. Ašaruvė per istorinę atmintį eilėraštyje „Bičiulio laiškas Jurgiui Pabrėžai“ (Puišytė, 2005, p. 222) ateina ir į kasdienio pamaldumo praktiką. Poetė į žmonių šventuoju vadinamą Jurgį Pabrėžą kreipiasi lyg į bičiulį, kalbasi su juo, gręždamasi į anapusinį pasaulį, tarsi ieškodama ant protėvių kraujo užaugusių žolelių ūksmės. Eilėraščių cikle „Šimtmečių ašaruvė“ (Puišytė, 2010, pp. 69–89) aktualizuojamas tautos nueitas kelias. Ašaruvėje saugomos protėvių ašaros susigers į jaunų ąžuolų šaknis, o viršūnė žvelgs į žvaigždynus. Maldoje esama tam tikros paslapties, susietos su dviem pagrindinėmis būties kategorijomis – gyvybe ir laiku. Laikas ir pristabdomas, ir jaučiama nuolatinė jo tėkmė (Puišytė, 2004, p. 119). Gyvybę simbolizuoja „tylieji ženklai“ – protėvių su meile liesti daiktai (mamos staklių šaudyklė, tėvo liktarna, nuotraukų albumas, brolio vargonėliai), jos neriboja žemės erdvė (aliuzija į sielą kaip visus esinius persmelkiančią materiją) (Puišytė, 2010, p. 54).

Kasdienio pamaldumo praktikose atsiranda metafizinė dimensija, panašiai kaip Vynmedžio Šakelės (Onos Galdikaitės) eilėraščių rinkinyje „Irkis į gilumą“, leidžianti praeičiai būti dabartyje, suteikianti maldai intymumo, paslapties statusą. Eilėraščio „Erškėčio šviesoje“ struktūra primena litaniją, kurios devyniolika eilučių prasminiu ir grafiniu požiūriu jungia kartojami žodžiai erškėčio šviesoje (Puišytė, 2005, p. 224). Iš praeities ateinančios litanijos šventumas tenka dabarčiai, pašventindamas mintis, leidžia eilėraštį perskaičiusiam ar tarsi mantrą kartojančiam gyventi pašventintame laike ir erdvėje.

A. E. Puišytės eilėraščiuose kuriamą namų erdvę galima suvokti kaip saugiausią kasdienio pamaldumo pasireiškimo vietą („karunkas vakarais giedojo / po šventaisiais paveikslais.“) (Puišytė, 2010, p. 51). Saugotasi ne tik tikėjimui priešingos sovietinės santvarkos propaguotojų dėmesio („Garsiai žvanga / gudruolių kalba. / Trokštu būti kartu / su tyliaisiais...“) (Puišytė, 1996, p. 70), norėta susikaupti vienumoje, kuri poetei teikia daugiau dvasinės gyvybės nei viešuma („Šiuo metu gyvenu visišką atskyruolės gyvenimą, išsiblaškyt nemoku ir nenoriu, ieškau atsparos Evangelijoje.“) (iš A. Puišytės laiško S. Santvarui). Žiūrint į kontraversišką ir nekantrų pasaulį, poetei išsprūsta gailus „aiman“. Dužlioms formoms pirmenybę teikianti masinė kultūra nė kiek neatliepia to intensyvaus vyksmo, kurį poetė renkasi išgyventi nuošalėje,

supama jai brangių daiktų, vietų ir žmonių („Ne, netrokštu atsiskirti. / Aš tik vykdau savo skirtį. / Tu, širduže, juk žinai: / Visa kita – pelenai. ---“) (Puišytė, 2001, p. 62). Eilėraščiai, dedikuoti vyrui Edvardui ir sūnui Kęstučiui, sustiprina dvasinio intymumo jausmą, kai kreipiamasi į Aukščiausiąjį dėl brangiausių žmonių, šeimą suvokiant kaip ontologinį pagrindą. Ypač subtiliai į poetinį tekstą įaudžiamas dukraitės Barboros siluetas („Klūpanti prie altoriaus / baltarūbė dukraitė / priminė mano vaikystę.“) (Puišytė, 1996, p. 81). Poetei rūpestis ir globa yra santykio su vaikaite forma (eil. „Maža dukraitė tyliai groja fleita“) (Puišytė, 2019, p. 69).

Liaudiškasis pamaldumas reiškiasi ir santarve su aplinka, ramiu buvimu („Buvimo džiaugsmas / dūzgiant bitėms / žydinčioj vyšnioj.“) (Puišytė, 1996, p. 30). Taip žmogus dalyvauja pasaulio šventume (Eliade, 1997, p. 121). Ardantis, chaotiškas pasaulis iškyla kaip fonas subjekto dvasinėms akistatoms ir agresijos įveikoms („O aplink tiek daug / Ne-meilės, ne-gyvenimo, ne-žodžio.“). (Puišytė, 2005, p. 279) Vienumoje, labiau nei šurmulyje, priartėjama prie Dievo, labiau jaučiamas tikrasis buvimas: „Žinau, kad ir aš čia tik keleivė, vienintelė viltis Tame, kuris vienija Visa... Kartoju sau liūdnoje gedulo vienatvėje: Ora et labora...“ (iš A. Puišytės laiško S. Santvarui) Išryškėja harmoningo tikėjimo samprata, grindžiama principu *visa yra viena*.

A. E. Puišytės poezijoje išryškėja kelios erdvės, kuriose pasireiškia liaudiškojo pamaldumo elementai: a) sakralinės paskirties (bažnyčia, koplyčia), b) namai ir jų aplinka, c) gamta. Pašventintos erdvės (šventovės ir namai) hierarchijoje užima aukščiausią vietą, kurioje susikerta kryžiaus vertikalė ir horizontalė. Jos sąlygoja nušvitimą („Po Sumos išeina žmonės / iš mažos bažnytėlės. / Kokie nušvitę jų veidai.“ (Puišytė, 1996, p. 33) Smilkalai, žvakės, tabernakulio lempelė, varpų aidas sukuria ramią atmosferą, kurioje slopsta egzistencinis nerimas. Nors gyvenimo ir mirties neišvengiamoji seserystė išgyvenama nuolat („Šita buitis – dužli, trapi, gaili...“) (Puišytė, 2001, p. 58), užvaldo ekstatinė būsena („Adventas. Meditacijos tyloje išbudėsiu / visą Didžiąją savaitę.“) (Puišytė, 2019, p. 138). Tai patvirtina, kad liaudiškasis pamaldumas susijęs su liturginiu laiku (Jakaitė, 2019). Šventasis metas jaučiamas kasdieninėje namų aplinkoje, kuri atrodo dosni ir išsipildanti (sūnaus paveikslai ir dovanotas rožančius). Gyvenimas susideda iš kasdienybės ir nedidelių sakralinio laiko atkarpų („Į rankas aš grabnyčią / Su viltim vėl imu, / Susižeist lyg netyčia / Laiko laikinumu.“) (Puišytė, 2005, p. 315). Gamtos erdvė nepašventinta, bet sakrali, nes sukurta Dievo. Gyvenama kasdienybėje ir kartu sakraliniame laike, kurį lemia švenčių ciklai, grąžindami į švarų ir nuodėmių nesuteptą pasaulį. Gamta tarsi belaikė, pristabdanti būties tėkmę, kad vėl būtų galima į ją grįžti. „Tyli kasdienybė“ (Puišytė, 2005, p. 251) yra subjekto lemtis, kurios visiškai pakanka. Toks minimalizmas, kai sugebama džiaugtis mažais dalykais, poetei artimas.

Visos erdvės susijusios su atsisakančiojo dalia: „Asketiška atsisakymo nuostata, leidžianti neįsipareigoti konkrečiai gyvenimo tikrovei, o likti ištikimai idealo šviesai, ilgesiui.“ (Daujotytė, 2011) Lyrinis subjektas išsitenka baltrušaitiškai pasitikėdamas būtimi (Puišytė, 2005, p. 315), kuri pašventina, harmonizuoja ir saugo jo buvimą. Eilėraščiuose atsiskleidžia nenoras išeiti iš meditacinės rimties. Namuose esančiųjų netraukia pasaulis, nors laiške S. Santvarui poetė yra užsiminusi: „Aš tik piligrimė pakeliui...“ (iš A. Puišytės laiško S. Santvarui) A. E. Puišytės kūryboje nėra priešiškumo pasauliui jausmo (tam tikrais atvejais išgyvenama, kad pasaulis neteisingas ir nesuteikia prasmingos būties patyrimo), nesiekiama nei su juo kovoti, nei jo keisti, nei teigti jame savo egzistencijos. Veikiau siekiama eiti malonės taku (Daujotytė, 2011) („Gal atspindys kitokio, tikro Grožio, / Tų Provaizdžių, kurie nedūžta niekados. / Iš ilgesio jų bruožus gal Šepka išdrožė, / Išvydęs vizijoj sušvintant po maldos.“) (Puišytė, 2001, p. 58).

Kasdienybės sudrumstą subjekto sielą – žemiškąją – visada nuskaidrina sakralioji. Tai L. Andriekaus Asyžietiškos dvasios atitikmuo („Vienuoliška rimtie, kokia graži tu: / Rudos

spalvos – nežemiška – trauka.“) (Puišytė, 2019, p. 25), tam tikras sielos nuskaidrėjimas, gyvenimo prasmės ir esmės (Babonaitė-Paplauskienė, 2015). Kasdienė aplinka, talpūs „atminties foliantai“ teikia subjektui šią malonę: „Ievoj prie Antvardės / gieda laibasis dagilis,/ visai kaip anuomet –/ pakeliui į atlaidus...“ (Puišytė, 1996, p. 12) Sakralūs aplinkos elementai tampa autentiško ryšio su būtimi galimybe („Parvežei iš kelionių / suskilusį liūdną / palaukės Rūpintojėlį:/ saugu bus mūsų namuos.“) (Puišytė, 1996, p. 34), leidžia pajusti jos pulsavimą.

A. E. Puišytės kūryboje į dangų kyla kodylas (smilkalai), smilksta žvakės. Tačiau yra kryptis žemyn: protėvių ašaromis palaistomi ąžuolai. Sakralieji elementai jungia žmogų su žeme ir su dangumi, simbolizuodami aukos ritualą. Žmogaus gyvenimas suvoktinas kaip šventa apeiga, kurios ištakų reikėtų ieškoti pagonybėje, o tęstinumo – krikščioniškoje Dievo sampratoje.

Išvados

Liaudies pamaldumo turinį A. E. Puišytės kūryboje sudaro įvairių pamaldumo praktikų (gavėnios, advento, Didžiosios savaitės) elementai, glaudžiai susieti su liturginiu laiku, krašto tradicija ir meniškai įkomponuoti į poetinį tekstą.

Poetė iš vaikystės atsineštų pamaldumo praktikų motyvus panaudoja eilėraščiuose. Liaudiškasis pamaldumas aktualizuojamas trijose erdvėse: sakralioje (bažnyčioje, kapinėse), namuose ar gamtoje. Namų erdvėje jis išgyvenamas autentiškiausiai.

Transformuotiems maldų fragmentams suteikiama poetinė išraiška. Tam tikrais atvejais eiliuotas tekstas įgyja maldos (litanijos) struktūrą (pvz., eil. „Erškėčio šviesoje“).

Liaudies pamaldumo praktikos atsispindi eilėraščių pavadinimuose („Sopulingosios paveikslas“, „Grabnyčios šviesa“, „Kūčios“, „Didžiojo Šeštadienio vigilija“ ir kt.). Raiškos aspektu paminėtinas pamaldumo Sopulingajai Dievo Motinai motyvas. Septyniais kalavijais pervertos Marijos širdies siužetas A. E. Puišytės kūryboje siejamas su Lietuvos istoriniu keliu.

Liaudies pamaldumo elementai, kuriems būdingi agrarinės baltiškosios pasaulėjautos bruožai, yra jungiamoji grandis tarp pagoniškų ištakų ir visą būtį įrėminančios krikščioniškosios Dievo sampratos.

Neatskiriama liaudies pamaldumo praktikų dalis yra sakramentalijos, kurioms būdinga ne vien estetinė, bet ir liturginė paskirtis.

Religinis pažinimas suvokiamas dvejopai – kaip oficialusis, grindžiamas Šventraščiu, ir liaudinis, susijęs su apeiginiais papročiais.

A. E. Puišytės kūryba nuosekliai papildo ir tęsia J. Baltrušaičio, O. Galdikaitės, A. Miškinio, L. Andriekaus, R. Keturakio, J. Juškaičio religinės meditacijos tradiciją, praturtindama ją tobulai suvaldyto klasikinio eiliavimo ženklais.

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ELEMENTS OF FOLK PIETY IN THE WORK OF ALDONA ELENA PUIŠYTĖ

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S u m m a r y

Important factors that have shaped A. E. Puišytė are her Christian culture, her agrarian worldview, her interest in philosophy, and the cultural context of Western Europe. The aim of the paper is to reveal which elements of religious worldview are characteristic of A. E. Puišytė's work. It uses material published in Lithuania on folk devotional practices and draws on theoretical studies. The article aims to look into the specific forms of manifestation of folk devotional practices. The object of the research is the elements of folk piety in the works of A. E. Puišytė. The aim of the research is to review the elements and practices of folk piety in A. E. Puišytė's poetry collections published after 1990. In order to achieve the aim the following objectives have been raised: 1) on the basis of theoretical literature and literary criticism to identify which elements of folk piety are characteristic of A. E. Puišytė's work; 2) to characterise A. E. Puišytė's religious worldview; 3) to discuss the expression of elements of folk piety. The research methods: descriptive, analytical and synthesis.

The poet's work has points of contact with the poetry of B. Baltrušaitytė, J. Strielkūnas, Novalis and P. Celan. A. E. Puišytė's lyrics complement the context of 20th century Lithuanian religious poetry. The poet perceives religious knowledge in two ways: the official one, as set out in the Scriptures, and the folk one, which is closely connected with the old customs. A. E. Puišytė's work is characterised by the practice of silent prayer. The poet often chooses a secluded place where deep religious experiences are revealed. The idealistic Christian worldview in Puišytė's work is directly related to the pantheistic worldview and national culture.

The space of the home is the safest place for the manifestation of daily devotion. The poems dedicated to husband and son reinforce the sense of spiritual intimacy. The main spaces in which elements of folk piety are manifested are: (a) sacred, (b) domestic and (c) natural. Human life is conceived as a sacred rite, with its origins in paganism and its continuity in the Christian concept of God.

The content of folk devotion in A. E. Puišytė's work consists of elements of various devotional practices (Lent, Advent, Holy Week), closely linked to the liturgical time and the tradition of the region, and artistically incorporated into the poetic text. Elements of national culture play an important role in A. E. Puišytė's worldview. The article may be significant, because so far there are no research papers in Lithuanian literary studies devoted to revealing the elements of folk piety in the works of writers. Most often, the elements of folk piety are analysed in the context of more general studies of religious worldviews and themes. This article, on the other hand, seeks to delve into the specific manifestations of folk devotional practices.

A. E. Puišytė's work consistently complements and continues the religious meditation tradition of J. Baltrušaitis, O. Galdikaitė, A. Miškinis, L. Andriekus, R. Keturakis, J. Juškaitis, enriching it with the signs of perfectly controlled classical versification.

Keywords: folk piety, Lithuanian religious poetry, nationality, customs, religious plots.

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ASSESSMENT OF THE GOVERNMENT EXPENDITURE EFFECT ON WELFARE OF SOCIETY

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Abstract. *This study gets into the challenge of exploring how government expenditure influences social welfare and offers insights into optimizing public spending to enhance it. The primary objective was twofold: firstly, to devise a methodology for evaluating how government spending affects social welfare of society, and secondly, to conduct an empirical investigation to pinpoint the level of government expenditure that maximizes it. The article introduces a method for appraising welfare of society based on an extended concept, accompanied by a model for quantifying the extent of government expenditure's influence on welfare. After establishing the non-linear nature of the effect of government expenditure and considering the developed evaluation methodology for social welfare, both general and functional government spending are optimized. For the matter, 122 econometric models were formulated to appraise the impact of both general and functional government expenditures on welfare of society. These models serve to validate or reject the research hypothesis encompassing the possibility of decreasing marginal effect of government expenditure. Drawing from the outcomes of the study encompassing clusters I and II of EU countries, depending on both size of the government and GDP per capita, it was evident that 87 econometric models corroborate the non-linear effect of government spending on welfare of society. Cluster I countries within the EU displayed a U-shaped pattern in terms of government spending's impact on welfare of society, while countries in cluster II exhibited an inverted U-shaped effect.*

Keywords*: government expenditure, public policy, public expenditure, welfare of society, objective welfare, subjective welfare, size of the government*

Introduction

Relevance. The core focus of this research pertains to the critical relevance of welfare of society achieved through the equitable redistribution of resources within an economic framework, a fundamental responsibility of any government. Governments, entrusted with the constitutional management of the economy, employ a variety of economic, social, and political mechanisms, primarily realized through diverse policy initiatives, to fulfil this imperative role. Notably, fiscal policy stands as one of the most precise and recognized tools in the government's arsenal. It is through this policy that governments finance their obligations, striving to create a cohesive environment that accommodates or even advances the needs of society. An economic rationale based on the concept of demand satisfaction suggests that government spending may exhibit diminishing marginal utility in the quest to foster welfare of society. This indicates that the assessment of life satisfaction in different countries may remain relatively uniform despite drastic increases in public sector expenditure.

This proposition has given rise to the scientific question at the core of this article: the examination of the influence of public sector expenditure on welfare of society, and the exploration of methodologies to optimize public spending with a view to enhancing overall welfare. The primary subject under scrutiny here is the interplay between public sector spending and social welfare.

The primary **aim** of this article is twofold: first, to develop a comprehensive methodology for evaluating the impact of public expenditure on welfare of society, subsequent to a thorough

investigation of the theoretical paradigms underpinning the phenomenon of social welfare. Second, to conduct an empirical study aimed at determining the magnitude of public sector spending that maximizes welfare of society.

The objectives of this research can be summarized as follows:

- To construct a model for evaluating welfare of society and formulate a methodology for assessing the effect of government spending on the welfare.
- To execute an empirical investigation to evaluate the consequences of state spending on the level of welfare of society, discerning the effects of both decreased and augmented public sector expenditure, with a specific focus on EU countries as illustrative examples.
- By capitalizing on non-linear effects, to optimize the general and functional expenses within the government sector. This involves determining critical thresholds or intervals for the magnitude of expenditure that yield maximum welfare of society.

To fulfil these objectives, this research employs a comparative and systematic analysis of scientific literature, in conjunction with mathematical, statistical, expert, and econometric assessment techniques.

Literature review

The views of authors analyzing the phenomena differ, but many researchers today (Haile and Nino-Zarazua, 2018; Kotakorpi and Laamanen, 2010; Naraškevičiūtė, 2003; Smalenskas, 2007; Besley, 2002; Bator, Hessami, 1958; 2010; Ott, 2012; Radcliff, 2001; Di Tella, MacCulloch, & Oswald, 2003; Sirovicus, Gottlieb, & Welch, 2006; Cutler, McClellan, 2001; Kaestner, Silber, 2009; Doyle, 2007) agree that authorities, as the actions of a public management body directly or indirectly determine the welfare of society.

Based on different interpretations, the relationship between welfare of society and government spending has been examined by various researchers, arguing that the increase in government spending is either caused by (Radcliff, 2001; Di Tella, MacCulloch, & Oswald, 2005; Ekici, Koydemir, 2013; Flavin, Pacek, & Radcliff, 2014) or does not lead (Veenhoven, 2000; Ott, 2012; Bjørnskov, Dreher, & Fische, 2007) to the improvement of welfare. Some researchers have even found an inverted U relationship between government spending and welfare of society (Hessami, 2010; Eiji, 2009).

The analysis of interpretations of the phenomenon shows that welfare of society is characterized by multidimensionality, collectivism, objectivity, and subjectivity. The multidimensionality of the concept has been observed since the first signs of civilization. In general, welfare of society is analyzed as a combination of economic, social, health, political and natural environment dimensions that are crucial for the successful existence of an individual or society.

In general, the author of this article understands welfare of society more as a social rather than an individual phenomenon. Although welfare of society and welfare are not identical phenomena. The welfare of society is understood as the ability to meet the general needs of society members, determined by the environment, and judging from the perspective of their subjective experience. This approach makes it possible to identify the objective and subjective welfare of society, which constitutes the general welfare of society. Objective welfare of society is defined as the ability to satisfy the objective needs of society members determined by the environment, while subjective welfare of society is defined as the subjective experience about the ability to satisfy the objective needs of society.

Considering the research works discussed in the theoretical framework and the fact that there is no consensus on the impact of government spending on welfare of society, the hypothesis put forward in this paper is as follows:

$H_{1.0}$: The effect of government spending on welfare of society is not linear and reflects a pattern of decreasing or increasing effects.

To confirm or reject the hypothesis of a non-linear relationship, the study used an econometric model (Razmi, 2012; Hessami, 2010; Gomanee, Morrissey, & Mosley, 2003; et al.) to:

1) assessment of the impact of public sector expenditures on the level of welfare of society.

2) assessment of the impact of functional government expenditures on the level of welfare of society.

3) determination of optimal general and functional public sector expenditures aimed at maximizing welfare of society, considering the non-linear effect.

Research methods

A selection algorithm, based on the extended concept of societal well-being and a novel approach that bypasses the traditional calculation of objective and subjective societal well-being, has been developed. This algorithm consists of three levels of indicators that reflect the welfare of society. A total of 16 indicators have been carefully chosen to represent five distinct dimensions of societal welfare, namely economic, social, health, political, and the natural environment. These indicators have been selected based on a combination of qualitative, quantitative, and evaluative criteria that establish their links with the subjective welfare of society.

The criteria breakdown for each dimension:

- Economic Dimension: Indicators selected include GDP per capita, unemployment rate, inflation, and the ratio of public debt to GDP.
- Social Dimension: Criteria consist of the GINI coefficient, which reflects income inequality, the divorce rate, poverty levels, and the expected duration of education.
- Natural Environment Dimension: Selected criteria encompass CO2 emissions, the proportion of consumed electricity from renewable sources in total electricity consumption, and changes in water efficiency.
- Health Dimension: Indicators represent life expectancy, infant mortality, and suicide rates.
- Political Dimension: Key indicators reflect democracy and corruption perception.

To assess the level of welfare of society, an additive function has been chosen and justified. This function is employed to calculate the Welfare of Society Index (WSI). An expert survey was conducted with the assumption that different dimensions of WSI exert varying effects on societal welfare. The results of the expert survey indicated that the economic and health dimensions (0.22 each), the social dimension (0.21), the natural environment (0.19), and the political dimension (0.16) have different degrees of influence on welfare of society. This distribution of effects aligns closely with the parallel assessment of societal welfare dimensions conducted by the academic community of Vytautas the Magnus University, corroborating the expert assessment.

The Welfare of Society Index (WSI) encompasses groups of indicators representing five dimensions. Each dimension is assigned different weighting factors. Weighting factors for

dimensional indicators are determined equally using the formula 1/n, where 'n' represents the number of dimensional indicators. As per the OECD Guidelines for Aggregating Indicators (2008), the index is aggregated using a cumulative expression function, as depicted in equation 1.

$$WSI = 0{,}22\sum_{i=1}^{4}\frac{WSI_{ECO}}{4} + 0{,}21\sum_{i=1}^{4}\frac{WSI_{SOC}}{4} + 0{,}19\sum_{i=1}^{4}\frac{WSI_{ENV}}{3} + \\ +0{,}22\sum_{i=1}^{4}\frac{WSI_{HEALTH}}{3} + 0{,}16\sum_{i=1}^{4}\frac{WSI_{POL}}{2} \quad (1)$$

where WSI – welfare of society index; WSI_{ECO} – economic dimension; WSI_{SOC} – social dimension, WSI_{ENV} – dimension of natural environment; WSI_{HEALTH} – health dimension; WSI_{POL} – political dimension.

The Welfare of Society Index (WSI) operates on a scale from 0 to 100. The data undergo two critical processes: (1) standardization and (2) normalization, ensuring the compatibility of indicators with distinct units of measurement and their proper integration into a comprehensive index with a value range spanning from 0 to 100. The WSI estimates are categorized, and its evaluation scale is structured in accordance with the methodological principles of the Human Development Index (HDI) as outlined by Sen in 1994. The HDI, which normally ranges from 0 to 1, has been converted to a 0 to 100 range to align with the WSI framework.

To adapt to the evolving economic and social landscape, the study conducts an analysis spanning the pre-crisis and post-crisis period from 2003 to 2015. The study aims to gauge the influence of public expenditure on the overall well-being of society, as represented by the WSI. To scrutinize the WSI model, a total of 25 EU countries have been selected and examined. Initially, following the methodology for assessing welfare of society levels based on EU country statistics, the level of welfare is computed and validated.

The WSI level has been computed and categorized into four intervals using a modified grouping methodology influenced by the UN Human Development Index, which reflects the evolution of public well-being over time. The examination of WSI results has revealed a strong correlation between the WSI and subjective welfare measures, underscoring the consistency of WSI with various alternative welfare indicators. Notably, the WSI more accurately captures the integrated concept of societal well-being compared to traditional individual metrics like GDP or composite indices such as the HDI.

Following the calculation of WSI for each participating country, the study unfolded in two parts: an assessment of general government spending and an exploration of the impact of functional government spending on welfare of society, as represented by the WSI. Utilizing official EU statistics databases, the study identified different categories of public sector expenditures by function, which included public services, defence, public order and security, economy, environmental protection, housing and utilities, health protection, leisure, culture, religion, education, and social security. The EUROSTAT government expenditure classifier and state expenditure data from databases were relied upon for this analysis.

All 25 EU countries were examined in the study, and government spending data was expressed in relative terms rather than absolute figures. This approach aimed to evaluate the nature of the influence of optimized public sector spending on welfare of society. To ensure precision in the context of the EU's 25 countries, government spending was assessed as a

percentage of each country's GDP. The EU nations were categorized into two groups based on GDP per capita and the proportion of public sector spending relative to GDP.

The first cluster, with an average GDP per capita of 27,646.2 euros, demonstrated a government sector expenditure averaging 48.74 percent of GDP. This cluster comprised countries such as Sweden, Denmark, Finland, Netherlands, Ireland, Austria, UK, Germany, France, Belgium, Spain, Italy, and Cyprus. The second cluster, with an average GDP per capita of 15,570.8 euros, showed government sector spending at an average of 42.07 percent of GDP, encompassing countries like Slovenia, Portugal, Czech Republic, Slovakia, Greece, Estonia, Hungary, Latvia, Poland, Lithuania, Bulgaria, and Romania.

Considering welfare of society and its five dimensions, the study sought to optimize ten distinct functional types of public sector expenditures. This process led to the formulation of ten systems of equations for the optimization of various government spending categories. The general equation expression was as follows:

$$WSI_{it} = \alpha + \beta_1 \times G_{xit} + \beta_2 \times G_{xit}^2 + \beta_3 \times G_{xit} \times AIS + \beta_4 \times G_{xit}^2 \times AIS + c_1 \times \times BVP_{g_{it}} + c_2 \times student_{proc_{it}} \times mirt_t + c_4 \times pol_{stabil_{it}} + c_5 \times energ_{taup_{it}} + \quad (2)$$
$$+ \sum_{t=2}^{10} lp_t + \sum_{i=2}^{25} op_i + e_{it}$$

where:

" α " represents the constant of the model.

"WSI_{it}" signifies the estimation of the Welfare of Society Index for each object "i" during the period "t," where "i" ranges from Ireland to Germany, and "t" spans from 2003 to 2015.

"β_i" denotes the weight coefficient associated with independent variables, with "i" ranging from 1 to 4; " c_i " stands for the weight coefficient of controlled variables, with "i" ranging from 1 to 5.

"AIS" is the binomial coefficient that designates countries within cluster I, characterized by a high level of development.

G_{xit} -Government expenditure of function x for each object "i" within the timeframe "t" is inclusive of various categories such as "general government expenditure," "expenditure on social security," and more. Here, "i" ranges from Ireland to Germany, and "t" encompasses the years from 2003 to 2015.

$student_{proc_{it}}$ - size of student population" for each object "i" during period "t."

$BVP_{g_{it}}$ - GDP growth rate for each object "i" during period "t."

$mirt_t$ - Total mortality rate for each object "i" during period "t."

$pol_{stabil_{it}}$ - Political stability index for each object "i" during period "t."

$energ_{taup_{it}}$- Energy efficiency level for each object "i" during period "t," with "i" spanning from Ireland to Germany and "t" covering the years from 2003 to 2015.

"lp_t" corresponds to pseudo-variables related to time, encompassing the years from 2003 to 2015.

"op_i" represents pseudo-variables linked to objects, with "i" encompassing countries from Ireland to Germany.

"e_{it}" denotes the inherent error associated with the model.

The influence of government spending on welfare of society is elucidated through the weight coefficients assigned to the independent variables. The positive effect of public sector expenditure on welfare is ascertained in the following manner:

For Cluster II, if $\beta_2 > 0$ or $\beta_2 = 0$, then $\beta_1 > 0$.

For Cluster I, if $\beta_2 + \beta_4 > 0$ or $\beta_2 + \beta_4 = 0$, then $\beta_3 > 0$.

Hypothesis $H_{1.0}$, pertaining to a nonlinear, upside-down U-shaped impact of government spending on welfare of society, is validated if:

For Cluster I, $\beta_1 + \beta_3 > 0$ and $\beta_2 + \beta_4 < 0$.

For Cluster II, $\beta_1 > 0$ and $\beta_2 < 0$.

The hypothesis concerning a nonlinear, U-shaped effect of government spending on welfare of society holds true if:

For Cluster I, $\beta_1 + \beta_3 < 0$ and $\beta_2 + \beta_4 > 0$.

For Cluster II, $\beta_1 < 0$ and $\beta_2 > 0$.

If the hypothesis regarding the nonlinear effect of public sector expenditure on social welfare be confirmed, the optimization of public expenditure can be undertaken based on the Welfare of Society Index (WSI) or its components. This optimization involves the determination of the maximum value of the nonlinear function, representing the critical government spending size in the case of an upside-down U-shaped effect, or the minimum value of the nonlinear function, signifying the critical government spending size in the case of an upside-down U-shaped effect. When solving the system of equations, it may not be possible to pinpoint the precise critical government expenditure amount, but it does allow for the identification of the optimal expenditure range that facilitates the enhancement of welfare of society.

Throughout the study, critical values of government sector expenditure size or optimal expenditure intervals are established. These values enable the maximization or augmentation of welfare of society or its constituent elements. The primary critical values or limits of government expenditure intervals are determined based on the WSI function of government expenditure, with supplementary limits for the intervals established by considering the functions detailing the impact of government spending on the index's dimensions.

Considering the study's constraints, the following areas for future research development are provided:

- Conducting expert assessments not only in Lithuania but also in other countries to further develop the Welfare of Society Index.
- Expanding the dimensions of the welfare of society index to include cultural, lifestyle, or leisure dimensions.
- Investigating not only quadratic but also cubic effects of public sector expenditure on societal well-being.
- Exploring the grouping of countries by more than two attributes, potentially leading to more than two country groups.

Discussion of results

The study encompassed an evaluation of 25 EU countries based on the methodology for assessing the influence of government spending on the Welfare of Society Index (WSI) and its constituent components. To ensure the reliability of the outcomes, supplementary control variables were incorporated into the developed econometric model for each dimension. Specifically:

- For the economic dimension, the GDP growth rate was chosen as a controlled variable.
- In the context of the social dimension, control variables included the number of students and GDP per capita.

• The political dimension involved the use of the political stability index as a controlled variable.

• In the health dimension, control variables encompassed total mortality and GDP per capita.

• The environmental dimension considered the GDP growth rate as a controlled variable.

Table 1. The nature of the impact of both overall and specific government expenditures on the Welfare of Society Index (WSI) and its constituent dimensions within Cluster I

	General government expenditure	On general public services	On defence	On public order and public security	On the economy	On environmental protection	On housing and utilities	On health care	On leisure, culture and religion	On education	On social security
WSI	U	∩	U	∩	∩	∩	∩	∩	U	U	U
$EKO_{dimension}$	NA	U	∩	∩	U	∩	∩	∩	X	U	U
$SOC_{dimension}$	NA	∩	X	U	U	∩	∩	U	∩	∩	U
$POL_{dimension}$	NA	U	X	X	∩	X	X	∩	X	X	U
$HEALTH_{dimension}$	NA	U	U	U	∩	∩	U	∩	U	U	U
$ENV_{dimension}$	NA	∩	U	∩	∩	U	U	X	U	∩	∩

Within the category of Cluster I countries, a total of 61 econometric models were constructed, and summaries are provided in Table 1. Among these, 9 cases exhibited no significant impact of government spending on WSI or its individual components. In the remaining 52 cases, a non-linear relation was established. This non-linearity revealed a U-shaped effect in 26 instances, indicating a pattern of increasing influence or a critical threshold of government spending beyond which WSI or its dimension estimates rose. The remaining 26 cases demonstrated an inverted U-shaped effect, signifying a reduction in the impact of government spending or a critical threshold beyond which WSI or its dimension estimates increased.

Table 2. The nature of the impact of both overall and specific government expenditures on the Welfare of Society Index (WSI) and its constituent dimensions within Cluster II

	General government expenditure	On general public services	On defence	On public order and public security	On the economy	On environmental protection	On housing and utilities	On health care	On leisure, culture and religion	On education	On social security
WSI	∩	∩	U	∩	∩	∩	∩	∩	U	X	∩
$EKO_{dimension}$	NA	∩	U	-	∩	U	∩	∩	X	U	∩
$SOC_{dimension}$	NA	X	X	∩	+	∩	∩	∩	X	∩	∩
$POL_{dimension}$	NA	∩	X	X	∩	X	X	∩	X	X	∩
$HEALTH_{dimension}$	NA	X	U	X	∩	∩	∩	∩	U	U	∩
$ENV_{dimension}$	NA	X	U	U	∩	X	U	X	U	U	X

For cluster II nations, a total of 61 econometric models were formulated, with 16 cases revealing no significant impact of public sector spending on the Welfare of Society Index (WSI)

or its constituent components, as detailed in Table 2. Among the remaining 45 cases, two exhibited a linear, either positive or negative, correlation. In the 43 instances of non-linear correlation, 14 demonstrated a U-shaped effect, signifying an increasing impact pattern. The remaining 29 cases displayed an inverted U-shaped effect, indicative of a diminishing influence.

In the comprehensive analysis, it was found that out of the 122 models utilized to assess the influence of government spending on the Welfare of Society Index (WSI) and its dimensions for both country clusters I and II, a significant majority, which accounts for 87 models, exhibited non-linear effects. This substantiated the hypothesis $H_{1.0}$, which posited that government spending has a non-linear impact on welfare of society and its various components. Notably, the study highlighted that cluster I countries primarily encountered a U-shaped effect, while cluster II nations experienced an inverted U-shaped effect. These distinctions underscored the notion that cluster I countries yield different outcomes from government spending compared to cluster II countries.

As outlined in the methodology section, the optimization of government sector expenditure size concerning the WSI and its dimensions relies on determining the non-linear effect of government sector expenditure. This optimization can be achieved by identifying critical expenditure thresholds or optimal expenditure intervals, within which the maximization of societal well-being or its constituent dimensions is attainable.

This is facilitated through the application of an algorithm aimed at pinpointing the level of government spending that corresponds to the minimum or maximum value of a quadratic equation. Consequently, the critical levels of government spending or their respective ranges are determined. The U-shaped characteristic of the impact function enables the identification of the government spending threshold below which the WSI or its components tend to decrease, and beyond which the WSI tends to increase. Conversely, the inverted nature of the U-shaped effect function allows the identification of the government spending level below which societal well-being or its components tend to increase and beyond which they tend to decline. Figure 1 illustrates an example of the positive (A) and negative (B) impact of government spending on public welfare.

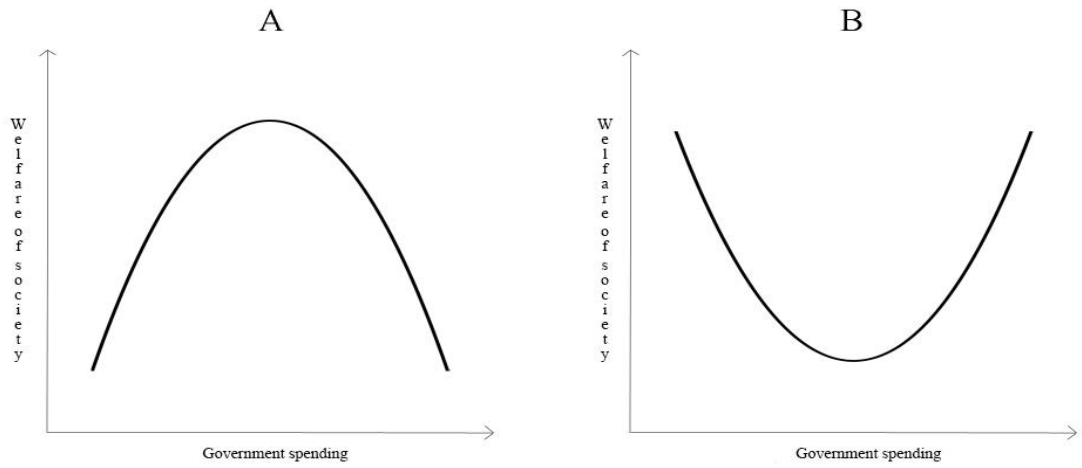

Fig. 1. Characters of possible government expenditure effect on welfare of society

The examination of regression models for countries within Cluster I revealed that, concerning public sector expenditures, the Welfare of Society Index (WSI) begins to minimize once these expenditures attain a threshold of 49.28% of GDP, as depicted in Figure 2.

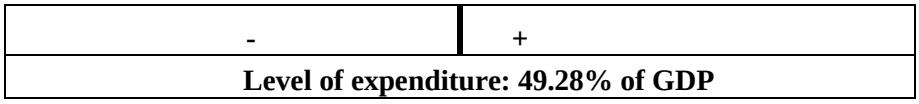

Fig. 2. The optimal influence of general government expenditure on the Welfare of Society Index (WSI) within Cluster I of EU nations.

For country cluster II, WSI is maximized by government spending as soon as the level of government spending reached 39.34% of GDP (Figure 3).

Fig. 3. The optimal influence of general government expenditure on the Welfare of Society Index (WSI) within Cluster II of EU nations.

The optimization of functional government sector expenditures, accounting for the welfare of society, varies for countries in Cluster I and Cluster II of the EU:

For Cluster I countries, the successful optimization ranges are as follows:

- Expenditures for public services should constitute up to 6.4% of GDP;
- Defence expenditure should be around 1.91% of GDP;
- Public order and public safety expenditures should fall between 2.07% to 2.13% of GDP;
- Economic expenditures should reach up to 8.99% of GDP;
- Environmental protection expenditures should range from 0.8% to 0.88% of GDP;
- Housing and communal services expenditures should be from 0.98% to 2.77% of GDP;
- Health care expenditures should make up to 6.73% of GDP;
- Leisure, culture, and religion expenditures should be around 1.69% of GDP;
- Education expenditures should be up to 6.83% of GDP;
- Social protection expenditures should range from 18.23% to 21.02% of GDP.

For Cluster II countries, the successful optimization varies as follows:

- Expenditures for public services should constitute up to 6.4% of GDP;
- Defence expenditure should be around 1.91% of GDP;
- Public order and public safety expenditures should be up to 2.13% of GDP;
- Economic expenditures should reach up to 7.94% of GDP;
- Environmental protection expenditures should range from 0.55% to 0.88% of GDP;
- Housing and communal services expenditures should be up to 1.08% of GDP;
- Health care expenditures should make up to 6.73% of GDP;
- Leisure, culture, and religion expenditures should be around 1.69% of GDP;
- Education expenditure was not optimized for Cluster II countries, as no correlation with WSI was found;
- Social security expenditures should range up to 12.83% of GDP.

Conclusions

This paper introduces a model designed to assess the influence of public expenditure on welfare of society. The empirical investigation centers on European Union (EU) countries and entails an evaluation of the impact of both general and functional government spending on the level of societal welfare. It examines whether there exists a phenomenon of diminishing or increasing marginal efficiency in public expenditure. Furthermore, the research aims to optimize both general and functional government sector spending by identifying critical expenditure thresholds that maximize societal welfare.

1. To establish a foundation for this study, 16 indicators were selected through the application of quantitative and qualitative criteria rooted in an extended interpretation of welfare of society. These indicators encompass five distinct dimensions of societal welfare: GDP per capita, unemployment rate, inflation, public debt as a ratio of GDP, GINI coefficient as a measure of income inequality, divorce rate, poverty levels, expected duration of education, CO_2 emissions, the proportion of electricity derived from renewable sources in total electricity consumption, water efficiency variations, life expectancy, infant mortality, suicide rates, democracy index, and corruption perception index.
2. To formulate a comprehensive Welfare of Society Index (WSI), expert surveys were conducted, involving 16 qualified participants. These experts were tasked with determining weighting coefficients for each dimension of welfare of society, ultimately creating the WSI through an additive function. The results revealed that the economic and health dimensions (each at 0.22), the social dimension (0.21), and the natural environment dimension (0.19) exert the most substantial influence on welfare of society. In contrast, the political dimension contributes the least (0.16). Countries were categorized into four levels of welfare of society based on their respective WSI values: low, moderately low, moderately high, and high.
3. Considering the research's objectives and data availability, an econometric analysis was deemed the most suitable method. A modified fixed-effect regression model was developed to account for the nature of the data and research goals. Model involved panel data and pseudo-variables. As part of the study, the hypothesis $H_{1.0}$ was postulated, suggesting that the effect of public sector spending on welfare of society follows a non-linear pattern, indicating a model of either decreasing or increasing marginal effect.
4. To ensure greater precision in the results, EU countries were categorized into two clusters based on national GDP per capita and the magnitude of government expenditures. These clusters formed the basis for evaluating the impact of state spending on welfare during the years 2003-2015, chosen due to data availability.
5. The analysis conducted to validate the Welfare of Society Index affirmed the methodology's alignment with the theoretical concept of societal welfare. It also exhibited a high degree of correlation with subjective welfare. This research demonstrated that the proposed methodology more accurately represents the integrated nature of welfare of society compared to individual indicators or multi-component indices.
6. In this study, a total of 122 econometric models were created to assess the influence of both general and functional government sector expenditures on societal welfare. Among these, 87 econometric models revealed a non-linear nature in the effect of public sector spending on societal welfare, corroborating hypothesis $H_{1.0}$, which posited a non-linear impact of government spending on societal welfare and its components. Additionally, the research revealed that EU countries in Cluster I exhibit a U-shaped effect of public sector spending on societal welfare, whereas countries in Cluster II manifest an inverted U-shaped effect. These

findings underline the distinct impact of government sector spending in Cluster I compared to Cluster II EU countries.

7. Analysis of the regression models for Cluster I EU countries indicated that public sector expenditures tend to reduce societal welfare once they reach 49.28% of GDP. However, expenditures exceeding this threshold contribute to an increase in societal welfare. In the case of Cluster II countries, government spending tends to enhance societal welfare when it remains below 39.34% of GDP, whereas expenditures surpassing this level result in a reduction of societal welfare.

8. The optimization of functional government sector expenses with respect to societal welfare varies for Cluster I and Cluster II EU countries. For Cluster I, optimized expenditure levels can be established as follows: General public service expenses up to 6.4% of GDP; Defense expenses at approximately 1.91% of GDP; Public order and public safety expenses ranging from 2.07% to 2.13% of GDP; Economic expenses reaching up to 8.99% of GDP; Environmental protection expenses within the range of 0.8% to 0.88% of GDP; Housing and communal services expenses between 0.98% and 2.77% of GDP; Health care expenses up to 6.73% of GDP; Expenses for leisure, culture, and religion at about 1.69% of GDP; Education expenses up to 6.83% of GDP; Social protection expenses within the range of 18.23% to 21.02% of GDP; In the case of Cluster II EU countries, optimizing functional government sector expenses with regard to societal welfare involves the following; General public service expenses up to 6.4% of GDP; Defense expenses at approximately 1.91% of GDP; Public order and public safety expenses up to 2.13% of GDP; Economic expenses within the range of 7.94% of GDP; Environmental protection expenses ranging from 0.55% to 0.88% of GDP; Housing and communal services expenses up to 1.08% of GDP; Health care expenses up to 6.73% of GDP; Expenses for leisure, culture, and religion at around 1.69% of GDP; Notably, education expenses exhibited no optimization in Cluster II countries due to a lack of correlation with WSI; Social security expenses up to 12.83% of GDP.

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DIVERGENT APPROACHES: NAVIGATING VARIED PERSPECTIVES ON DELINQUENCY PREVENTION BETWEEN TEACHERS AND POLICE IN GENERAL EDUCATION SCHOOLS

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Abstract. *Delinquent behaviour represents a pervasive social issue worldwide, notably in Lithuania, where juvenile delinquency persists at elevated levels in comparison to other EU countries. Despite concerted efforts to mitigate its prevalence, juvenile delinquency remains a considerable threat to public safety and social order. Consequently, the prevention of delinquent behaviour assumes paramount significance, necessitating a focused exploration of collaborative initiatives between teachers and officers. The objective of this study is to discern the intricacies of cooperation between teachers and officers in the implementation of delinquent behaviour prevention during adolescence. To attain this objective, the following tasks were delineated: 1) Analyse disparities in the roles of teachers and officers in the implementation of delinquent behaviour prevention. 2) Theoretically conceptualize the collaborative model for teachers and officers in delinquent behaviour prevention. 3) Investigate the nuanced aspects of cooperation between teachers and officers in the execution of delinquent behaviour prevention. 4) Identify the strengths and weaknesses inherent in the collaboration between teachers and officers for delinquent behaviour prevention. Methodologically, the study employs theoretical literature analysis, examination of legal acts, and statistical data analysis derived from empirical research. The study's findings revealed that despite a shared desire and positive attitudes toward cooperation between teachers and officers, the current level of collaboration is deemed inadequate and inefficacious. Notably, only 14.5% of teachers reported actual collaborative experiences with officers, despite a high prevalence of delinquent behaviour incidents, encountered by 63.1% of teachers in the last semester. Additionally, the study identified deficiencies in legal regulations, notably in the Description of the Organization of Preventive Activities, which lacks specific forms and methods for collaboration with teachers. The study recommends amendments to existing legal frameworks to establish a clear and mandatory system for cooperation.*

Keywords: *prevention of delinquent behaviour, cooperation between teachers and police officers, differences in roles in the prevention of juvenile delinquency.*

Introduction

Delinquent behaviour constitutes prohibited and criminal conduct with far-reaching implications for both the individual and their family, as well as society at large. Such behaviour, characterized by a breach of legal norms, is deemed inappropriate, unlawful, and socially detrimental. Manifestations of delinquency encompass a spectrum of actions, including theft, violence, substance abuse, illicit activities, and other criminal offenses (Bulotaitė 2014; Universal Lithuanian encyclopedia 2023). Addressing and preventing adolescent delinquency in Lithuania is an issue of paramount significance.

Official statistics underscore prevalent forms of juvenile crimes within the municipalities of the Republic of Lithuania in 2022, including public order violations, illegal possession of

narcotic drugs and psychotropic substances, robbery, and rape (Department of Informatics and Communications 2023). While statistical trends indicate a decline in juvenile delinquency in Lithuania in recent years, it remains comparatively high when benchmarked against other European Union nations. The NUMBEU Crime Index (2022) positions Lithuania at 26th out of 42 countries, emphasizing the imperative for enhanced preventive measures targeting minors.

Efforts to mitigate juvenile delinquency should prioritize the reinforcement of preventive strategies, with particular emphasis on fostering consistent collaboration between educators and law enforcement officials. Teachers and officials, while executing distinct roles and employing different measures, possess the potential to mutually reinforce each other's efforts. Collaboratively, they can formulate comprehensive plans for juvenile delinquency prevention, organize joint prevention initiatives, exchange insights, experiences, and best practices, and engage in reciprocal training and learning.

However, the absence of a well-defined legal framework in Lithuania to facilitate collaboration between general education teachers and police officers presents a significant challenge. A comprehensive examination of legal literature reveals a lack of theoretical analysis in this particular domain. While Urnikis (2006) and Bružinskaitė (2006) have explored the preconditions for cooperation between teachers and law enforcement in preventing juvenile delinquency in their respective master's theses, the majority of studies focus on the prerequisites for family-school cooperation in preventing delinquent behaviour among minors. In contrast, international literature provides more extensive insights into how teachers and officials collaborate to prevent juvenile delinquency. Numerous preventive programs, incorporating police involvement in schools and collaboration with teachers, have been established, with evaluations measuring their short and long-term impact and the dissemination of successful practices. Given the existing research gap in Lithuania and the promising foreign precedents, this article aims to **thoroughly examine the pertinent issue** of how cooperation between teachers and officials unfolds in the prevention of delinquent behavior.

The primary objective of this article is to elucidate the specific dynamics of cooperation between teachers and officials in preventing adolescent delinquency. To achieve this, **the following tasks are delineated:** (I) analysing role disparities between teachers and officials in the context of preventing delinquent behaviour; (II) theorizing cooperation between teachers and officials within the prevention model of delinquent behaviour; (III) examining the nuances of cooperation between teachers and officials in the context of preventing delinquent behaviour; and (IV) identifying the strengths and weaknesses inherent in the collaboration between teachers and officials concerning the prevention of delinquent behaviour.

Analysis of the roles of general education schoolteachers and police officers in the prevention of delinquent behaviour

The Role of Teachers in the Prevention of Delinquent Behaviour. Incidents of delinquent behaviour within school premises can manifest in various forms, ranging from non-disciplinary and conflict behaviours to episodic alcohol consumption and evasion of lessons (McCord, J., & National Research Council, 2000). More severe transgressions, such as theft, violence against peers or educators, drug use, and illicit activities, can have enduring repercussions on a child's development, health, and future prospects. While delinquent behaviour may manifest as early as primary school, under the laws of the Republic of Lithuania, it is not considered a criminal offense until the individual reaches 14 years of age. In this context, general education schools play a pivotal role in addressing and curbing delinquency,

as their effectiveness directly impacts both youth crime rates and the psychological and social well-being of a substantial portion of the youth population.

An examination of the legal framework for delinquency prevention necessitates differentiation across international, national, regional, and school levels. International agreements and domestic legislation establish fundamental principles and norms governing the conduct of minors within educational institutions. The legal framework at regional and school levels outlines the organization of preventive measures and responses to delinquent behaviour. This framework is crucial for cultivating a secure and healthy learning environment, safeguarding children's well-being, and securing their prospects.

The fundamental principles governing the relations between a child and the state, as well as the public, are anchored in the rights and duties of the child. These principles are rooted in the child's best interest, mandating that decisions and actions concerning a child must prioritize their well-being and needs. The child's rights, enshrined in international and national documents such as the United Nations Convention on the Rights of the Child (1898) and the Law of the Republic of Lithuania on the Framework for the Protection of the Rights of the Child (1996), span various domains, including welfare, health, education, participation in decision-making, protection against violence and discrimination, and more. The child's duties encompass responsibilities for conduct, contributions to societal well-being, and respect for authority, laws, and the rights of others.

Maintaining a delicate balance between the rights and obligations of the child is imperative for fostering the child's development and integration into society. While the child is entitled to protection from harm and discriminatory treatment, they are also duty-bound to act in accordance with their age and capabilities. The child has the right to be heard and participate in decision-making, coupled with the duty to respect the views of others. Additionally, the child has the right to education and advocacy for their interests, alongside the duty to learn and develop (United Nations Convention on the Rights of the Child, 1898).

The Convention on the Rights of the Child (1898) emphasizes the provision of assistance and support to ensure the well-being of the child, including preventive measures to forestall delinquent behaviour. Hence, the Convention aligns with the objective of protecting children's rights and interests in a manner conducive to their well-being and safety.

At the national level, Lithuania's education system is governed by the Republic of Lithuania's Education Law. Serving as the principal legal framework, the Education Law (1991) delineates overarching principles and objectives in education, in addition to specifying the rights and duties of members within the school community. Within this legal framework, it is mandated that schools ensure the safety and well-being of students, foster their moral development and social integration, and engage in collaborative efforts with parents and other institutions for the holistic welfare and preventative measures concerning children.

Moreover, the Education Law assumes a crucial role in regulating the prevention of violence and bullying within educational institutions. Amendments introduced on October 18, 2016, further elucidated key concepts, such as bullying and cyberbullying, outlined preventive programs, and instituted a comprehensive ban on all forms of violence. This legal instrument also delineates the responsibilities of school leadership in responding to instances of violence, underscores the provision of psychological support for students and teachers impacted by or engaged in violent incidents, advocates for the enhancement of pedagogical staff qualifications in developing students' social-emotional competencies, and mandates the active participation of every student in a designated preventive program.

Additionally, the Education Law (1991) commits to the implementation of violence and bullying prevention programs, which are strategically formulated to enhance students' social

and emotional competencies. These initiatives aim to fortify communication and conflict resolution skills, instil values of tolerance and amicability, mitigate aggressiveness and negative emotions, cultivate positive self-esteem and self-confidence, and equip students with the resilience to confront instances of bullying and violence. This comprehensive legal framework operates under the guidance of the Ministry of Education, adhering to recommendations approved by the Minister (National Education Agency, 2023).

Recommendations for the implementation of violence prevention in schools (2017) delineate the foundational principles, measures, and procedures essential for the effective prevention of violence within the educational milieu. This framework encompasses both proactive strategies, such as information dissemination, counselling, and training, as well as reactive measures, including intervention, mediation, and the imposition of sanctions (Recommendations for the implementation of violence prevention in schools, 2017). Integral to these guidelines are the specific roles and responsibilities assigned to teachers concerning the prevention and intervention of delinquent behaviour. In accordance with this procedural framework, teachers are obligated to: acquire comprehensive knowledge about the principles, measures, and procedures governing the prevention of violence and bullying within the school environment; engage actively in professional development programs specifically designed to enhance students' social and emotional competencies; cultivate a learning environment that is inherently positive and safe, fostering cooperation, tolerance, and respectful relationships among students; exercise vigilant awareness to promptly identify and respond to any manifestations of violence and bullying within the school community; implement appropriate intervention measures, such as engaging in dialogue with both the victim and perpetrator, promptly notifying the school leadership or psychologist, and involving parents (guardians, caregivers), among other steps; diligently monitor the progression of situations involving violence and bullying, and systematically report on the outcomes and resolutions achieved (Recommendations for the implementation of violence prevention in schools, 2017).

The prevention of delinquent behaviour, with a specific emphasis on mitigating violence and bullying, is prominently featured in the General Education Plans of primary, basic, and secondary education programs (2023). These programs delineate the objectives and tasks of educational institutions, outline the content of educational programs, prescribe organizational methodologies, and address other pivotal aspects integral to the educational process. Drawing guidance from the stipulations set forth in the General Education Plans, each school is mandated to formulate decisions concerning the prevention and correction of delinquent behaviour, elucidating these in the School Education Plan.

The School Education Plan, crafted by individual schools, is required to align with the unique needs and capacities of students. It should encompass preventive activities geared towards averting issues such as violence, bullying, drug addiction, and other societal problems. This may include domains such as health education, civic education, and career education (General Education Plans of primary, basic, and secondary education programs, 2023). In the execution of their duties, teachers are entrusted with fulfilling specific roles and obligations within the realm of preventing delinquent behaviour. These encompass: disseminating information about the principles, measures, and procedures integral to the prevention of violence and bullying within the school environment; actively participating in professional development programs explicitly designed to foster the advancement of students' social and emotional competences; cultivating a positive and secure learning environment that promotes cooperation, tolerance, and respectful relationships among students; vigilantly identifying and promptly responding to any instances of violence and bullying within the school community; implementing appropriate intervention measures, such as engaging in dialogue with both the

victim and perpetrator, reporting to the school leadership or psychologist, and involving parents (guardians, caregivers), among other measures; integrating preventive topics into their educational subjects, such as facilitating discussions with students on the causes and consequences of violence, presenting alternative conflict resolution methods, and fostering the development of empathy and critical thinking (General Education Plans of primary, basic, and secondary education programs, 2023).

The Regulation of the Child Welfare Commission (2011) governs the establishment and operations of the Child Welfare Commission within the school. Functioning as a collegial body, the Child Welfare Commission is entrusted with the resolution of matters pertaining to child welfare and the coordination of both preventive and intervention measures. This involves: organizing and coordinating preventive initiatives aimed at fostering a secure and positive educational environment; providing educational assistance to students; creating an environment conducive to the child's well-being and educational progress; adapting educational programs to cater to the needs of students with special educational requirements; conducting the initial assessment of educational needs for students (excluding those arising from exceptional talents); undertaking other functions directly associated with safeguarding the welfare of the child (Description of the procedure for establishing the school child welfare commission and organizing its work, 2011).

General Educational Plans (2023) mandate schools to incorporate preventive programs. The Ministry of Education, Science and Sports has developed methodological recommendations outlining the criteria and guidelines for the implementation of violence prevention programs in schools (Recommendations for the implementation of violence prevention in schools, 2017). These criteria encompass program objectives, content, methodology, evaluation, and outcomes. For instance, preventive measures targeting all school students aid in averting issues (such as bullying or other forms of violence) and mitigating the prevalence of existing problems. In cases where the preventive measures administered to the entire school populace prove ineffectual or insufficient for certain students, additional preventive measures and/or programs are implemented, along with educational assistance (Recommendations for the implementation of violence prevention in schools, 2017). The Ministry of Education, Science, and Sports provides schools with access to 12 distinct preventive programs, each designed to diminish delinquent behaviour.

Violence prevention and response are governed at the municipal level in Lithuania. Out of the 60 municipalities, 47 have established their domestic violence prevention procedures (Ministry of Social Security and Labor of the Republic of Lithuania, 2023). This indicates that 78% of municipalities have formulated and endorsed these procedures, while 22% are yet to do so. Typically, these procedures align with the recommendations for implementing violence prevention in schools, as approved by the Minister of Education and Science Ministry of Social Security and Labor of the Republic of Lithuania, 2023). While each municipality has the flexibility to establish its criteria and recommendations for selecting preventive programs in schools, not all municipalities exercise this prerogative. The usual considerations encompass the preventive program's alignment with state education policy and its implementation strategy, the theoretical/empirical rationale of the preventive program, the validity of its goals and tasks, the appropriateness, directionality, and coherence of its content, as well as the evaluation and measurement of results.

At the school level, the regulation of delinquent behaviour prevention is delineated in the Rules of internal order, School Educational plans for specific school years, The procedure for preventing bullying and violence description, and the activity regulation of the Child welfare commission. These documents are endorsed through an order issued by the school director,

providing explicit definitions of the rights, duties, and obligations of teachers within a given school. Furthermore, they outline procedures for the self-evaluation of the efficacy of implemented measures.

The analysis of legal provisions indicates a predominant focus on preventing violence and bullying within school environments, with other forms of delinquent behaviour receiving insufficient attention. Schools enjoy considerable autonomy in selecting methods and approaches for preventing and addressing delinquent behaviour, particularly acts of violence. The role of teachers is pivotal and diverse, encompassing communication with students and parents, fostering mutual trust and respect, monitoring student behaviour to identify and prevent potential offenses, conflicts, or addictive behaviours. Collaboration with fellow teachers, social pedagogues, psychologists, and other specialists on issues related to the prevention of delinquent behaviour is emphasized. Teachers are tasked with imparting social skills, values, self-evaluation, and problem-solving techniques to help shape positive personalities, instil self-control strategies, etc. (Leikauskas, 2014). While there is no explicit mandate for cooperation with the police, there is no prohibition against it. Collaboration between teachers and law enforcement in preventing delinquent behaviour is permissible as long as it aligns with the rights and responsibilities of the child and contributes to the child's well-being, development, and societal integration.

The role of police officers in the prevention of delinquent behaviour. Delinquent behaviour encompasses a spectrum of criminal and illicit activities resulting in harm to individuals, property, or society. Police officers play a pivotal role as key participants and collaborators in the prevention of delinquent behaviour, actively engaging not only in response but also in proactive measures to avert its occurrence or recurrence. The Police Law (2000) stands as the paramount legal framework governing police operations in Lithuania. It delineates the responsibilities of the police, emphasizing the prevention of criminal acts and other legal violations, stipulating the rights and duties of police officers, and outlining collaborations with other state, municipal entities, and the general public. Police preventive measures encompass a range of strategies, including the dissemination of information, educational initiatives, counselling, advice, warnings, prohibitions, restrictions, monitoring, supervision, engagement with risk groups and communities, provision of social assistance, and fostering integration (The Police Law, 2000).

Police preventive activity stands as a pivotal and intricate function with the primary goal of preventing criminal acts and administrative law violations, thereby mitigating their frequency and impact. The regulatory framework guiding the police in their preventive endeavours is encapsulated in the Order of the General Commissioner, specifically delineating the organization of police preventive activities (Description of the organization of police preventive activities, 2016).

This multifaceted approach involves the implementation of diverse methods, forms, and means, meticulously organized and coordinated. It extends beyond mere response to offenses and includes proactive engagement with risk groups, along with public information dissemination, educational initiatives, counselling, and support for individuals susceptible to or experiencing violence (Description of the organization of police preventive activities, 2016).

The aforementioned order provides a comprehensive framework for police preventive activities, encompassing a range of forms and measures, namely: patrolling (ensuring the effective execution of assigned tasks within designated patrol sectors, routes, or posts, with the aim of maintaining public safety and deterring criminal activities) (Instructions for the operation of police patrols, 2011); control (verification procedures designed to ensure compliance with legal acts and other regulatory requirements, contributing to the maintenance

of law and order within the community) (The Police Law, 2000); inspection (targeted efforts aimed at identifying and eliminating situational causes and conditions that may foster the occurrence of criminal acts and administrative law violations, or facilitate their execution) (The Police Law, 2000); Projects and Programs (collaborative initiatives undertaken in conjunction with other institutions and organizations, reflecting a concerted effort to achieve long-term and intricate preventive goals and objectives) (Description of the organization of police preventive activities, 2016).

These measures collectively underscore the proactive stance of the police force, not only in reacting to criminal activities but, crucially, in engaging in preventive actions. The emphasis on collaboration, public awareness, and addressing the root causes of delinquent behaviour is indicative of a comprehensive strategy aimed at fostering a safer and more secure societal environment.

The preventive activities undertaken by the police are anchored in principles of comprehensiveness, systematicity, operativeness, individualization, partnership, and responsibility. This approach not only involves the analysis and elimination of the root causes and conditions leading to criminal acts and administrative law violations but also necessitates collaboration with other entities engaged in prevention efforts (Description of the organization of police preventive activities, 2016).

The planning, execution, monitoring, and evaluation of police preventive activities follow a strategic process. This includes: situation analysis (a thorough examination of the prevailing circumstances and factors contributing to the occurrence of criminal acts and administrative law violations); selection of preventive measures (a judicious choice of preventive strategies and interventions based on the identified risks and challenges); implementation of preventive measures (the operationalization of selected preventive measures with a focus on addressing specific concerns and fostering a safer environment); monitoring and evaluation (ongoing scrutiny of the preventive activities' progress and impact, followed by a comprehensive evaluation of the results achieved). In order to ensure effective coordination and control of these preventive endeavours, the General Commissioner issues directives mandating that heads of police structural units, along with their deputies, take on the responsibility of overseeing and managing police preventive activities (Description of the organization of police preventive activities, 2016).

The procedure for organizing police preventive activities is an important document that helps to ensure the quality and efficiency of police preventive activities, as well as to strengthen the professional competence and authority of the police in the preventive field. Preventive policing benefits both police officers and the public as it fosters cooperation and trust between them.

Police activities are additionally guided by the stipulations set forth in the Criminal Code of the Republic of Lithuania, which delineates penalties for crimes and other legal violations. The nature and severity of penalties are contingent upon the extent of harm caused and the contextual circumstances surrounding the offenses. It is imperative that penalties align with factors such as the individual's age, health, character, and other personality attributes (Criminal Code of the Republic of Lithuania, 2000).

Penalties serve not only as retribution for committed crimes but also as a mechanism for resocializing and reintegrating individuals back into society. Officers designated as community officers within the police force play a pivotal role in executing preventive action functions. They are tasked with organizing and coordinating preventive measures and programs and fostering communication with various community groups and individuals (Malunavičiūtė,

2020). This collaborative engagement aims to proactively address potential issues and enhance the overall safety and well-being of the community.

Crimes committed by minors, those below the age of 14, do not fall under criminalization as they are not deemed accountable for criminal responsibility. This acknowledgment recognizes their limited maturity to understand the ramifications of their actions. In Lithuania, criminal responsibility begins at the age of 16, and exceptionally from the age of 14, as specified in Article 13 of the Criminal Code of the Republic of Lithuania (2000).

However, crimes committed by minors do not go without consequences. The regulations governing the criminal responsibility of minors outlined in the Criminal Code (2000) are not intended for punitive measures but rather for education, integration into the community, and instigation of lifestyle changes for young individuals. These regulations strive to account for factors such as age, social maturity, receptiveness to external circumstances, etc., with the aim of addressing the roots of criminal behaviour, shaping the personality, and individualizing the impact.

It is crucial to recognize that these objectives should not solely be pursued through court-imposed sanctions or punishments but also through societal efforts. The focus of criminal responsibility for minors lies in education. Consequently, rather than punitive measures, the emphasis is on educational interventions. Measures taken by educators aim to achieve the objectives of punishment, but they are distinct from punishment as they are oriented towards correction and education. According to Article 82, Part 1 of the Criminal Code (2000), these educational measures may include voluntary educational work, compensation for material damage, a warning, transfer to a special educational institution, among others.

Educational measures are deemed more humane and effective than punitive measures for minors since their purpose is to assist in behavioural change and societal adaptation. However, when other interventions prove ineffective, juveniles may face punishment, the most severe form of criminal law enforcement. Punishments for minors are delineated in the special part of the Criminal Code (2000), specifically in Article 90. These may include community service of up to 240 hours, fines ranging from 50 to 2500 EUR, punitive measures like arrest from 5 to 45 days, restriction of liberty from 3 months to 2 years, or the most severe punishment for minors, a term of imprisonment not exceeding 10 years and not life imprisonment. Despite the potential negative impact of these punishments on the psychological and social development of minors, as well as the increased likelihood of reoffending, it is paramount to consider the education and protection of the minor's personality or development during sentencing. In certain instances, a more stringent punishment may be necessary, although it is recognized that sentencing a young person to imprisonment can inadvertently encourage recidivism rather than foster their education or correction.

In summary, the analysis of legal acts governing police activities underscores the significance of maintaining a balance between the rights and responsibilities of children, constituting a crucial aspect of preventive measures. The primary objective is to ensure that minors receive appropriate assistance and opportunities for behavioural correction, irrespective of whether they have committed a crime. Police engagement in delinquent behaviour prevention centres on crime reduction and public safety assurance. Preventive measures encompass collaboration with various institutions, NGOs, communities, and citizens, coupled with informing and advising the public on the causes, risk factors, prevention methods, and potential consequences of delinquent behaviour. Additionally, targeted preventive work with high-risk groups and operational measures like patrolling, monitoring, investigation, and detention are employed to prevent or halt delinquent behaviour. When educational interventions prove

ineffective, especially with teenagers deemed at high risk, police officers assume a pivotal role in delinquent behaviour prevention activities.

Theoretical Foundations for Collaboration Between Educators and Officials in Adolescent Delinquency Prevention. The prevention of delinquent behaviour among adolescents encompasses diverse measures and programs designed to either avert or mitigate the occurrence and impact of deviant behaviour. This preventive effort can be categorized into primary, secondary, and tertiary levels. Primary prevention operates proactively, targeting all children and adolescents before any delinquent behaviour emerges. Secondary prevention focuses on at-risk groups or individuals predisposed to criminal activities, while tertiary prevention addresses those who have already committed offenses, aiming to deter recurrent criminal behaviour (National program for prevention of violence against children and assistance to children, 2011). The theoretical underpinnings of collaboration between educators and officials in delinquency prevention align with specific objectives, including ensuring a secure and positive learning environment within schools, fostering the social integration and responsibility of teenagers, mitigating conflicts and violence, and enhancing mutual trust and communication between adolescents and adults. Collaboration between educators and officials holds the potential to enhance the efficacy of delinquency prevention. Cooperation transcends mere interaction, conversation, assistance, or resource sharing, as it involves joint efforts geared towards improving work quality and efficiency (Skučaitė and Karmazė, 2011). In collaborative endeavours, individuals work together, prioritizing group outcomes over individual achievements. Successful cooperation demands shared experiences, a sense of responsibility for results, and possessing the requisite skills and competencies (Teresevičienė and Gedvilienė, 2000).

Collaboration between law enforcement officers and educators is a crucial initiative for fostering a safer and more amicable school environment. However, the successful implementation of such collaboration necessitates the establishment of clear rules and guidelines to pre-emptively address potential issues and disagreements. As of now, Lithuania lacks a definitive document outlining these guidelines, leading to the theoretical formulation of possibilities for cooperation between educators and officials, drawing inspiration from international best practices. An analysis of eight delinquent behaviour prevention and correction programs has been conducted, with a focus on programs that (I) exhibit sustained and cohesive collaboration between educators and officials in delinquency prevention, (II) have been successfully implemented by involved parties, and (III) have undergone thorough evaluation, affirming their efficacy in combating delinquent behaviour.

The School Resource Officer (SRO) program stands out as one of the oldest and most prevalent school policing initiatives, extensively implemented in the United States, Australia, Canada, and Great Britain. The primary objectives of this program revolve around fortifying school security and cultivating positive relationships between law enforcement officers and students. Officers actively engage in school activities and collaborate with school staff, parents, and community members. SROs are viewed as exemplifying community policing principles, adopting a proactive and preventive stance towards crime and violence within educational institutions (Shaw, 2004). Empirical data indicates that the deployment of police officers in urban schools yields positive outcomes, effectively reducing instances of school violence and disciplinary infractions (Johnson, 1999). For instance, a program implemented in the schools of a southern U.S. city witnessed a noteworthy decrease in the overall number of moderate and serious crimes, dropping from 3,267 in the academic year 1994-1995 to 2,710 in 1995-96 (Johnson, 1999).

The Community Outreach through Police in Schools program stands as a school-based policing model originating in the United States, having been in operation since 1998. The primary objectives of the program are cantered on the prevention of violence and the enhancement of police-student relations. This initiative involves collaboration between community police officers and paediatricians who conduct weekly sessions targeting high school students exposed to violence in their community. The program addresses various topics, including stress management skills, conflict resolution, and the effective utilization of community resources. Spanning a duration of 10 weeks, the program aims to assist students in expressing and coping with their emotions while fostering a positive shift in their perception of the police and its role within the community (Shaw, 2004). Evaluation through pre- and post-participation surveys demonstrated the program's effectiveness, with participants reporting reduced nervousness, decreased apprehension about potential outcomes, and an overall improvement in emotional well-being upon completion of the group sessions (U.S. Department of Justice, 2003).

Drug Abuse Resistance Education (DARE) program aims to prevent drug and violence problems among children and adolescents. It was developed in Los Angeles in 1983 and is now widely used in the United States and other countries. The program is for students in kindergarten through 12th grade as long as they are drug and violence free. The program is based on the premise that drug education is a key factor in reducing the demand for drugs. But the program has been criticized for its ineffectiveness, with several rigorous evaluations finding no significant impact on drug use (Shaw, 2004). Nevertheless, in a survey of more than 2,000 DARE participants, more than 90 percent reported that the program helped them abstain from drugs and alcohol. For this reason, the program remains popular and loved in schools and continues to expand its implementation around the world (U.S. Department of Justice, 1995).

The School Liaison Officer (SLO) program, originating in England and evolving since the 1970s, is designed to prevent juvenile delinquency and foster positive police-school relationships. SLOs, designated officers for this purpose, collaborate with schools, serving either full-time or part-time based on the mutually agreed-upon arrangements. Regarded as a manifestation of community policing, the SLO program adopts a welfare and educational approach to addressing crime and violence within school environments (Shaw, 2004). A comprehensive analysis conducted by Gottfredson and colleagues spanning the years 2010-2019 revealed that schools with SLOs reported higher incidents of crimes compared to schools without, signalling the program's effectiveness. However, there is a lack of evidence indicating that the program aids in crime reduction through collaboration, prompting questions about its overall efficacy (Samuels-Wortley, 2021).

The Police Undercover Agents in Schools program represents an unconventional collaboration model between law enforcement and educational institutions, extending its reach beyond teenagers to include students. The primary objective of undercover agents typically revolves around preventing drug trafficking and identifying students involved in drug distribution by establishing rapport with them and attempting to make purchases. The program employs various techniques for officers to infiltrate student groups. However, this approach has faced criticism for several reasons, including the potential negative impact on students' attitudes towards the police, exacerbation of the relationship between young people and law enforcement, and the possibility of causing emotional harm to students while encouraging undesirable behaviour, aggression, and violence (Shaw, 2004). Despite these concerns, the program remains active, as evidenced by notable instances such as the 2022 operation in Holly Township, New Hampshire, where undercover agents arrested 62 drug dealers, seizing $400,000 worth of drugs and $30,000 in cash (Harlan, 1990)

The School Adoption Plan is part of a broader spectrum of active police-initiated educational programs in Europe, implemented in countries such as Estonia, Holland, Belgium, Slovakia, and Poland. Grounded in the philosophy of community policing and the belief that "it's better to raise a good child than to correct him later," the program aims to achieve several key objectives. These include fortifying relationships among young people, their parents, schools, and district police; reshaping attitudes towards crime; early identification of criminal behaviour; and fostering positive behavioural changes. Research studies have indicated the program's effectiveness, although not all objectives have been fully met. Notably, there is no conclusive evidence supporting the police's ability to identify children at a higher risk of engaging in future criminal activities, a task that would demand significantly more police time and commitment (Shaw, 2004).

The Gang Resistance Education and Training (GREAT) program is a research-based gang prevention initiative established in 1991. Comprising 13 interactive lessons, the program focuses on fostering social skills, stress coping mechanisms, and resistance abilities. Originally launched by the US Bureau of Alcohol, Tobacco and Firearms in collaboration with various police departments in Texas and Arizona, its primary aim was to counteract the increasing issue of youth involvement in gangs. A comprehensive study conducted across eleven cities demonstrated the program's effectiveness, revealing that GREAT students exhibited a lower rate of criminal activities. Specifically, one year after completing the program, participants were 39% less likely to join gangs compared to non-participants. Additionally, program participants displayed a positive attitude towards the police, heightened self-esteem, and stronger connections to their parents and school (Shaw, 2004; National Gang Center, 2023).

The Police Schools Involvement Program (PSIP) is an initiative fostering active collaboration between school communities and police officers, inaugurated in Australia in 1999. Operating with officers assigned to work with up to 10 primary or secondary schools, the program aims to achieve several objectives: reducing societal crime levels, enhancing relations between the police and youth, shaping students' comprehension of the police's societal role, fostering crime prevention concepts, and developing teenagers' social skills to navigate potentially hazardous situations. Evaluating the program's impact revealed improved student understanding of the police's role, with teachers reporting a positive contribution to reducing delinquent behaviour. Moreover, teenagers developed social skills beneficial for avoiding dangerous situations (Shaw, 2004).

In conclusion, it is crucial to underscore that collaboration between law enforcement officials and schools represents a key avenue for mitigating students' delinquent behaviour and fostering a secure and amicable school environment. The nature and extent of cooperation between officials and educators vary across countries, contingent upon legal, cultural, and social factors. Internationally, many countries boast well-established preventive programs that delineate roles, competencies, and responsibilities for both officials and teachers. Officials, beyond merely responding to potential criminal acts, actively engage in educational and counselling processes. These programs undergo rigorous self-evaluation, identifying the strengths and weaknesses of preventive activities. Implemented initiatives serve to fortify the relationship between officials and the school community, diminishing conflicts and violence while enhancing students' trust in the police and overall community well-being.

Regrettably, in Lithuania, the collaboration between officials and schools remains notably weaker and sporadic. Officials typically become involved only after educational measures prove ineffective, and minors have already engaged in potentially criminal activities. There exists a dearth of clear guidelines or standards governing officials' interactions with students or teachers, coupled with inadequate training and supervision in preventive activities. The country

lacks a developed or adapted model that would define the roles, competences, and responsibilities of officials and teachers in preventive endeavours, reflecting a deficiency in cooperation and coordination among responsible institutions in the realm of preventive activities. Addressing these gaps is imperative for fostering a more effective and systematic approach to preventing delinquent behaviour in the Lithuanian school system.

Research method and sample

This quantitative study aims to investigate the perceptions of educators and officials regarding the effectiveness of measures for preventing delinquent behaviour and explore potential avenues for enhanced collaboration. Utilizing a non-probabilistic targeted group formation method (Kardelis, 2005) participants, comprising 21 individuals from law enforcement and 77 from general education schools, were contacted via email and invited to complete a questionnaire. The survey sought evaluations of the effectiveness of current preventive measures and opinions on activities that, while not presently implemented, could facilitate more cohesive cooperation between officials and educators.

Socio-demographic Characteristics of the Teacher Sample. The sample of educators predominantly comprises women (89.6%), with 9.1% being men, and the remaining participants choosing not to specify their gender. In terms of age distribution, 24.7% fall below the age of 30, 27.3% are aged 31-40, 37.7% are aged 41-50, 6.5% are aged 51-60, and 3.9% are over 61 years old. Consequently, the majority (65.4%) falls within the age group of 31-50 years. Regarding length of service, the majority (62.3%) have worked for less than 5 years, while 20.8% have been employed at the school for over 20 years. A smaller proportion (7.8%) reported working for 6-10 years, and the same percentage for 11-20 years. One participant chose not to disclose their length of service.

Socio-demographic Characteristics of the Sample of Police Officers. Among the sample of police officers, 52.4% are men, while 47.6% are women. The majority (61.9%) falls within the age group of 20-30 years, with 9.5% aged 31-40, and the remaining 28.6% aged 40-50. In terms of seniority, the majority (52.4%) reported having less than 5 years of experience, while 23.8% of police officers have 11-20 years of seniority. A small portion (14.3%) stated that they had 6-10 years of work experience, and the remaining 9.5% worked for more than 20 years. Regarding job roles, researchers constituted the largest group (38.1%), followed by officials (23.8%), and chief specialists (14.3%). A small number (9.5%) stated that they were chief patrolmen and chief commissioners, while the remaining 4.8% of respondents indicated that they were chief inspectors.

Research Results

Teachers' Attitude Towards the Effectiveness of Delinquent Behaviour Prevention Measures. The research data indicates that slightly more than a third (36.9%) of the surveyed educators did not encounter delinquent behaviour or have information about potential criminal acts by their students in the last six months. However, 63.1% of the pedagogues reported instances of delinquent behaviour, with violent behaviour such as bullying, violence, and threats being the most common (18.5%).

In terms of reporting known cases of delinquent behaviour, only 2.7% of educators informed the police, while most opted for discussions with the student (23.3%), their parents (21.9%), social pedagogue (28.8%), or school management (16.4%). The reluctance to involve the police was attributed to various reasons, with 19.2% citing concerns about harming the

student and their family, 13.5% expressing unfamiliarity with reporting procedures, and 11.5% doubting that the police would consider the incident significant.

Despite the reluctance to report to the police, when asked about cooperation, 81.6% of educators stated that they did not have to collaborate with police officers in addressing students' problematic behaviours or explaining committed criminal activities. Only 14.5% had experience in such cooperation, and only 12% of those reported a positive experience.

In terms of trust in the police, 77.6% of educators expressed more trust than mistrust, indicating that trust in law enforcement is not a significant factor influencing the decision not to report delinquent behaviour. The overall trend suggests that educators tend to address delinquent behaviour issues within the school community and may not perceive the police as necessary partners in prevention efforts.

When asked to assess the effectiveness of prevention measures for delinquent behaviour, the most highly regarded measures include class events promoting positive informal communication (90.8%), involvement of police officers in preventive activities like thematic lessons (89.3%), participation of police officers in school-organized preventive events (88.2%), activities of the Child Welfare Commission in coordinating assistance for children with behavioural difficulties (87.8%), and the class teacher's communication with children of parents with behavioural difficulties (87%). Notably, cooperation with police officers in prevention is considered highly effective by 88-89% of respondents, despite limited reported instances of actual collaboration (14.5%). This suggests a positive attitude among teachers towards the potential effectiveness of police involvement in delinquent behaviour prevention.

In summary, the data indicate that a significant majority of surveyed pedagogues encounter various forms of delinquent behaviour and possess information about potential criminal activities involving minors. This information is predominantly shared with parents and relevant personnel within the educational institution, but there is limited communication with police officers. Only a small fraction of respondents has first-hand experience collaborating with law enforcement, yet a notable 80-90% believe that the involvement of police officers in activities aimed at preventing delinquent behaviour would be an effective measure to curb its manifestations. The findings suggest a potential discrepancy between the limited actual collaboration with police and the perceived efficacy of such collaboration in preventing delinquent behaviour.

Police officers' attitude towards the effectiveness of measures to prevent delinquent behaviour. Research results indicate that officers hold a highly positive assessment of the preventive measures employed to address delinquent behaviour, expressing confidence in their effectiveness. The top five most esteemed measures in this sample encompass patrolling (100%), followed by the development and execution of programs and projects addressing the root causes of crime (95.3%), legal education and counselling for parents and school administration (90.5%), and participation in school-organized thematic events showcasing police activities (85.7%). It's noteworthy that measures requiring consistent and systematic collaboration with teachers are deemed highly effective, underscoring their potential to mitigate delinquent behaviour more effectively than activities like communicating with students identified as at-risk (85%).

The perspective of educators and police officers regarding the potential for enhanced collaboration. Both groups were presented with a common set of questions, evaluating various cooperation and crime prevention measures. 1st figure illustrates the percentage of participants who deemed each mentioned measure as either useful or very useful in the prevention of delinquent behaviour.

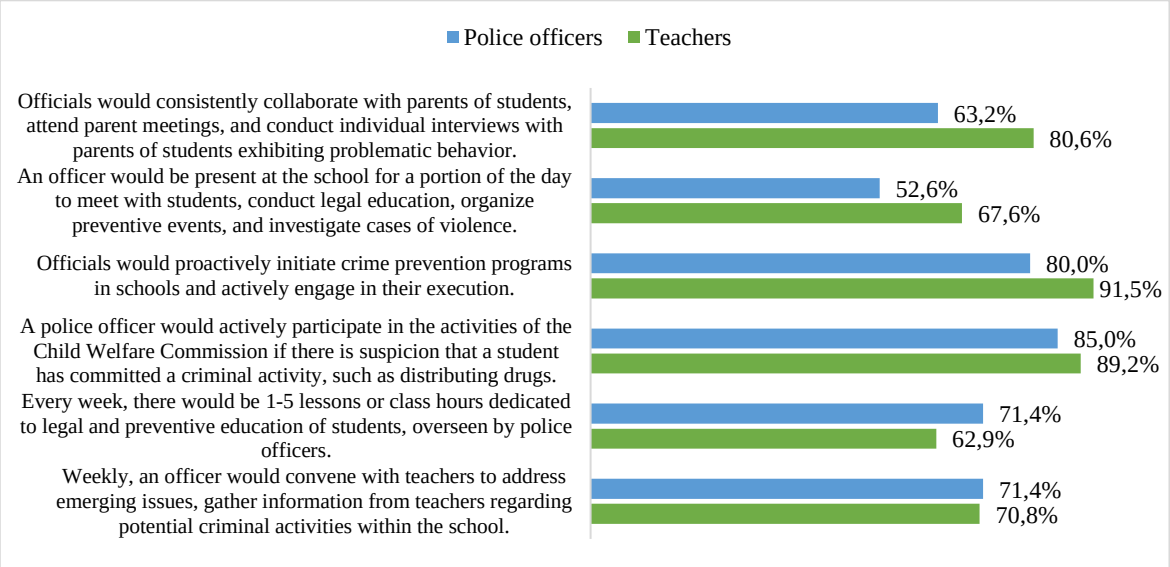

Figure 1. Opinions of teachers and police officers about the usefulness of cooperation-based measures in the prevention of delinquent behaviour.

In the analysis of officials' and educators' attitudes towards the potential effectiveness of prevention measures, the Chi-square (χ^2) criterion was employed to assess the statistical significance of differences in opinions. Any observed differences were deemed statistically significant if the probability of error was $p < 0.05$. The results revealed no statistically significant differences between the attitudes of officials and educators. The most effective measures identified include the initiation of crime prevention programs with active involvement from officials, participation of police officers in the activities of the school's child welfare commission when a minor is suspected of committing a criminal act, and regular communication between officers and parents of teenagers prone to crime during legal education.

In summary, the study highlights several crucial aspects. Firstly, the data underscores the insufficiency and ineffectiveness of cooperation between educators and officials. Despite positive evaluations and trust from pedagogues towards officials, the actual experience of cooperation remains limited, with only 14.5% encountering officials while addressing student issues. This percentage is remarkably low, especially considering that 63.1% of educators have dealt with delinquent behaviour among students in the last semester, encompassing criminal acts such as fights, hooliganism, and substance distribution.

Secondly, the research emphasizes a shared desire for cooperation between educators and officials. Educators believe that collaboration with officials would enhance the effectiveness of preventive activities and aid in resolving student issues. Officials express a willingness to cooperate and provide guidance to educators. The overall attitude from both parties is positive and constructive, underscoring a need for legal and organizational measures to ensure seamless and consistent collaboration.

Thirdly, the study reveals shortcomings in the current legal regulation, emphasizing the need for changes and supplements. The primary document governing preventive activities lacks specificity regarding forms and methods of cooperation with educators, relying heavily on the initiative and goodwill of officials. This absence of guaranteed and controlled cooperation underscores the necessity for legal reforms to establish a clear and mandatory system of collaboration, encompassing both reactive and proactive measures.

Conclusions

Upon a comprehensive examination of the roles played by educators and officials in the prevention of delinquent behaviour, distinct focuses and responsibilities emerge. Pedagogues primarily concentrate on proactive measures to prevent delinquent behaviour, while officials are oriented towards responding to instances of such behaviour. Key roles for teachers encompass effective communication with students and parents, fostering mutual trust and respect, vigilant monitoring of student behaviour, pre-emptively addressing potential offenses, conflicts, violence, and addictions. Collaboration with fellow teachers, social pedagogues, psychologists, and other specialists in delinquency prevention is emphasized, as is the imparting of essential social skills, values, self-evaluation, and problem-solving techniques that contribute to positive personality development and self-control strategies. On the other hand, officials' pivotal roles include ensuring that young individuals receive appropriate assistance and opportunities for behavioural correction, irrespective of criminal involvement. Their responsibilities extend to collaboration with various entities, such as state and municipal institutions, non-governmental organizations, communities, and citizens, with a particular focus on informing and advising society on the causes of delinquent behaviour, associated risk factors, preventive methods, and potential consequences.

In constructing a model for the prevention of delinquent behaviour, theoretical frameworks were developed by drawing inspiration from successful international practices. Several countries have established preventive action programs that provide clear definitions of the roles, competencies, and responsibilities of both officials and teachers. In these programs, officials engage not only in responding to potential criminal acts but also actively participate in educational and counselling processes. A noteworthy feature is the self-evaluation of officials, assessing the effectiveness, strengths, and weaknesses of implemented prevention programs. Successful programs abroad have been instrumental in fortifying relationships between officials and the school community, reducing conflicts and violence, fostering increased trust in the police among students, and enhancing overall community well-being. However, in Lithuania, the collaboration between officials and schools is characterized by irregularity. Officials are primarily brought in as responders to potential criminal acts, lacking a proactive role in prevention. The absence of clear guidelines or standards for interactions with students and teachers hampers the effectiveness of officials. Additionally, inadequate training and supervision further hinder the success of preventive activities. To improve this situation, there is a pressing need for the development of comprehensive guidelines, training programs, and ongoing supervision to ensure officials play a more proactive and integrated role in preventing delinquent behaviour within the school environment. This shift towards a collaborative and preventive approach would likely yield more positive outcomes for both students and the community.

To gain insights into the dynamics of cooperation between educators and officials in preventing delinquent behaviour, a quantitative study was undertaken through a questionnaire survey. The findings illuminate that while both educators and officials acknowledge the significance of delinquent behaviour prevention measures in schools, their effectiveness hinges on the extent of collaboration and communication between these two vital groups. The study uncovers a positive and optimistic outlook from both educators and police officers regarding delinquent behaviour prevention. However, a critical observation emerges—there exists an insufficiency in their cooperation. To address this gap, fostering mutual trust becomes paramount. Encouraging and fortifying trust between these groups will be pivotal in creating an environment conducive to effective collaboration. Furthermore, the study emphasizes the

importance of sharing best practices and addressing challenges collaboratively. By exchanging experiences and insights, educators and officials can collectively enhance the efficiency of their prevention efforts. Additionally, there is a call for continuous monitoring and evaluation of prevention programs. Regular assessments will provide valuable data on the results and impact of these initiatives, enabling informed adjustments for optimal effectiveness.

The study results elucidate distinct strengths and weaknesses in the collaboration between officials and educators. Collaboration Strengths: educators and officers exhibit a positive and optimistic attitude towards the prevention of delinquent behaviours; educators' express confidence in preventive measures, such as classroom community events and the involvement of police officers; officers highly value patrols, programs, and projects targeting the root causes of crime as effective preventive measures. Collaboration Weaknesses: collaboration between pedagogues and officials is fragmented and relies on isolated initiatives; educators report delinquent behaviours to only a small portion of officials; officials lack clear guidelines or standards for interactions with students or teachers; there is no established model in Lithuania defining the roles, competencies, and responsibilities of officials and teachers in preventive activities.

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KARAS UKRAINOJE – VEIKSNYS, SUKĖLĘS PREKYBOS ŽMONĖMIS PAŪMĖJIMĄ

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Anotacija. *Straipsnyje įvardijami iššūkiai su kuriais susidūrė šalys priimančios žmones, bėgančius nuo karo Ukrainoje, grėsmės su kuriomis galėjo susidurti ir susidūria pabėgėliai. Į prekybos žmonėmis problemą pažvelgta kazuistiniu būdu vertinant konkretų atvejį – karą Ukrainoje. Atlikus tarptautinių organizacijų ataskaitų, pranešimų, teisės aktų analizę, bei atliktų interviu rezultatus daroma išvada, kad pabėgėlių krizė padarė įtaką prekybai žmonėmis 2022 m. vasario 24 d. Rusijai inicijavus karinę invaziją į Ukrainą. Tie, kurie bando pabėgti iš konfliktų paveiktų zonų, bet kurioje kelionės vietoje gali būti prekeivių žmonėmis taikiniais.*

Raktiniai žodžiai: *prekyba žmonėmis, karas Ukrainoje, pabėgėlis, karas, Ukraina.*

Įvadas

Temos aktualumas. Prekybos žmonėmis problemų sprendimas metai iš metų yra prioritetinis daugelio pasaulio valstybių, pripažįstančių teisės viršenybę ir palaikančių save teisinėmis, uždavinys. Šiam reiškiniui įtaką daro sparti globalizacija, geopolitiniai pokyčiai, besiplėtojanti rinkos ekonomika, korupcija, technologinės inovacijos, padidėjęs tarptautinio organizuoto nusikalstamumo aktyvumas bei jo raiškos formų kaita. Ši problema yra kaip niekad aktuali dėl netoliese vykdomos Rusijos agresijos prieš Ukrainą. 2022 m. vasario 24 d. prasidėjus Rusijos invazijai Ukrainoje, milijonai žmonių tapo karo aukomis. Žmonės neteko namų, saugumo jausmo, atsidūrė šaltyje ir sniege, absoliučioje nežinomybėje. Vaikams, pagyvenusiems žmonėms ir visiems tarp jų – seksualinis smurtas ir smurtas dėl lyties, psichologinės traumos, kankinimai, šeimos išsiskyrimas ir dingimas[1], verbavimas ir naudojimas ginkluotoms grupuotėms, grobimai ir grobimai išpirkai gauti, priverstinės santuokos, priverstinis darbas, badas ir palikimas mirčiai[2], yra kasdienė rizika. Tie, kurie bando pabėgti iš konfliktų paveiktų zonų, bet kurioje kelionės vietoje gali būti prekeivių žmonėmis taikiniais[3]. Šalys, kuriose vyksta užsitęsę konfliktai, turi didžiausią bendrą pažeidžiamumą šiuolaikinei vergovei ir, atitinkamai, didelį šiuolaikinės vergijos paplitimą. Moterys ir vaikai

[1] „Civilių gyventojų apsauga ginkluoto konflikto metu Generalinio sekretoriaus ataskaita S/2022/381“, Jungtinių Tautų Saugumo Taryba, žiūrėta 2023 m. birželio 5 d., https://reliefweb.int/report/world/report-secretary-general-protection-civilians-armed-conflict-s2022381-enarruzh.

[2] „Apsaugos tarnybų, skirtų pažeidžiamiems judantiems žmonėms, įskaitant prekybos žmonėmis aukas, žemėlapis, Maršrutai Viduržemio jūros centrinės ir vakarinės dalies bei Atlanto vandenyno link“, Jungtinių Tautų Vyriausiojo pabėgėlių komisaro biuras, žiūrėta 2023 m birželio 6 d., https://reporting.unhcr.org/mapping-of-protection-services-central-west-med-and-atlantic#_ga=2.51450793.1215748089.1663243629-1177399428.3558.

[3] „Įvadinis kovos su prekyba žmonėmis veiksmų vadovas vidinio perkėlimo kontekste“, Pasaulinės apsaugos grupės kovos su prekyba žmonėmis užduočių komanda, žiūrėta 2023 m. gegužės 29 d., https://www.globalprotectioncluster.org/wp-content/uploads/Introductory-Guide-on-Anti-Trafficking-in-IDP-Contexts_2020_FINAL-1.pdf.

yra ypač pažeidžiami šiuolaikinės vergijos konfliktų metu[4]. Didelis gyventojų perkėlimas po 2022 m. vasario mėn. invazijos į Ukrainą sukėlė susirūpinimą, kad prekeiviai, prisidengę savanoriais, geros valios piliečiais, pasienio miestuose nusitaikė į pažeidžiamus Ukrainos pabėgėlius, ypač moteris ir vaikus. Milijonai žmonių buvo priversti palikti savo namus ir ieškoti prieglobsčio užsienyje. Tai sukėlė naujų problemų ir pavojų šiems žmonėms, įskaitant grėsmę patekti į prekeivių žmonėmis rankas, kurie parduoda juos į vergiją, pasinaudodami bejėgiška žmonių būkle. Prekeiviai žmonėmis naudojasi karinio konflikto laikotarpiu siekdami pelno, o tai savo ruožtu sukelia žmogaus teisių pažeidimus. Šis nusikaltimas vykdomas visuose pasaulio regionuose. Tikslinga pasakyti, kad 2023 m. spalio mėn. įsiliepsnojęs karinis konfliktas tarp Hamas ir Izraelio sukels ir sukelia naują palestiniečių pabėgėlių bangą, o tai atitraukia pasaulio dėmesį nuo karo Ukrainoje ir tame tarpe jos pabėgėlių situacijos.

Tyrimo aktualumas. Atsižvelgiant į atsirandančias naujas žmogaus išnaudojimo formas, kad tai kintantis reiškinys, įtakojamas nuo konkrečioje valstybėje vykstančių veiksnių ir siekiant spręsti prekybos žmonėmis reiškinio problemas reikalingas kompleksiškas tyrimas. Šiuo tyrimu, bus atskleista prekybos žmonėmis reiškinio kriminologiniai aspektai, įvardintos rizikos grupės konkrečiu tiriamu atveju ir aplinkybės padedančios ir skatinančios nusikaltėlius prekiauti žmonėmis bei jų šalinimas ir prevencija.

Tiriamos problemos naujumas. Įvairius prekybos žmonėmis aspektus tyrinėjo skirtingi autoriai. Šiame kontekste Lietuvoje prekybos žmonėmis problematiką nagrinėjo lietuvių autoriai: G. Bučiūnas ir V. Velička moksliniame straipsnyje analizavo bendrą prekybos žmonėmis situaciją Lietuvoje ir Ukrainoje bei atliko Lietuvos ir Ukrainos pareigūnų apklausas, siekiant nustatyti jų kompetencijos pakankamumą tiriant prekybos žmonėmis bylas[5]. Analizuojant užsienio lieteratūrą: S. Hoff ir E. de Volder tyrė, su kokiomis rizikomis susidūrė iš Ukrainos bėgantys žmonės ir kokios pabėgėlių grupės galėjo tapti ir tapo prekybos žmonėmis aukomis, rengiant ataskaitą dalyvavo įvairių organizacijų atstovai, taip pat pabėgėliai, kurie dalijosi savo išgyvenimais ir patirtimi, kurią sukėlė karas Ukrainoje[6]. E. U. Ochab nagrinėjo neteisėtą įvaikinimo praktiką[7], V. Curbelo nagrinėjo humanitarinių ekstremalių situacijų ir prekybos žmonėmis santykį[8], J. L. Sprinkle'as, F. David , K. Bryant ir J. Larsen tyrė, kurie migrantai ir kokiomis aplinkybėmis yra labiausiai pažeidžiami šiuolaikinei vergovei, ataskaitoje nagrinėjamos įvairios pažeidžiamumo vietos, kuriose migrantai yra ypač jautrūs prekybai žmonėmis, priverstiniam darbui ir šiuolaikinei vergovei[9]. L. Danylchuk, D. Yosyfovych, Y. Kohut, Y. Todortseva, P. Kozyra tyrė, su kokiais naujais iššūkiais susiduria

[4] Prekyba žmonėmis humanitarinių krizių metu. Tarpžinybinė kovos su prekyba žmonėmis koordinacinė grupė, žiūrėta 2023 m. birželio 22 d.„ https://icat.un.org/sites/g/files/tmzbdl461/files/publications/icat-ib-02-final.pdf.

[5] Gediminas Bučiūnas ir Vilius Velička, „Pareigūnų kompetencijos užkardant prekybą žmonėmis Ukrainoje ir Lietuvoje“, Visuomenės saugumas ir viešoji tvarka 25 (2020): 17–34, https://ojs.mruni.eu/ojs/vsvt/article/view/6262/5254.

[6] „Preventing human trafficking of refugees from Ukraine“, La Strada International, žiūrėta 2023 m. birželio 5 d., https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Downloads/LSI_UkraineAntiTraffickingReport_2022_05_10.pdf.

[7] „Ukrainian Children Forcibly Transferred And Subjected To Illegal Adoptions“, FORBES, žiūrėta 2023 m. birželio 6 d., https://www.forbes.com/sites/ewelinaochab/2022/04/10/ukrainian-children-forcibly-transferred-and-subjected-to-illegal-adoptions/?sh=2d75bcd430e0.

[8] „Exploring the Relationship between humanitarian emergencies and Human Trafficking: A Narrative Review“, *Journal of modern* slavery, 6, 10 (2021): 11, https://slavefreetoday.org/journal_of_modern_slavery/v6i3a2_Exploring_the_Relationship_Between_Humanitarian_Emergencies_and_%20Human_Trafficking_A_Narrative_Review_Curbelo.pdf.

[9] Fiona David ir kt.,“Migrants and their vulnerability to human trafficking, modern slavery and forced labour“, *Social Sciences*, (2019): 10 https://biblio.ugent.be/publication/8636089.

Ukraina kovoje su prekyba žmonėmis [10]. V. Batyrgareieva, A. Babenko, A. Kalinina tyrė dabartines prekybos žmonėmis reiškinio Ukrainos miestų ir kaimų tendencijas[11], E. Cockbain ir A. Sidebottom apskritojo stalo diskusijos metu kurioje dalyvavo daugiau nei 100 žmonių iš įvairių profesinių įstaigų, nagrinėjo konflikto Ukrainoje pasekmes galinčias sukurti ir sustiprinti prekybos žmonėmis išnaudojimo galimybes[12]. K. Martoń-Gadoś, K. Strzała analizavo Rusijos agresijos įtaka žmonių migracijai ir šiuolaikinės prekybos žmonėmis grėsmę[13]. Taip pat straipsnyje remtasi tarptautiniais teisės aktais (Jungtinių Tautų Organizacijos (toliau – JT), Europos Tarybos), regioniniais dokumentais (Europos Sąjungos (toliau ES)) skirtais prekybos žmonėmis bei susijusių reiškinių kontrolei. Šio straipsnio naujumas pasižymi tuo, kad jame nagrinėjamas įvykis, kuris įvyko tik daugiau nei prieš metus ir deja dar nesibaigė. Lietuva buvo viena iš šalių, į kurią nuo karo Ukrainoje bėgo žmonės, todėl atrinkti respondentai kokybinio interviu metu dalijosi savo įžvalgomis ir patirtimi pabėgėlių iš Ukrainos ir prekybos žmonių reiškinio rizikos samplaikoje.

Straipsnyje kompleksiškai naudoti tyrimo metodai remiantis K. Kardeliu[14] ir R. Tidikiu[15]. Sisteminis analizės metodas taikytas viso darbo metu analizuojant mokslinę literatūrą. Abstrakcijos metodas naudotas atskleidžiant prekybos žmonėmis sampratą. Dokumentų analizės metodas taikytas analizuojant kovos su prekyba žmonėmis tarptautinius dokumentus, ES ir nacionalinius teisės aktus. Apibendrinimo ir sintezės metodai taikyti apibendrinant išanalizuotą informaciją ir pateikiant išvadas. Empirinis tyrimo metodas – kokybinis interviu taikytas, atrenkant respondentus atsižvelgiant į jų veiklos sritį kurioje galėjo susidurti su prekybos žmonėmis aukomis, taip tyrėją informuojant apie tiriamąjį reiškinį, prisidedant prie geresnio reiškinio supratimo.

Karo ir prekybos žmonėmis ryšys

Prekyba žmonėmis, tai žmonių verbavimas, pervežimas, perdavimas, slėpimas ar jų priėmimas gąsdinant, panaudojant jėgą ar kitas prievartos, grobimo, apgaulės, sukčiavimo formas, piktnaudžiaujant padėtimi ar pažeidžiamumu arba mokant ar priimant pinigus ar kitą naudą tam, kad būtų gautas kito tą žmogų kontroliuojančio asmens sutikimas siekiant išnaudoti. Išnaudojimas apima kitų asmenų išnaudojimą prostitucijos forma ir kitas seksualinio išnaudojimo formas, priverstinį darbą ar paslaugas, vergiją ar veiklą, panašią į vergiją, tarnystę

[10]Larysa Danylchuk, Danylo Yosyfovych, Yaroslav Kohut, Yuliia Todortseva, Petro Kozyra, „New challenges in the problem of combating human trafficking in Ukraine“, *Revista Amazonia Investiga* 10, 44 (2021): 28-35 https://dialnet.unirioja.es/servlet/articulo?codigo=8111622.

[11]Andriy Babenko, Valdislava Batyrgareieva ir Alina Kalinina, „Human trafficking from Ukrainian cities and villages: Current trends“, *7th International Interdisciplinary Scientific Conference SOCIETY. HEALTH. WELFARE* 68, 01013 (2019):8, https://www.shs-conferences.org/articles/shsconf/abs/2019/09/shsconf_shw2019_01013/shsconf_shw2019_01013.html.

[12] Ella Cockbain ir Aiden Sidebottom, „War, Displacement, and Human Trafficking and Exploitation: Findings from an evidence-gathering Roundtable in Response to the War in Ukraine“, Journal of Human Trafficking 28, (2022): 1, https://www.tandfonline.com/doi/epdf/10.1080/23322705.2022.2128242?needAccess=true.

[13] Karol Strzała, Katarzyna Martoń-Gadoś, „Human trafficking in the Russia‘s war on Ukraine“, *Vectors of Social Sciences* 10.5, (2023): 28-39, https://www.researchgate.net/profile/Karol-Strzala/publication/370460516_HUMAN_TRAFFICKING_IN_THE_RUSSIA'S_WAR_ON_UKRAINE/links/64904811b9ed6874a5c0d61d/HUMAN-TRAFFICKING-IN-THE-RUSSIAS-WAR-ON-UKRAINE.pdf.

[14] Kęstutis Kardelis, *Mokslinių tyrimų metodologija ir metodai: Edukologija ir kiti socialiniai mokslai* (Vilnius: Mokslo ir enciklopedijų leidybos centras, 2016).

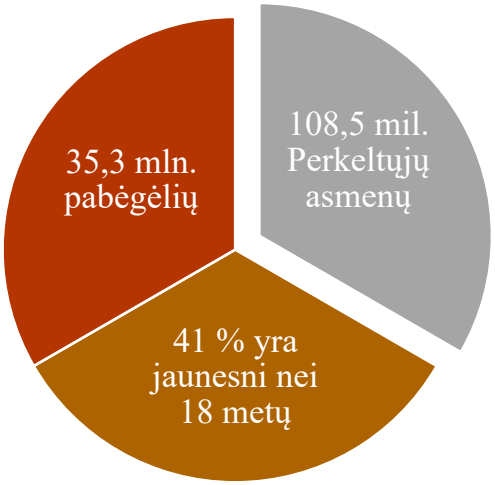
[15] Rimantas Jonas Tidikis, *Socialinių mokslų tyrimų metodologija* (Vilnius: LTU Leidybos centras, 2003), 2.

ar organų pašalinimą[16], elgetavimą, priverstines santuokas, vaikai verčiami tarnauti kareiviais arba daryti nusikaltimus nusikaltėlių labui[17].

Karo ir prekybos žmonėmis ryšys yra nusistovėjęs reiškinys. Karai padidina prekybos žmonėmis tikimybę šalies viduje ir už jos ribų. 2022 m. vasario 24 d. Rusija įsiveržė į Ukrainą. Rusijos kariuomenė nusitaikė į tankiau apgyvendintus Ukrainos rytus: keturis iš penkių didžiausių miestų (Kijevą, Charkovą, Dnieprą ir Odesą), Ukrainos pramonės ir ekonomikos centrus, visą pakrantę su dviem pagrindiniais uostais (Mariupolis ir Odesa) ir daugumą tarptautinių oro uostų. Dėl invazijos ir vėliau užsitęsusių kovų buvo plačiai naikinami gyvenamieji rajonai, įvairios infrastruktūros rūšys, buvo uždarytos įmonės, mokyklos, gydymo įstaigos, o gyventojai prarado pajamas, namus, susidūrė su skurdu, pažeidžiamumu, baime. Rusijos inicijuota karinė invazija prieš Ukrainą sukėlė didžiausią pasaulyje pabėgėlių krizę XXI amžiuje ir paskatino daugybę Ukrainoje gyvenančių žmonių iš Ukrainos pabėgti[18]. Nuo to memento jie tapo karo pabėgėliais. Naujausi JT duomenys rodo, kad dėl karų, konfliktų ir persekiojimų šiuo metu pasaulyje yra beveik 108,5 mln. ne savo noru perkeltų asmenų (angl. displaced people).[19] Tarp jų yra beveik 35,3 milijono pabėgėlių, iš kurių maždaug 41 procentas yra jaunesni nei 18 metų amžiaus. Paskutiniais JT duomenimis Europoje registruoti 8,2 mln. pabėgėlių iš Ukrainos[20].

1 pav. Jungtinių Tautų pabėgėlių agentūros 2022 m. duomenys, apie pasaulyje esančius perkeltuosius asmenis dėl persekiojimo, konfliktų, smurto, žmogaus teisių pažeidimų ar rimtai viešąją tvarką trikdančių įvykių.

(Šaltinis: sudaryta autorės, remiantis Jungtinių Tautų pabėgėlių agentūros duomenimis)



[16] „Protokolas dėl prekybos žmonėmis, ypač moterimis ir vaikais, prevencijos, sustabdymo bei baudimo už vertimąsi ja, papildantis Jungtinių Tautų organizacijos konvenciją prieš tarptautinį organizuotą nusikalstamumą“, E-SEIMAS, https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.211307.

[17] „UNODC is the leading entity within the United Nations system to address the criminal elements of human trafficking“, United Nations Office on Drugs and Crime, žiūrėta 2023 m. liepos 13 d., https://www.unodc.org/unodc/en/human-trafficking/crime.html.

[18] Vsevolod Konstantinov, Alexander Reznik ir Richard Isralowitz, „The Impact of the Russian–Ukrainian War and Relocation on Civilian Refugees“, Journal of Loss and Trauma 28, 3 (2022), žiūrėta 2023 m. liepos 13 d., https://www.tandfonline.com/doi/abs/10.1080/15325024.2022.2093472?journalCode=upil20.

[19] „Figures at a glance“, The UN Refugee Agency, žiūrėta 2023 birželio 29 d., https://www.unhcr.org/about-unhcr/who-we-are/figures-glance.

[20] ‘‘Ukraine Complex Emergency‘‘. USAID From The American people. Žiūrėta 2023 Birželio 29 d. https://www.usaid.gov/sites/default/files/2023-05/2023-05-19_Ukraine_Complex_Emergency_Fact_Sheet_15.pdf

Remiantis JT agentūros duomenimis[21] 2021 m. šiuolaikinėje vergijoje gyveno 49,6 mln. žmonių, iš kurių 27,6 mln. dirbo priverstinį darbą, o 22 mln. buvo priverstinėse santuokose. Šie skaičiai gali būti net keletą kartų didesni, nes šių nusikaltimų latentiškumas yra labai didelis. Moterys ir merginos sudaro 4,9 mln. priverstinio komercinio seksualinio išnaudojimo ir 6 mln. priverstinio darbo kituose ekonomikos sektoriuose. 12% visų priverstinį darbą atliekančių asmenų yra vaikai. Daugiau nei pusė šių vaikų patiria komercinį seksualinį išnaudojimą[22]. Kalbant apie ES remiantis naujausiais turimais duomenimis[23], 2017–2018 m. ES buvo užregistruota daugiau kaip 14 000 prekybos žmonėmis aukų . Tikėtina, kad faktinis skaičius yra gerokai didesnis, nes daug aukų lieka nenustatytos.

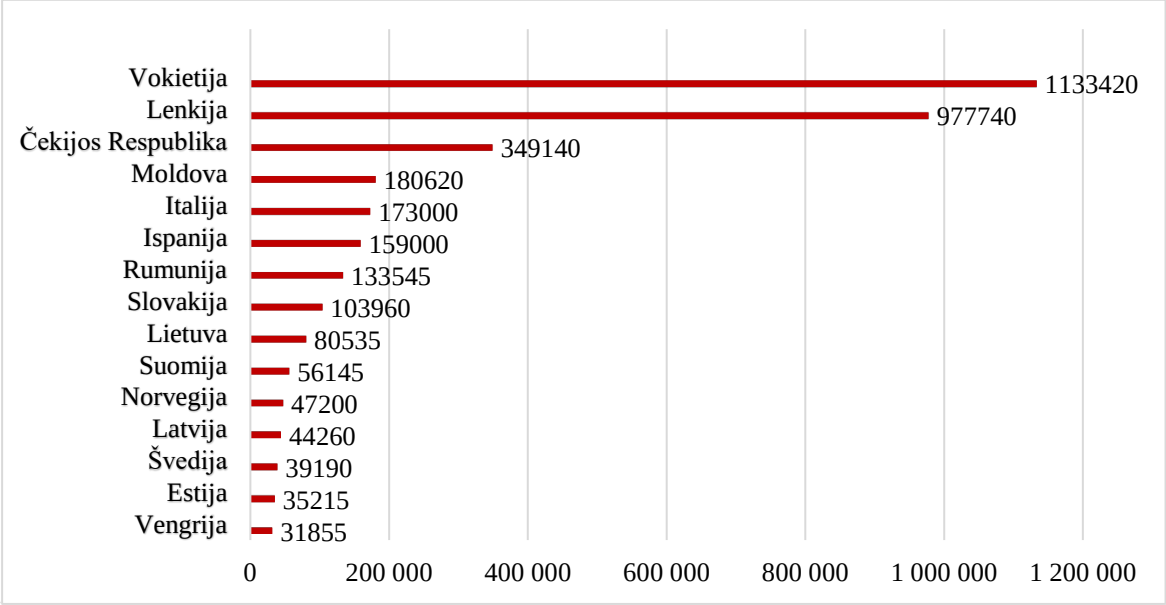


Diagrama Nr. 1. Eurostat duomenys apie pabėgėlių iš Ukrainos registraciją Europoje
(Šaltinis: sudaryta autorės, remiantis Europos Sąjungos statistikos tarnybos duomenimis)

Rusijos invazija į Ukrainą paskatino didžiausią pabėgėlių judėjimą Europoje nuo Antrojo pasaulinio karo laikų[24]. Tam, kad įsivaizduoti bėgančiųjų mastą, verta paminėti, kad per pirmuosius du konflikto mėnesius, daugiau nei 5 milijonai žmonių pabėgo iš šalies ir ieškojo prieglobsčio kitur[25], o daugiau nei 7,7 milijono žmonių buvo perkelti Ukrainos viduje[26].

[21] „Global Estimates of Modern Slavery Forced Labour and Forced Marriage“, International Labour Organization, žiūrėta 2023 m. liepos 13 d., https://www.ilo.org/global/topics/forced-labour/lang--en/index.htm.
[22] *Ibid.*
[23] „Komisijos komunikatas Europos parlamentui, Tarybai, Europos ekonomikos ir socialinių reikalų komitetui ir regionų komitetui dėl ES kovos su prekyba žmonėmis strategijos 2021-2025“, Europos komisija, žiūrėta 2023 m. liepos 13 d., https://eur-lex.europa.eu/legal-content/LT/TXT/PDF/?uri=CELEX:52021DC0171&from=ES.
[24] Suzanne Hoff ir Efje de Volder, „Preventing human trafficking of refugees from Ukraine“ *A rapid assesment of risks and gaps in the anti-trafficking response,* 3-2 (2022): 7, https://www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Downloads/LSI_UkraineAntiTraffickingReport_2022_05_10.pdf.
[25] „Ukraine Refugee Situacion“, Operational Data Portal, žiūrėta 2023 m. birželio 29 d., https://data2.unhcr.org/en/situations/ukraine.
[26] „IDP Population Estimation figures as of 5 april 2022“, United Nations Office for the Coordination of Humanitarian Affairs, žiūrėta 2023 m. birželio 29 d., https://www.humanitarianresponse.info/en/operations/ukraine/document/idp-population-estimation-figures-5- april-2022.

Paskutiniais JT duomenimis Europoje registruoti 8,2 mln. Ukrainos pabėgėlių[27]. Daugiausiai pabėgėlių Europoje registruota Vokietijoje, Lenkijoje, Čekijoje, Moldovoje[28].

Pagrindiniai tarptautiniai norminiai aktai

Dėl masinio ukrainiečių srauto pasieniuose ir dėl to iškylančių problemų, 2022 m. kovo 4 d. Europos komisija nubalsavo dėl direktyvos taikymo asmenų, bėgančių iš Ukrainos atveju[29]. Šis niekada ankščiau nenaudotas teisės aktas buvo priimtas 2001 m. po penkių karų buvusioje Jugoslavijoje 1990 m[30]. Direktyva suteikė žmonėms, bėgantiems iš Ukrainos po Rusijos invazijos, teises, įskaitant teisę gyventi, patekti į darbo rinką, būstą, medicininę ir socialinę pagalbą bei galimybę mokytis vaikams.

Prasidėjęs karas Ukrainoje lėmė staigų masinį žmonių perkėlimą į Europos žemyną. Dėl spartaus didelio masto daugiau nei septynių milijonų pabėgėlių judėjimo į kaimynines šalis, pabėgėliai susidūrė su prekybos žmonėmis rizika. ES pagrindinių teisių chartijos 5 straipsnis nustato, kad: 1. Niekas negali būti laikomas vergijoje ar nelaisvas; 2. Niekas negali būti verčiamas dirbti priverčiamąjį ar privalomąjį darbą; 3. Prekyba žmonėmis draudžiama[31]. Taip pat svarbu paminėti 2011 m. balandžio 5 d. Europos Parlamento ir Tarybos priimtą Direktyvą 2011/36/ES dėl prekybos žmonėmis prevencijos, kovos su ja ir aukų apsaugos, kuri priimta siekiant kovoti su prekyba žmonėmis, užtikrinti sėkmingą veikos tyrimą, baudžiamąjį persekiojimą, tarptautinių nusikaltėlių grupuočių, kurių veiklos centras yra valstybėje narėje ir kurios verčiasi prekyba žmonėmis trečiosiose šalyse, griežtinant baudžiamąją politiką ES[32]. Svarbu atkreipti dėmesį į tai, kad prekybą žmonėmis dažnai vykdo organizuotos nusikalstamos grupės, kurios vis dažniau verbuoja savo aukas internete, klastoja asmens tapatybės dokumentus ir leidimus dirbti, taip pat jas išnaudoja sekso, priverčiamojo darbo, priverstinio nusikalstamumo arba elgetavimo tikslais, todėl 2021 m. gegužės mėn. ES patvirtino ateinančių ketverių metų kovos su sunkių formų ir organizuotu nusikalstamumu strategiją[33]. 2022–2025 m. strategijoje viena iš pagrindinių nusikalstamų veikų išskiriama prekyba žmonėmis. Strategijoje daugiausia dėmesio skiriama: paklausos, kuri pirmiausia skatina prekybą žmonėmis, mažinimui; prekiautojų žmonėmis verslo modelio suardymui; aukų apsaugai,

[27] „Ukraine Complex Emergency“, USAID, žiūrėta 2023 birželio 29 d., https://www.usaid.gov/sites/default/files/2023-05/2023-05-19_Ukraine_Complex_Emergency_Fact_Sheet_15.pdf.

[28] „30 June 2023: 4.07 million with temporary protection“, EUROSTAT, žiūrėta 2023 m. rugpjūčio 9 d., https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230809-1.

[29] „Europos Komisijos komunikatas dėl Tarybos įgyvendinimo sprendimo 2022/382, kuriuo pagal Direktyvos 2001/55/EB 5 straipsnį nustatoma, kad iš Ukrainos yra perkeltųjų asmenų masinis srautas, ir pradedama taikyti laikinoji apsauga, įgyvendinimo gairių 2022/C 126 I/01“, EUR-LEX, žiūrėta 2023 m. liepos 16 d., https://eur-lex.europa.eu/legal-content/LT/TXT/PDF/?uri=CELEX:52022XC0321(03).

[30] „Europe‘s Ukrainian refugee crisis: What we know so far“, International Centre for Migration Policy Development, žiūrėta 2023 m. liepos 16 d. https://www.icmpd.org/news/europe-s-ukrainian-refugee-crisis-what-we-know-so-far.

[31] „Europos Sąjungos Pagrindinių teisių chartija“, EUR-LEX, žiūrėta 2023 m. liepos 13 d., https://eur-lex.europa.eu/legal-content/LT/TXT/PDF/?uri=CELEX:12012P/TXT.

[32] „Europos parlamento ir tarybos direktyva 2011/36/ES 2011 m. balandžio 5 d. dėl prekybos žmonėmis prevencijos, kovos su ja ir aukų apsaugos, pakeičianti Tarybos pamatinį sprendimą 2002/629/TVR“, EUR-LEX, https://eur-lex.europa.eu/legal-content/LT/TXT/?uri=celex%3A32011L0036.

[33] „Komisijos komunikatas Europos parlamentui, tarybai, Europos ekonomikos ir socialinių reikalų komitetui ir regionų kokmitetui 2021–2025 m. ES kovos su organizuotu nusikalstamumu strategija COM/2021/170“, EUR-LEX, žiūrėta 2023 m. liepos 16 d., https://eur-lex.europa.eu/legal-content/LT/ALL/?uri=CELEX:52021DC0170.

paramai joms ir jų įgalėjimui; tarptautinio bendradarbiavimo stiprinimui[34]. Praėjus mažiau nei mėnesiui nuo konflikto pradžios, paaiškėjo, kad pabėgėlius priimančios ES šalys greitai bus priblokštos situacijos ir negalės laiku išnagrinėti prieglobsčio prašymų. Savo ruožtu dėl to daug pažeidžiamų pabėgėlių taptų imlūs prekybai žmonėmis.

Kam gresia pavojus?

Remiantis ekspertais ir nukentėjusiais Ukrainoje bei kaimyninėse šalyse, pateikiamas konkrečių pažeidžiamiausių grupių sąrašas.

Konflikto sąlygomis žmonės bėga kaip tik gali, su šeimos nariais arba vieni, melsdamiesi, kad saugiai ištrūktų iš karo draskomų vietovių ir susidurtų su mylinčiais žmonėmis, norinčiais jiems padėti. Tačiau prekeiviai žmonėmis jaučia silpnumą ir juo pasinaudoja. Lenkijoje žmogaus teisių lauke veikiančios asociacijos „Homo Faber“ prezidentės Anna Dąbrowska vieno interviu metu pateikė pavyzdį įsivaizduoti bėgančios merginos kelią nuo karo į nežinomybę: „įsivaizduokite, kad einate per sieną, jums apie 20 metų, turite du vaikus. Kertate šalies sieną, už kurios niekada nebuvote ir nežinote ką daryti toliau. Galbūt jums šokas, o gal jau nukentėjote nuo prieš tai minėto pateikto pavyzdžio ar smurto savo šeimoje. Jūs nepažįstate Lenkijos, nemokate lenkų, anglų kalbų ir tikriausiai nepažįstate čia nei vieno policijos pareigūno, neturi jokių draugų iš Ukrainos. Kažkas čia pat stovi su kortelėmis ir siūlo apgyvendinimą“. Žinoma, tarp visų šių žmonių yra labai puikių, turinčių gerų ketinimų, bet dalis yra tokių kurie bandys pasinaudoti situacija“[35]. Nusikaltėliai nelydimoms pabėgėlėms žada saugų apgyvendinimą ir nemokamą transportą, apsimesdami „geraisiais samariečiais“, kad išviliotų jas iš oficialių kontrolės punktų. „Prekybos žmonėmis problema yra ta, kad dauguma pervežimų nėra organizuoti“, – laikraščiui sakė Lenkijos Raudonojo Kryžiaus savanoris[36]. Lenkijos viename iš pasienio ruožų pavadinimu Medyka, miestelio policija sugeba sustabdyti kai kuriuos vairuotojus, kurie pasiūlo pavėžėti Ukrainos pabėgėlius, tačiau daugelis automobilių pravažiuoja nepatikrinti[37]. Verta atkreipti dėmesį į tai, kad prekiautojai žmonėmis būna ne tik vyrai, deja, taip pat ir moterys. Lenkijoje, Liublino autobusų stotyje, viena moteris, ukrainietėms moterims siūlė prabangius namus, kvietė lipti į autobusą ir pasitikėti, sąlyga buvo tik viena – turėti pasą. Tai sukėlė stotyje dirbusių savanorių dėmesį ir iškvietus policiją, moteris dingo. Pavojaus signalų užfiksuota ir Lietuvoje jau pirmosiomis pabėgėlių registracijos centro veikimo dienomis, kuomet vienas vyriškis kalbino patrauklias ukrainietes, siūlė joms apgyvendinimą ir gerai apmokamą darbą, prisistatęs garsaus viešbučio savininku, tačiau patikrinus informaciją, viešbučio savininko vardas buvo kitoks[38]. Neįmanoma nuspėti, kiek pabėgėlių nuo karo pradžios jau pateko į prekeivių žmonėmis rankas. Deja, šie žmonės

[34] „Fighting trafficking in human beings: New strategy to prevent trafficking, break criminal business models, protect and empower victims“, European Commision, žiūrėta 2023 rugsėjo 4 d., https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1663.

[35] „Prekyba žmonėmis Lenkijos pasienyje: imkite prabangius apartamentus, atiduokite pasus“, Manoteisės, žiūrėta 2023 m. liepos 16 d., https://manoteises.lt/straipsnis/prekyba-zmonemis-lenkijos-pasienyje-imkite-prabangius-apartamentus-atiduokite-pasus/.

[36] „Sex traffickers are targeting Ukrainian women and children at Polish refugee camps, charities warn“, Human Ttrafficking search, žiūrėta 2023 m. liepos 16 d., https://humantraffickingsearch.org/resource/sex-traffickers-are-targeting-ukrainian-women-and-children-at-polish-refugee-camps-charities-warn/.

[37] *Ibid.*

[38] „Čia prekybos vergais nebus“: iš karo ištrūkusios ukrainietės sulaukia įtartinų darbo pasiūlymų, baiminamasi dėl prekybos žmonėmis“, LRT, žiūrėta 2023 m. liepos 17 d., https://www.lrt.lt/naujienos/lietuvoje/2/1647427/cia-prekybos-vergais-nebus-is-karo-istrukusios-ukrainietes-sulaukia-itartinu-darbo-pasiulymu-baiminamasi-del-prekybos-zmonemis.

pirmiausia nukentėjo nuo neišprovokuotos Rusijos agresijos – karo, o vėliau vėl nukentėjo dėl apsaugos trūkumo prie sienų ir kelionės metu.

Vaikai. JT duomenimis, vaikai sudaro pusę visų nuo konflikto bėgančių pabėgėlių[39]. JT vaikų fondas (toliau UNICEF) perspėjo, kad vaikams, bėgantiems nuo karo Ukrainoje, kyla didesnė prekybos žmonėmis rizika – tai ypač pasakytina apie vaikus keliaujančius vienus. Tikslus atskirtų ir nelydimų vaikų skaičius nežinomas, nes duomenys nebuvo nuosekliai renkami, ypač pirmosiomis chaotiškomis dienomis. Lenkijoje pasienio policija pranešė, kad daug vaikų keliavo su kaimynais, kitais pažįstamaisiais, tačiau dėl didelio pabėgėlių antplūdžio jiems nepavyko patikrinti ar visi šie vaikai keliauja su žmonėmis kurie turėjo teisę į globą[40]. Tarptautinė bendruomenė perspėjo apie dingusių vaikų, patiems pabėgusių iš šalies, tėvų pasiųstų į sieną arba pasiklydimų pasienio punktuose besigrūdančiose žmonių grupėse atvejus[41]. Laiku registruoti ir nustatyti pažeidžiamus vaikus, ypač nelydimus ar atskirtus vaikus, siekiant užkirsti kelią prievartos atvejams. Patikimos statistikos apie nelydimų vaikų skaičių kol kas nėra. Neatpažinus, kad vaikas keliauja su nepažįstamu asmeniu kuris turi piktavališkų kėslų, vaikui kyla didelis pavojus.

Įvaikinimas. Perkeliamiems ir savarankiškai bėgantiems vaikams didėja rizika ne tik prekybos žmonėmis vaikų darbo ar seksualinio išnaudojimo tikslais, bet ir pagrobimo bei nelegaliais įvaikinimo tikslais[42]. Pagal LR socialinės apsaugos ir darbo ministerijos ir Ukrainos socialinės politikos ministerijos pasirašytą bendradarbiavimo sutartį[43] LR SADM yra įpareigota imtis visų būtinų priemonių apsaugoti vaikus iš Ukrainos, įskaitant bet kokias prekybos vaikais grėsmes ir esant bet kokiai prekybos vaikais apraiškai nedelsiant informuoti apie tai Lietuvos policiją, prokuratūrą, Ukrainos ambasadą ir kitas kompetentingas institucijas. VVTA ir Įvaikinimo tarnyba įgyvendino riziką mažinančias priemones, skirtas apsaugoti vaikus iš Ukrainos nuo prekybos žmonėmis[44]. Aptariant vaikų, globojamų šeimose, skaičių, pažymėtina, kad 98 proc. vaikų globėjai yra kiti šeimos nariai, kaimynai arba šeimos draugai iš Ukrainos. VVTA ir įvaikinimo tarnybos 2022 m. metinėje ataskaitoje nurodoma, kad 2022 m. iš 1735 vaikų iš Ukrainos, kuriems nustatyta globa, 1700 atvejų globėjais buvo paskirti kiti šeimos nariai kaimynai ar šeimos draugai iš Ukrainos, o lietuvių šeimos - tik 35 atvejais[45]. Svarbu paminėti apie 2022 m. kovo viduryje VVTA ir įvaikinimo tarnyba kreipimąsi į policiją su

[39] „UNICEF and World Scouting join forces to support refugee children and families fleeing war in Ukraine“, UNICEF, žiūrėta 2023 m. liepos 17 d., https://www.unicef.org/eca/press-releases/unicef-and-world-scouting-join-forces-support-refugee-children-fleeing-ukraine.

[40] Suzanne Hoff ir Efje de Volder. *supra note*, 26:9.

[41] „What governments need to know about vulnerability to trafficking among the people fleeing the war in Ukraine“, Prague process, Žiūrėta 2023 m. liepos 17 d., file:///C:/Users/20201029s/Downloads/Policy_Brief_ATP_EN%20(1).pdf

[42] „Russia's war on Ukraine: The situation of Ukraine's children“, European Parliamentary Research Service, žiūrėta 2023 m. liepos 24 d.,https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/729332/EPRS_ATA(2022)729332_EN.pdf.

[43] Lietuvos socialinės apsaugos ir darbo ministerija ir Ukrainos socialinės politikos ministerija, Agreement on Cooperation in the field of protection of children affected by the war in Ukraine due to the Russian Federation's armed aggression (Susitarimas dėl bendradarbiavimo vaikų, nukentėjusių nuo karo Ukrainoje dėl Rusijos Federacijos ginkluotos agresijos, apsaugos srityje), 2022 m. balandžio 11 d, Kijevas, (2022) https://www.kmu.gov.ua/en/news/ukrayina-ta-litva-domovilisya-spivpracyuvati-dlya-pidtrimki-ukrayinskih-ditej-yaki-vimusheno-pokinuli-krayinu

[44] Anželika Banevičienė ir Violeta Vasiliauskienė, '' Vaikų, atvykusių į ES dėl Rusijos karinės agresijos, pagrindinės teisės'' (Vilnius: Mykolo Romerio universitetas, 2023), https://fra.europa.eu/sites/default/files/fra_uploads/country_research_bulletin_3_lithuania_lt.pdf, p.22.

[45] Valstybės vaiko teisių apsaugos ir įvaikinimo tarnyba (2023). 2022 veiklos ataskaita. Nr. 5-1, 2023 m. kovo 31 d.p. 56-57.

pareiškimu dėl galimai planuojamų neteisėto įvaikinimo atvejų. Tarnyba prašė ištirti ir įvertinti aplinkybes, susijusias su 43 vaikų atvykimu iš Ukrainos į Lietuvą. Pareiškime buvo nurodyta, kad 2022 m. kovo 2 d. su šiais vaikais į Lietuvą atvykę keli suaugusieji ketina dalį šių vaikų išvežti į kitą valstybę, neva laikinai aplankyti šeimos narius, tačiau kiti duomenys leidžia manyti, kad jie galimai ketina vaikus atiduoti įvaikinti. Lietuvos institucijoms nebuvo pateikti jokie Ukrainos institucijų sprendimai ir oficialūs dokumentai, kurie patvirtintų, kad toks šių vaikų išvežimas iš Ukrainos ir jų įvaikinimas kitoje šalyje yra visiškai suderintas, pagrįstas ir teisėtas. Generalinė prokuratūra 2022 m. balandžio 1 d. priėmė sprendimą pradėti ikiteisminį tyrimą. Ikiteisminis tyrimas atliekamas pagal požymius nusikalstamos veikos, numatytos Lietuvos Respublikos baudžiamojo kodekso 157 straipsnio "Vaiko pirkimas arba pardavimas" 2 dalyje[46]. Keturi vaikai atsakingoms Lietuvos institucijoms papasakojo apie nuolatinį spaudimą, planus išvežti juos prieš jų valią į Jungtines Amerikos Valstijas ir psichologinį smurtą. Keturi vaikai atsisakė grįžti į Ukrainą, todėl, po sprendimus priimančių institucijų konsultacijų, jiems išimties tvarka buvo leista pasilikti Lietuvoje[47].

Lėtinėmis ligomis sergantys, neįgalūs ir pagyvenę žmonės. Organizacijos, remiančios neįgaliuosius Ukrainoje ir ES lygmeniu, išreiškė susirūpinimą, kad neįgalieji, ypač Rusijos okupuotose teritorijose, nėra gerai apsaugoti bei, kad „trūksta paramos šiems žmonėms koordinavimo, taip pat nepripažįstamas jų neįgalumo statusas“, todėl jiems gali kilti didesnė išnaudojimo ir piktnaudžiavimo rizika[48]. Taip pat ši žmonių grupė susiduria su prekybos žmonėmis rizika kirsdami sieną, nes prekeiviai žmonėmis gali lengviau jais pasinaudoti ir apgauti, kadangi kai kurie iš jų turi protinę negalią ir realiai nesuvokia situacijos ir kylančių pavojų.

Su kokiomis rizikomis susiduria pabėgėliai?

Toliau nurodyti veiksniai, didinantys žmonių pažeidžiamumą prekybai žmonėmis karo Ukrainoje kontekste.

Teisinės valstybės erozija. Užsitęsęs konfliktas paprastai sukelia teisinės valstybės eroziją, institucijų žlugimą ir korupciją. Tai sukuria situaciją, kai nusikalstamumas, įskaitant prekybą žmonėmis, gali klestėti nebaudžiamai. Dėl šių nusikaltimų pobūdžio ir nepaprastosios padėties sudėtingumo daugelis atvejų gali likti neatskleistais.

Nusikalstami tinklai susiję su prekyba žmonėmis. Agentūra „Frontex“ išreiškė susirūpinimą teigdama, jog „istoriškai siena tarp ES šalių ir Ukrainos buvo žinoma dėl cigarečių ir alkoholio kontrabandos, tačiau dabar ji kelia susirūpinimą dėl prekybos žmonėmis. Turime informacijos apie rajone veikiančius nusikaltėlius, kurie bando surasti aukas tarp pabėgėlių, kurių daugiausia yra moterys ir vaikai“[49].

Tvarių socialinių ryšių nebuvimas. Nesant tvariems socialiniams ryšiams, žmonės tampa lengviau pažeidžiami prekybos žmonėmis nusikaltimui. Vaikai ir suaugusieji, kurie pabėgo vieni, susiduria su žymiai padidėjusia prekybos žmonėmis rizika. Šie pabėgėliai turi pasikliauti kitais dėl saugumo ir gali būti nukreipti dėl šio pažeidžiamumo. Tie, kurie turi giminaičių ar kontaktų kaimyninėse šalyse, yra mažiau jautrūs.

[46] Damulytė, Jūratė (2022), “Ukrainos vaikų namų „Perlinka“ vaikai grįžo į tėvynę, keli pasiprašė prieglobsčio Lietuvoje” LRT.lt, 2022 m. rugpjūčio 5 d..
[47] Suzanne Hoff ir Efje de Volder. *supra note,* 26:10.
[48] „Fabrice Leggeri: „We are concerned about human trafficking and gun smuggling““, Frontex, žiūrėta 2023 m. rugpjūčio 3 d., https://frontex.europa.eu/media-centre/news/news-release/fabrice-leggeri-we-are-concerned-about-human-trafficking-and-gun-smuggling--ZU83Tk.

Pinigų ir (arba) galimybės gauti pragyvenimo šaltinį ir ekonominių galimybių trūkumas. Finansinių išteklių trūkumas yra vienas iš pagrindinių prekybos žmonėmis rizikos veiksnių, nes jis sukelia nevilties. Asmenys, kuriems reikia pinigų, yra priversti greitai priimti darbo pasiūlymus su prastesnėmis darbo sąlygomis nei įprastai. Tai taip pat gali būti situacija, kai žmonės patenka į skolų vergiją. Iki minimo konflikto Ukrainoje, jau buvo fiksuotas vienas mažiausių atlyginimų Europoje[50]. Tarptautinės migracijos organizacijos duomenimis, per pirmąjį karo mėnesį perkeltųjų asmenų pajamos stipriai sumažėjo[51]. Kai kurie žmonės neteko darbo, arba nebegaudavo savo darbo užmokesčio. Pensijos vis dar mokamos, tačiau paprastai yra labai mažos ir nepakankamos net būtiniems poreikiams patenkinti. Nors Ukrainos vyriausybei per Ukrainos centrinį banką iki šiol pavyko išlaikyti bankų sistemos veikimą[52], tie kuri turi banko sąskaitas Ukrainoje, pranešė apie sunkumus atgauti savo lėšas. Ukrainoje veikė keli Rusijos bankai ir dėl įvestų ES sankcijų, bankų sąskaitos šiuose bankuose galėjo būti įšaldytos.

Bėgančių nuo konflikto psichologinė būklė. Daugelis pabėgėlių ir šalies viduje perkeltųjų asmenų yra dezorientuoti, traumuoti, izoliuoti ir jiems skubiai reikia psichologinės paramos[53]. Pavojingos situacijos, kuriuose kai kurie iš jų gyvena, sukelia papildomą stresą. Pasienyje dirbančios organizacijos nurodė, kad kuo ilgiau tęsiasi karas, tuo labiau traumuojami sieną kertantys žmonės. Dėl šių aplinkybių gali atsirasti neigiamų įveikimo mechanizmų, todėl žmonės lengviau tampa prekybos žmonėmis ir išnaudojimo taikiniai[54]. Kelios organizacijos paminėjo psichosocialinę paramą kaip būtiniausią poreikį šiuo metu[55]. Tačiau terapeutų ir vertėjų trūkumas trukdo greitai mobilizuoti ir teikti psichosocialinę pagalbą Ukrainoje ir kaimyninėse šalyse.

Smurto šeimoje istorija. Yra žinoma, kad smurtas šeimoje yra prekybą žmonėmis skatinantis veiksnys[56]. Iki konflikto Ukrainoje buvo plačiai paplitęs smurtas šeimoje ir dėl lyties[57] ir tai rodo, kad daugeliui moterų ir mergaičių tarp pabėgėlių, atvykstančių iš Ukrainos, gali kilti didesnė prekybos žmonėmis ir išnaudojimo rizika.

Gyvenimas okupuotose vietose. Ukrainos paramos organizacijos nurodė, kad žmonės gyvenę okupuotose teritorijose iki 2022 m., vasario mėnesio invazijos yra labiau pažeidžiami, nes daugelį metų gyveno nepaprastosios padėties sąlygomis. Užimtose vietovėse pastebimas nepalankus socialinis ir ekonominis ryšys, maisto trūkumas, prasta psichinė sveikata, o tai gali padidinti pažeidžiamumą[58].

Antrasis poslinkis. Lenkijoje pirmosios linijos gelbėtojai (įskaitant pasienio policiją) ir kitas organizacijas pastebėjo, kad žmonės, patyrę daugiau nei vieną persikėlimą, pavyzdžiui iš savo namų į tariamai saugią zoną, ir po to į dar vieną saugią zoną Ukrainoje ar kaimyninę dažnai

[50] „Decent work country programme 2020-2024: Ukraine“, ILO, žiūrėta 2023 m. rugpjūčio 3 d., 9, https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_774552.pdf.

[51] „7.1 Million People Displaced by the War in Ukraine: IOM Survey“, International Organization for Migration, žiūrėta 2023 m. rugpjūčio 3 d., https://mailchi.mp/bc8801603888/71-million-people-displaced-by-the-war-in-ukraine-iom-survey?e=73001ddff6.

[52] NPR, How Ukraine kept banks afloat and money flowing, 2022 Balandžio 5 d., žiūrėta 2023 m. rugpjūčio 3 d., https://www.npr.org/transcripts/1090952156?t=1650438207270

[53] La Strada International, *supra note*, 52: 2.

[54] Suzanne Hoff and Efje de Volder. *supra note*, 26:15.

[55] Ibid.

[56] „Examining the intersection between trafficking in persons and domestic violence“, United States Agency for International Development, žiūrėta 2023 m. rugpjūčio 3 d., 9. https://nexushumantrafficking.files.wordpress.com/2015/03/trafficking-domestic-violence-intersection.pdf\

[57] Human Rights Watch, *supra note*, 18.

[58] Suzanne Hoff and Efje de Volder, op. cit., 26:15.

yra prastesnės psichologinės būklės nei tie kurie pabėgo tik vieną kartą, todėl jie tampa lengvesni prekiautojų žmonėmis taikiniais[59].

Apgyvendinimas stovykloje ar laikinoje pastogėje. Nors stovyklos ar laikinos prieglaudos šalies viduje ir ne tik perkeltiems žmonėms ir pabėgėliams turėtų būti saugo vieta, ankstesnių humanitarinių krizių patirtis rodo, kad praktiškai jos gali būti kontaktiniai punktai prekeiviams žmonėmis ir potencialioms jų aukoms. Ypač karo pradžioje buvo gauta pranešimų apie tai, kad žmonės galėjo patekti į pabėgėlių patalpas be stebėjimo, tai pat apie žmones kurie bandė susisiekti su prieglaudose gyvenančiais ir siūlyti darbą ar persikelti. Tokių atvejų pasitaikė ir Lietuvoje. Praėjus dviems mėnesiams nuo karo pradžios, Vilniaus apskrities Vyriausiojo policijos komisariato vyriausioji tyrėja, pabėgėlių registracijos centro koordinatorė teigė, kad rizikos dėl pabėgėlių išnaudojimo galėjo būti numanomos. Anot jos, jau pirmąją centro veikimo dieną buvo identifikuoti keli įtartini asmenys, neva siūlantys darbus ukrainietėms. Taigi galima daryti išvadą, kad tokiomis aplinkybėmis pažeidžiami žmonės gali būti lengvi prekeivių žmonėmis taikiniai.

Kalbos nemokėjimas. Viena iš akivaizdžių priežasčių, kodėl žmonės gali lengviau patekti į rankas tiems, kurie nori iš jų pasipelnyti, yra tai, kad pabėgėliai yra nepažįstamoje vietoje ir nemoka kalbos. Didžiausia kliūtis įsidarbinti priimančiojoje šalyje yra kalbos nemokėjimas, o tai riboja perkeltųjų asmenų galimybes darbo rinkoje, nukreipiant pabėgėlius į žemos kvalifikacijos darbo sektorių. Praktika rodo, kad žemos kvalifikacijos migrantų darbo jėgos segmentas patiria daugiausiai išnaudojimo ir piktnaudžiavimo atvejų[60]. Didelė dalis dabartinių pabėgėlių ankščiau niekada nebuvo kitoje Europos šalyje[61].

Nepakankama arba klaidinanti informacija. Informacija sklinda greitai, nesvarbu, ar ji tiksli ir gerai apgalvota, ar netiksli ir klaidinanti. Svarbu suprasti, kad sąmoningai netiksli informacija pabėgėliams nesuteikiama, tačiau pabėgėliai užduoda daug klausimų, ir ne visi pirmosios eilės atsakantieji turi visą teisingą informaciją arba laiko ir erdvės atsakyti. Informacijos trūkumas, prieštaringa ar paini informacija arba per didelis informacijos kiekis taip pat gali paskatinti nepasitikėjimą – ypač neigiamai vertintina tai, kad įspėjimai apie galimą piktnaudžiavimą, pabėgėliams gali suponuoti baimę priimti patarimus ar pagalbą[62].

Pavojus internete. Keletas pilietinės visuomenės veikėjų, įskaitant „La Strada International“ narius, pastebėjo, kad potencialūs prekeiviai žmonėmis ir išnaudotojai naudojasi socialiniais tinklais, kad įdarbintų Ukrainos moteris sekso pramonei arba ieškotų potencialų kandidačių į santuokas[63]. Europos saugumo ir bendradarbiavimo organizacija pabrėžė, kad išnaudojimo rizika apima ir virtualią erdvę, nes daugelis ukrainiečių naudojasi socialiniais tinklais (ypač Viber, Telegram, Facebook)[64] ieškodami pagalbos ir paramos, taip atskleisdami svarbią informaciją apie jų buvimo vietą ir sudėtingą situaciją, kurią prekeiviai gali panaudoti norėdami atpažinti ir susisiekti su jais pagalbos pretekstu. Jau pasitaikė atvejų, kai ukrainiečius bandoma verbuoti internetu. 2022 m. liepos mėn. žiniasklaidoje nuskambėjusioje byloje Ukrainos valdžia ištyrė kaip įtariama mažiausiai dešimt ukrainiečių prekybos seksu į Turkiją atvejus. Turkijoje policija sulaikė 21 metų ukrainietę, kuria, kaip įtariama buvo prekiaujama seksualinio išnaudojimo prostitucijai tikslais. Tyrimo metu Kyjive (Ukrainoje) buvo sulaikytas

[59] Ibid.
[60] Prague process, *supra note*, 35:6.
[61] Suzanne Hoff and Efje de Volder. op. cit., 26:16.
[62] *Ibid.*
[63] *Ibid.*
[64] „Joint EUAA, IOM and OECD Report: Forced displacement from and within Ukraine: Profiles, experiences, and aspirations of affected populations“, European Union Agency for Asylum, žiūrėta 2023 m....., 6, https://euaa.europa.eu/publications/forced-displacement-and-within-ukraine.

įtariamas prekybos žmonėmis organizatorius. 30 metų amžiaus vyras tariamai vadovavo grupei vyrų, kurie moderavo tikslinius „Telegram“ kanalus, siekdami verbuoti aukas[65]. Vėliau, 2022 rugsėjo 21 d. Europolas pranešė, kad tyrėjai, analizuodami internetines platformas, nustatė dešimtis galimų prekybos žmonėmis seksualinio išnaudojimo aukų, įskaitant 25 Ukrainos piliečius. Vykdydami bendrą Nyderlandų koordinuojamą veiksmą, 85 ekspertai iš 20 skirtingų teisėsaugos institucijų baigė hakatoną, siekdami sukurti žvalgybos informaciją apie nusikalstamus tinklus, viliojančius aukas internetu. Po hakatono tyrėjai surinko kriminalinės žvalgybos duomenis iš 114 internetinių platformų, kad nustatytų prekybos žmonėmis internetinėje aplinkoje rodiklius, ypač tais atvejais, kai prekeiviai žmonėmis bandė suvilioti Ukrainos pabėgėlius. Vykdydami darbą, kurį dabar tęsia atskiros teisėsaugos institucijos, koordinuodamos savo tyrimus su kitais per Europolą, tyrėjai nustatė 11 įtariamų prekeivių žmonėmis. Penki iš tų prekeivių žmonėmis buvo susiję su pažeidžiamais ukrainiečiais, nurodė Europolas, ir buvo nustatyta dvidešimt atskirų platformų tolesniam tyrimui ir stebėjimui[66]. „Internetas ir prekyba žmonėmis yra tarpusavyje susiję. Daugelis socialinių tinklų platformų, pažinčių programėlių ir privačių grupių internete yra „užgrobtos“ asmenų, užsiimančių prekyba žmonėmis seksualinio ar darbo išnaudojimo tikslais‘‘[67].

Ukrainiečių padėtis Lietuvoje

Pabėgėliams pradėjus plūsti į kaimynines šalis tame tarpe ir Lietuvą, Lietuvoje buvo atidaryti šeši pabėgėlių registracijos centrai: Vilniuje, Alytuje, Marijampolėje, Klaipėdoje, Šiauliuose ir Kaune. Čia dirbo Migracijos departamento specialistai, savanoriai iš NVO, savivaldybių ir valstybės institucijų deleguoti darbuotojai. Centrų veiklą koordinavo Vidaus reikalų ministerija, o reikiamomis darbo priemonėmis, baldais ir technika, ryšiu, transportu aprūpino savivaldybės. Ukrainiečių aprūpinimą maistu, higienos reikmenimis ir kitais daiktais koordinavo Socialinės apsaugos ir darbo ministerija, sudariusi sutartis su NVO[68]. Kovos su prekyba žmonėmis ir išnaudojimu centro vadovė Kristina Mišinienė 2022 m. kovo mėnesį spaudos pranešime akcentavo, kad centras jau gavo signalų apie piktavalių asmenų būriavimąsi prie pabėgėlių registracijos centrų. Paaiškino, kad „jie neina į vidų, bet aplink pastatė savo verbuotojus, kalbina jaunas moteris „dideliems pinigams, lengvam darbui su visomis garantijomis“[69], todėl tai kelia nerimą, kiek tokių atvejų dar neišvydo dienos šviesos, kuomet karo nualintos moterys pasinaudojo tokiais pasiūlymais. Besirūpindami, kaip greičiau suteikti pabėgėliams būstą, būtinų priemonių, galimai nematėme, kas vyksta visai šalia – verbavimas**.**

Būsto suteikimas ir pavėžėjimas. Pirmaisiais karo mėnesiais, buvo sukurta iniciatyva – savanoriška veikla, kurios metu geros valios gyventojai galėjo suteikti savo būstą kuriame apgyvendinami pabėgėliai, arba pavėžėti nuo pasienio iki registracijos centro ar kitos sutartos vietos. Šio oficialaus puslapio duomenimis Lietuvos žmonės jau pasiūlė 10119 vietas apsistoti. Tačiau kyla klausimas ar pasiūlius vietą apsistoti ir joje apgyvendinus karo pabėgėlius, jos buvo

[65] The Guardian. ‘‘Ukraine prosecutors uncover sex trafficking ring preying on women fleeing country‘‘. 2022 Liepos 7 d. https://www.theguardian.com/global-development/2022/jul/07/ukraine-prosecutors-uncover-sex-trafficking-ring-preying-on-women-fleeing-country

[66] Alexander Martin. „European police identify dozens of Ukrainian human trafficking victims through online platforms“, The Record, žiūrėta 2023 m. rugpjūčio 10 d, https://therecord.media/european-police-identify-dozens-of-ukrainian-human-trafficking-victims-through-online-platforms.

[67] *Ibid.*

[68] „VRM: Lietuvoje jau užregistruota beveik 18 tūkst. pabėgėlių iš Ukrainos“, Delfi, žiūrėta 2023 m. rugpjūčio 11 d., https://www.delfi.lt/news/daily/lithuania/vrm-lietuvoje-jau-uzregistruota-beveik-18-tukst-pabegeliu-is-ukrainos.d?id=89726119.

[69] Domantė Platukytė, *supra note*, 32.

tikrinamos? Ar yra tinkamos, ar jose gyvenantys žmonės nėra išnaudojami, verčiami dirbti mainais už gyvenimą suteiktame būste? Ar pavėžėjimas yra saugus?

Išvykimas į kitas šalis. Kuomet pabėgėliai atvyksta į Lietuvą ir nori pasilikti gyventi, būtina registruotis Migracijos Departamento skyriuje, kad galėtų pradėti dirbti, gauti socialines garantijas, pagalbą integracijai ir sąlygas teisėtai likti Lietuvoje. Kuomet norėdavo išvykti, buvo informuoti, jog elektroniniu paštu turi apie tai informuoti Migracijos departamentą, tačiau KOPŽĮ vadovė K. Mišinienė spaudos pranešime, teigė, kad tai padarė ne visi, o dėl teisės laisvai judėti ES jie gali mūsų neinformuoti išvykdami, ir mes neturime informacijos kur jie išvyko, dėl ko atsiranda rizika tapti prekybos žmonėmis aukomis.

Geroji praktika, kurią verta paminėti, tai, kad jau pirmąją karo savaitę MRU studentų namuose Vilniuje ir Kaune apgyvendinti iš Ukrainos atvykę studentai ir dėstytojai, mokiniai ir mokytojai, pabėgėlių šeimos, numatyta ir paruošta 100 kambarių, kuriuose būtų galima priimti 290 žmonių. Pernai MRU patalpose mokėsi apie 500 įvairaus amžiaus vaikų, šiemet dalinamės savo auditorijomis, sporto salėmis ir laisvalaikio erdvėmis su 130 vyresniųjų 8-11 klasių moksleivių ir mokytojų[70].

Atlikto empirinio tyrimo eigos ir rezultatų aprašymas

Pusiau struktūrizuotam interviu buvo pasirinkti respondentai dirbę su bėgančiais iš Ukrainos žmonėmis, kurie galėjo nukentėti nuo prekybos žmonėmis nusikaltimo. Tyrimas buvo atliktas 2023 metų liepos 15 – rugsėjo 5 dienomis. Todėl tyrimo respondentais buvo pasirinkta: trys Nevyriausybinės organizacijos atstovai (toliau – NVO): Lietuvos Raudonojo Kryžiaus, Gelbėkit vaikus, Maltiečių ordino atstovai kurie savo veikloje dirbo su karo pabėgėliais ir galėjo susidurti su prekybos žmonėmis aukomis, Kauno Bendruomenės pareigūnų veiklos skyriaus viršininkė, Vilniaus Viešosios tvarkos valdybos Prevencinės ir administracinės veiklos skyriaus Prevencijos poskyrio vyriausioji tyrėja, kuri kartu buvo Vilniaus pabėgėlių registracijos centro koordinatorė, Alytaus pabėgėlių centro koordinatorė, Kovos su prekyba žmonėmis ir išnaudojimu centro vadovė, VTAĮT Pagalbos vaikams ir šeimoms skyriaus patarėjas, VSAT Tarptautinio bendradarbiavimo Europos Sąjungos ir Frontex reikalų skyriaus specialistas. Interviu vyko nuotoliniu būdu: telefonu ir internetu: elektroniniu paštu. Tyrėjas bazinius klausimus buvo paruošęs iš anksto ir bendraujant su respondentais telefonu juos uždavė, įjungus mobilaus ryšio telefono garsiakalbį ir pats užsirašinėjo atsakymus. Bazinius klausimus išsiuntus elektroniniu paštu, gavus atsakymus, kilus neaiškumams, papildomiems klausimams su respondentais susisiekė telefonu ir interviu buvo pratęstas. Į kai kuriuos klausimus dėl veiklos siaurumo respondentai atsakyti negalėjo. Dalis informacijos, tokia kaip vardas, pavardė, siekiant užtikrinti respondentų konfidencialumą darbe nėra pateikiama. Viso buvo apklausti 8 respondentai. Respondentai buvo užkoduoti nuo R1 iki R8.

Respondentų buvo paklausta ar pabėgėlių registracijos centre, šalia centro teko matyti įtartinų asmenų, kurie galimai buvo prekiautojai žmonėmis, verbuotojai? Gal tokia informacija pasiekė iš kaimyninių šalių? Respondentai dalijosi, kad pirmosiomis centro darbo savaitėmis buvo pakankamai didelis susidomėjimas centru. Būdavo įvairių automobilių, vaikštinėjančių apie centrą žmonių, smalsuolių, bet buvo ir signalų iš centro savanorių, kurios papasakodavo konkrečių atvejų, kai buvo užkalbintos tamsaus gymio asmenų, kalbančių rusiškai, eidamos į centrą savanoriauti (R2); Vilniuje buvo susidurta su įtartinais vyrais, kurie kalbino simpatiškas ukrainietes, siūlydami užsidirbti (R6); nuolat sulaukdavo skambučių, laiškų iš registracijos

[70] „Parama Ukrainai“, Mykolo Romerio universitetas, žiūrėta 2023 m. rugpjūčio 13 d., https://www.mruni.eu/parama-ukrainai/.

centruose dirbusių kolegų, iš kitų organizacijų, savanorių, apie tokius įtratinus asmenis, jų įžūlų elgesį (R7).

Taip pat respondentų buvo klausiama ar teko susidurti su prekybos žmonėmis aukomis? Buvo atvejų, kai atvažiuoja ir atsiveža ne savo vaikus, kreiptasi į policiją ir vaikų teises, nes tokie atvejai kėlė įtarimą (R1), savanorio pargabentoms merginoms, vaikinai pasiūlė važiuoti į Vokietiją ir jos išvažiavo, kontaktas nutrūko, respondentas įtaria, kad merginos galėjo tapti prekybos žmonėmis aukomis (R3), *(teko girdėti pokalbių, kuomet mama "siūlė" / gyrė savo dukrą vyresnio amžiaus vyrui)* (R6), 5 respondentams neteko susidurti su prekybos žmonėmis aukomis.

Respondentų taip pat buvo paklausta nuomonės, kokios grupės yra pažeidžiamuosius, kalbant apie prekybos žmonėmis riziką Ukrainos karo fone? Nelydimi vaikai (R1, R2, R3, R6); vaikai (R1,R2,R3, R5, R8); jaunos, vienišos merginos (R1, R2, R3, R5, R6, R8, R7); neįgalūs asmenys (R7, R8); vyresnio amžiaus asmenys (R7, R3); asmenys neturintys išsilavinimo arba darbinės kvalifikacijos (R7, R3).

Respondentų buvo klausiama kaip jie vertina iniciatyvą, kuomet gyventojai suteikia savo būstą, kuriame apgyvendinami pabėgėliai, arba kai yra pavežami nuo pasienio iki didžiųjų miestų? Ar neįžvelgiate čia grėsmės, kad pabėgėliai gali tarpti prekybos žmonėmis aukomis? Trys respondentai (R1, R3, R7) įžvelgė grėsmę ir vertina kaip impulsyvią gerumo akciją, kurios trūkumai pradėjo matytis vėliau (*buvo girtuokliaujančių, priekabiaujančių, agresyvių būsto šeimininkų, reikalaujančių susimokėti už apgyvendinimą, atlikti tam tikrus darbus ir pan., buvo atvejų kai pavėžėjai, paleisdavo pabėgėlius tiesiog miesto centre, kuriame pabėgėliai visiškai nesiorientavo,* vertino teigiamai (R2).

Taip pat respondentams buvo užduotas klausimas ką mano, apie tai, kad pabėgėliai išvykdami iš Lietuvos turėtų pranešti atsakingoms institucijoms, į kokią šalį išvyksta, nes dabar neaišku kiek iš jų tebegyvena Lietuvoje, kiek yra išvykusių ir kokiomis aplinkybės išvyksta iš mūsų šalies? Išvykdami turėjo informuoti tačiau tai padarė ne visi, vertina blogai, (*sunku sukontroliuoti)* (R1), vienas respondentas mano, kad turėtų prasinešti, atsižvelgiant į tai, kad Ukraina nėra Europos sąjungos valstybė (R3), pirmiausia pabėgėliai atvykę turėjo registruotis registracijos centruose, tačiau tai padarė ne visi, išvykstant į kitą šalį taip pat turėtų informuoti (R7) (*tačiau kyla klausimas, ar ukrainiečiai to nevertintų kaip perteklinės biurokratijos),* 5 respondentai nuomones neturėjo.

Taip pat Respondentams buvo užduotas klausimas kokia jų nuomonė dėl Lietuvoje pradėto tik vieno ikiteisminio tyrimo. Ar tai dėl to, kad atvejai dar nepateko į valdžios akiratį, ar tai gali reikšti, kad prekybos žmonėmis paplitimas tarp Ukrainos pabėgėlių yra palyginti mažas dėl bevizio rėžimo ir laikinosios apsaugos statuso? mastai pakankamai dideli, nėra pajėgumų juos tirti (R7); atvejų yra daugiau (R3, R4).

Taip pat respondentams buvo užduotas klausimas siekiant sužinoti, ko galėtume pasimokyti iš šios krizės? komandinio darbo ir bendrystės su NVO (R1, R2, R8); greitesnės informacijos sklaidos (R3); Lenkijos pareigūnai turėjo daryti daktiloskopavimą, didesnė kontrolė (*buvau liudininkas Ukrainos – Lenkijos pasienyje, kai iš Ukrainos vaikų globos namų 4 autobusai pilni vaikų buvo išleisti nefiksuojant jų duomenų, tai vyko du karo mėnesius)*; didesnės pajėgos (R4) (*nes eiles, po 10 tūkstančių žmonių)*; organizuoti mokymus pareigūnams, darbuotojams siekiant atpažinti galimas prekybas žmonėmis rizikas, dalintis praktika su kitomis šalimis, kurios nuolat susiduria su pabėgėliais (R5, R7, R8); mokymų valdant panašaus pobūdžio krizes, būti iš anksto pasiruošus humanitarinių krizių valdymui šalyje, turėti procedūras, koordinavimo mechanizmus, planus, tiek valstybės, tiek organizacijos lygmeniu (R3, R6); atidžiau ir operatyviau reaguoti į gaunamus signalus apie prekybą žmonėmis, atkakliai persekioti nusikaltėlius (R7); klausimyną pabėgėliams, kuriems kyla prekybos

žmonėmis rizika, buvo primityvus, klausimai formalūs ir apklausas turėjo atlikti nevyriausybinės organizacijos, o ne policija, kadangi Ukrainoje visuomenė nepasitiki policija ir laiko ją korupcine, tai sužinojom kalbant su pabėgėliais (R5).

Paklausus kaip vertina nevyriausybinių ir vyriausybinių organizacijų, teisėsaugos bendradarbiavimą šios krizės metu? NVO indėlis, operatyvumas buvo labai didelis (*jeigu nebūtų manau savivaldai ir valstybei būtų buvę labai sunku*) (R1, R2, R5, R6); trūko supratimo ir jautrumo iš prekybos žmonėmis srityje dirbančių organizacijų (R2); vienam respondentui trūko bendradarbiavimo (R7).

Remiantis interviu rezultatais galima daryti keletą išvadų, kad Lietuvoje, savanoriai, registracijos centrų darbuotojai pastebėjo įtartinų asmenų, kurie galimai buvo prekeiviai žmonėmis, trims iš kalbintų aštuonių respondentų teko susidurti su galimomis prekybos žmonėmis aukomis. Respondentai pažeidžiamiausias grupes kalbant apie prekybą žmonėmis išskyrė nelydimus vaikus, jaunas, vienišas merginas, neįgalius asmenis, vyresnio amžiaus asmenis, asmenis neturinčius išsilavinimo, neturinčius socialinių įgūdžių. Trys iš aštuonių respondentų mano, kad prekybos žmonėmis reiškinys yra kur kas didesnis, tačiau dėl latentiškumo daug atvejų nėra žinomi. Respondentai mano, kad ši krizė turėjo pamokyti, kad reikia būti pasiruošus tokiems žmonių srautams, dirbti komandiškai, greitai dalintis informacija, organizuoti mokymus pareigūnams, darbuotojams siekiant atpažinti galimas prekybas žmonėmis rizikas, dalintis praktika su kitomis šalimis, kurios nuolat susiduria su pabėgėliais, reikalingi mokymai kaip valdyti panašaus pobūdžio krizes, būti iš anksto pasiruošus humanitarinių krizių valdymui šalyje, turėti procedūras, koordinavimo mechanizmus, planus, tiek valstybės, tiek organizacijos lygmeniu. Bendradarbiavimą šeši iš aštuonių respondentų vertino teigiamai.

IŠVADOS

Karai padidina prekybos žmonėmis tikimybę šalies viduje ir už jos ribų. Rusijos inicijuota karinė invazija prieš Ukrainą sukėlė humanitarinę krizę ir paskatino daugybę Ukrainoje gyvenančių žmonių iš Ukrainos pabėgti. Paskutiniais JT duomenimis Europoje registruoti 8,2 mln. Ukrainos pabėgėlių. Daugiausiai pabėgėlių Europoje registruota Vokietijoje, Lenkijoje, Čekijoje, Moldovoje.

2021 m. šiuolaikinėje vergijoje gyveno 49,6 mln. žmonių, iš kurių 27,6 mln. dirbo priverstinį darbą, o 22 mln. buvo priverstinėse santuokose. Šie skaičiai gali būti net keletą kartų didesni, nes šių nusikaltimų latentiškumas yra labai didelis. Moterys ir merginos sudaro 4,9 mln. priverstinio komercinio seksualinio išnaudojimo ir 6 mln. priverstinio darbo kituose ekonomikos sektoriuose. 12% visų priverstinį darbą atliekančių asmenų yra vaikai. ES patvirtino ateinančių ketverių metų kovos su sunkių formų ir organizuotu nusikalstamumu strategiją 2022–2025 m. Išskiriama viena iš pagrindinių nusikalstamų veikų – prekyba žmonėmis. Strategijoje daugiausia dėmesio skiriama: paklausos, kuri pirmiausia skatina prekybą žmonėmis, mažinimui; prekiautojų žmonėmis verslo modelio suardymui; aukų apsaugai, paramai joms ir jų įgalėjimui; tarptautinio bendradarbiavimo stiprinimui.

Pažeidžiamomis grupėmis išskiriama: moterys ir merginos, nelydimi vaikai, lėtinėmis ligomis sergantys, neįgalūs, pagyvenę žmonėms, dokumentų neturintys, asmenys neturintys išsilavinimo arba darbinės kvalifikacijos, asmenys, turintys nuo jų priklausomų šeimos narių.

Veiksniai didinantys pažeidžiamumą tai: teisinės valstybės erozija ko pasėkoje nusikalstami tinklai susiję su prekyba žmonėmis kurie gali klestėti nebaudžiami, tvarių socialinių ryšių nebuvimas, bėgančių nuo konflikto psichologinė būklė, smurto šeimoje istorija,

gyvenimas okupuotose vietose, antrasis poslinkis, apgyvendinimas stovykloje ar laikinoje pastogėje.

Nors Lietuvoje nepastebėtas ir neužfiksuotas dramatiškas prekybos žmonėmis atvejų susijusių su ukrainiečių aukomis padaugėjimas, pradėtas tik vienas ikiteisminis tyrimas pagal LR BK 157 straipsnio "Vaiko pirkimas arba pardavimas" 2 d. respondentų nuomone, dėl nusikaltimo latentiškumo daug atvejų lieka nežinomi, kas reiškia, kad prekybos žmonėmis problema išlieka labai svarbi ir jai reikia vis daugiau dėmesio, nes dėl iššūkių su kuriais susiduria Ukraina ir pasaulis kenčia daugybė žmonių. Prekeiviai žmonėmis naudojasi krizėmis ir bejėgiška aukų būkle siekdama pelno, tai savo ruožtu priveda prie visiško žmogaus teisių pažeidimo.

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THE WAR IN UKRAINE - IS A FACTOR THAT LED TO THE ESCALATION OF HUMAN TRAFFICKING

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Summary

SThe article listed the challenges facing countries hosting people fleeing the war in Ukraine, the threats that refugees may face as well. The trade problem was looked at in a casuistic way by evaluating a specific case - the war in Ukraine. After analyzing the reports, reports, legal acts of international organizations, and the results of interviews, it is concluded that the refugee crisis caused human trafficking in 2022. February 24 Military invasion of Ukraine at the initiative of Russia. Those trying to escape conflict-affected areas may be targeted by traffickers at the destination.

Keywords human trafficking, war in Ukraine, background of Ukrainian war refugee, war, Ukraine.

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VYRAI IR MOTERYS KINTANČIOJE DARBO APLINKOJE: SOCIALINIAI VAIDMENYS, STEREOTIPAI, SAVYBĖS, KOMUNIKACIJA, LYDERYSTĖ

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Anotacija. *Straipsnyje analizuojami vyrų ir moterų ypatumai darbo aplinkoje. Komunikaciniai gebėjimai tampa svarbia kiekvieno dirbančiojo kompetencija XXI amžiaus organizacijose. Komunikacija mums leidžia patenkinti socialinius poreikius, plėtoti emocinius ryšius. Komunikacija itin svarbi darbo aplinkoje. Dažnai darbinėje aplinkoje kolegos gali stiprinti arba mažinti pasitikėjimą savimi, savo gebėjimais ir pan. Todėl komunikacijos iššūkiai dabartinėje visuomenėje yra aktualūs visose gyvenimo srityse. Gyvename laiku, kai įvairūs skirtumai tarp vyrų ir moterų po truputį trinasi, kai peržengiamos visokios (esamos ir įsivaizduojamos) ribos ir išskirtinumas netenka lyg šiol turėtos prasmės, o tampa pridėtine verte dėka savo unikalumo. Šiuolaikiniame pasaulyje vyro ir moters tradiciniai vaidmenys išgyvena krizę. Tuo tarpu formuojasi nauji vyro ir moters šiuolaikiški vaidmenys. Dirbdami drauge įvairių amžiaus tarpsnių ir lyčių darbuotojai nuolat dalyvauja ir komunikaciniame procese. Tuo būdu kiekviena darbuotojų grupė pristato savo gebėjimus komunikuojant su kolegomis ir vadovais. Mokslinėje literatūroje pristatomi įvairūs vyrų ir moterų - darbuotojų komunikavimo, tolerancijos, empatijos darbo aplinkoje aspektai. Šiame tekste analizuojami darbiniai ir asmeniniai vyrų ir moterų išskirtinumai ir panašumai darbo aplinkoje. Vyrai ir moterys, turėdami įvairių skirtingumų yra vienodai vertingi organizacijose būtent dėl išskirtinumo. Darbuotojo atsakomybė už savo kompetencijas ir gebėjimus – daugiau susijusi su asmenybiniais: charakterio, temperamento, asmenybės ypatumais, taip pat ir lytimi. Pandemijos kontekste dauguma darbuotojų pasinaudojo galimybe dirbti nuotoliniu būdu. Šis darbo pobūdis skirtingai priimamas ir toleruojamas tiek vyrų, tiek ir moterų. Vyrų ir moterų skirtumai nėra tokie dideli kaip skelbia per daugelį metų nusistovėję stereotipai. Vyrams ir moterims taikomos skirtingos elgesio normos, priskiriami skirtingi socialiniai vaidmenys, kurie nulemia nevienodą gebėjimų ir įgūdžių formavimąsi darbo aplinkoje. Be to pastebima, kad lyčių skirtumai metams bėgant mažėja, kas rodo, kad įtakos turi ne tik biologiniai veiksniai, bet ir socialinė bei darbo aplinka.*
Teksto tikslas diskutuoti vyrų ir moterų elgsenos ir jausenos bei komunikacijos klausimais nuolat kintančioje darbinėje aplinkoje, dirbant biure ir nuotoliu. Tekste pristatomi atlikto pilotinio kiekybinio tyrimo rezultatai apie moterų komunikacijos poreikį nuotolinio darbo atveju, bei vyrų atliekamo darbo produktyvumo lygius skirtingose darbo aplinkose.

Pagrindinės sąvokos: *Vyrai ir moterys; asmeniai ypatumai; komunikacija; darbo aplinka; nuotolinis darbas.*

Įvadas

Ištisus šimtmečius klostėsi visuomenės stereotipai apie lyčių skirtumus, kurių esmė: vyras ir moteris – skirtingų planetų gyventojai, kalbantys skirtingomis kalbomis, atliekantys skirtingus vaidmenis visuomenėje ir pan. Technologijų amžiuje šių skirtumų akcentavimas nėra savalaikis ir dažnai gali tapti plėtros kliuviniu. Vyrai ir moterys, turėdami įvairių, nors ir nežymių skirtingumų yra vienodai vertingi organizacijose (Canari. Dindi, 2006). Organizacijos turėtų dažniau analizuoti kokie skirtingumai tarp darbuotojų vyrų ir moterų bei kaip keičiasi jų elgsena ir komunikacija nuolat kintančioje darbinėje aplinkoje.

Moksliniais tyrimais (SPINTER,2021) nustatytos keturios pagrindinės lyčių skirtingumų grupės: gebėjimas orientuotis erdvėje; matematiniai gabumai; kalbos įgūdžiai; agresyvumas. Daugumos mokslininkų tyrimai atliekami pagal šias grupes. Nors reikia pažymėti, kad minėti skirtumai daugeliu atvejų yra minimalūs (iki 10 proc.) ir būdingi tik tam tikrose situacijose,

tačiau dabartinėje darbo aplinkoje jie dažnai turi įtakos tiek darbo produktyvumui, tiek ir pasitenkinimui darbu bei tam tikru komunikavimu. Pavyzdžiui, moterys komunikuoja pozityviau, daugiau dėmesio skiria tarpusavio palaikymui, motyvacijai, teigiamos aplinkos kūrimui, nei vyrai, kai tuo tarpu vyrai daugiau orientuoti į užduočių atlikimą, rezultatus, lojalumą (Popovaitė, 2022). Taip pat pažymima, kad moterims svarbiau savitarpio palaikymas, motyvacija ir pozityvi aplinka, o vyrams – pasiekimai. Kita vertus, šiuolaikiniai psichologijos tyrimai aiškių skirtumų tarp vyrų ir moterų neakcentuoja (Wrede-Grischkat.1996).

Komunikacija kaip pasikeitimo informacija reiškinys plačiai analizuojamas įvairiais kontekstais. Šiame procese bene svarbiausią vietą užima psichologiniai komunikacijos aspektai. Komunikacijos dalyviai keičiasi savo nuostatomis, idėjomis, interesais, nuotaikomis, jausmais, kompetencija ir pan. Visa tai gali būti traktuojama, kaip perduodama informacija verbaliniu (kalbiniu) ir neverbaliniu (kūno kalba, mimika, gestai, pauzės ir kt.) būdais. Komunikacija mums leidžia patenkinti socialinius poreikius, plėtoti emocinius ryšius. Komunikacija itin svarbi darbo aplinkoje. Dažnai darbinėje aplinkoje kolegos gali stiprinti arba mažinti pasitikėjimą savimi, savo gebėjimais ir pan. Todėl komunikacijos iššūkiai dabartinėje visuomenėje yra aktualūs visose gyvenimo srityse. Gyvename laiku, kai įvairūs skirtumai po truputį trinasi, kai peržengiamos visokios (esamos ir įsivaizduojamos) ribos ir išskirtinumas netenka lyg šiol turėtos prasmės, o tampa pridėtine verte dėka savo unikalumo.

Pandemijos kontekste dauguma darbuotojų pasinaudojo galimybe dirbti nuotoliniu būdu. Šis darbo pobūdis skirtingai priimamas ir toleruojamas tiek vyrų, tiek ir moterų. Nors vyrų ir moterų skirtumai nėra tokie dideli kaip skelbia per daugelį metų nusistovėję stereotipai. Vyrams ir moterims taikomos skirtingos elgesio normos, priskiriami skirtingi socialiniai vaidmenys, kurie nulemia nevienodą gebėjimų ir įgūdžių formavimąsi darbo aplinkoje. Be to pastebima, kad lyčių skirtumai metams bėgant mažėja, kas rodo, kad įtakos turi ne tik biologiniai veiksniai, bet ir socialinė bei darbo aplinka.

Teksto tikslas paanalizuoti vyrų ir moterų elgsenos panašumai ir išskirtinumai bei kiti ypatumai kintančioje darbinėje aplinkoje. Tekste pateikiami kiekybinio pilotinio tyrimo rezultatai apie darbuotojų vyrų ir moterų nuomones nuotolinio darbo atveju.,

Vyrai ir moterys: socialiniai vaidmenys, stereotipai, savybės ir komunikacija

Vyrų ir moterų vaidmenys visuomenėje kito gan sparčiai. Socialinių vaidmenų teorija aiškina, kad dauguma lyčių skirtumų atsirado dėl įvairių socialinių vaidmenų, kurie skatina arba slopina tam tikrą elgesį. Kitaip tariant, vyrai ir moterys vaidina skirtingus socialinius vaidmenis, todėl jų įgūdžiai ir požiūriai iš dalies skiriasi, o būtent įgūdžiai ir požiūris lemia tam tikrą elgesį darbinėje aplinkoje ir komunikacijoje.

Paprastai manoma, kad moterys dažniau nei vyrai yra empatiškos, dėl to, kad joms rūpi ir pašnekovo jausmai. Tačiau tyrimai rodo, kad moterys nėra empatiškesnės už vyrus, o galimi skirtumai – dažniausiai socialinių normų padarinys ir vyrai nenori, kad aplinkiniai pamatytų jų empatiją, nes tai neatitinka jų "lyties vaidmens". Todėl komunikaciniame procese vyrai dažnai kalba argumentų ir faktų "šalta" kalba. Tuo tarpu rūpestis ir švelnumas – svarbūs moterų bruožai, sukuria palankesnę komunikacinę aplinką. Vyrai ne prasčiau už moteris sugeba suprasti kitų jausmus ir užjausti, bet jiems labai svarbu, kad aplinkiniai gali ne taip suprasti, todėl vengia tai viešinti.

Tyrimai patvirtina, kad vyrų ir moterų emocionalumas toks pat, tik jie skirtingai savo emocijas reiškia – vėlgi pagal socialines normas. Augdamas žmogus mokosi reikšti ir slopinti savo emocijas socialiai priimtinais būdais. Pavyzdžiui manoma, kad "tikras vyras" neturi rodyti savo jausmų. Moterys neslepia savo emocijų, joms patogiau nei vyrams parodyti, kad ko nors

bijo ar dėl ko nors liūdi. Vyrai daugiau reiškia ego-centrinius – su asmeniniais poreikiais, norais, interesais susijusius jausmus. Jie linkę demonstruoti savo pyktį ir agresyvumą, bet tai visiškai nereiškia, kad vyrai pyksta daugiau nei moterys.

Sociologų nuomone, vyrų ir moterų agresija priklauso nuo kelių veiksnių: proceso dalyvių lyties, agresijos tipo ir konkrečios situacijos. Pavyzdžiui, moksleivių tyrimai parodė, kad mergaitės agresiją yra linkusios reikšti netiesiogine komunikacija t.y. skleisdamos gandus, susirasdamos naujas draugijas, kad atkeršytų ankstesnei grupei ir pan. Tuo tarpu berniukai agresiją reiškia atvirai - jie grumiasi arba komunikuoja dažniausiai fizine jėga. Kadangi moterys silpnesnės fiziškai, nėra prasmės būti fiziškai agresyvioms, todėl jų agresija žodinė arba netiesioginė. Vyrams labiau patinka socialiniai vaidmenys, reikalaujantys konkrečios agresijos pvz. sportas. Dauguma moters vaidmenų visiškai nedera su agresija pvz. sekretorės, mokytojos, vadybininkės ir pan. Reikia pažymėti, kad prasiveržus agresijai moterys jaučia net tam tikrą kaltę, kad nesugebėjo tinkamai atlikti savo vaidmens, reikalaujančio parodyti rūpestį.

Stereotipai byloja, kad moterys daugiau nei vyrai turėtų rūpintis ir padėti kitiems žmonėms, tačiau atlikti tyrimai parodė, kad vyrai dažniau padeda kitiems**.** Vyrų ir moterų pasirengimas padėti žmonėms toks pat, tik būdai, kuriais ši pagalba teikiama, skiriasi. Moterų socialinis vaidmuo reikalauja rūpintis kitų žmonių asmeniniais ir emociniais poreikiais, todėl jos siekia būti rūpestingos. Vyro vaidmuo skatina "didvyrio" ir "džentelmeno" pagalbą. Moterims labiau patinka buitiniai, sekretorės ar auklės vaidmenys - tokie, kuriuos atliekant reikia padėti žmonėms siekti tikslo. Dėl tokio vaidmenų pasiskirstymo vyrai ir moterys suformuoja skirtingus įgūdžius teikti pagalbą kitiems. Tačiau ir vyrai, ir moterys padeda tuo atveju kai mano, kad teikiamos pagalbos nauda didesnė už jos kainą. Dauguma socialinių psichologų teigia, kad tradiciniai lyčių skirtumai trukdo formuotis asmenybėms ir palaiko socialinę nelygybę.

Stereotipas, kad pagrindinė vyro pareiga šeimoje yra nuolat uždirbti pakankamai pinigų, trukdo vyrui vykdyti tėvo pareigas ir auklėti vaikus, nes socialinis vyro vaidmuo reikalauja visą dėmesį skirti darbui. Reikia pažymėti, kad pastaruoju laiku, situacija labai keičiasi. Vyrai komunikuoja su žmonėmis, kuriems reikia pagalbos tiek asmeniniame gyvenime tiek darbinėje aplinkoje.

Šiuolaikiniame pasaulyje vyro ir moters tradiciniai vaidmenys išgyvena krizę. Tuo tarpu formuojasi nauji vyro ir moters šiuolaikiški vaidmenys. Pvz. tradiciniai vyro rūpinimosi šeima būdai vertinami daugiau, o iš jų tikimasi, kad jie padės auginti vaikus, net skiriamos tėvystės atostogos. Tikimasi, kad vyras parodys švelnius jausmus, kas visiškai netiko tradiciniam vyro vaidmeniui, be to reikalauja įgūdžių, kurių vyrai turi nepakankamai. Reikia paminėti, kad situacijos šiuo klausimu nuolat keičiasi ir šiandien vyrai mielai imasi vaikų priežiūros, komunikuoja su aplinkiniais, bando būti atviresni ir empatiškesni. Kita vertus, vyrų ir moterų pastebimi skirtumai komunikaciją darbo aplinkoje daro įvairiapusiškesne.

Vyrų ir moterų asmeninės savybės. Moksliškai pagrįstos asmeninės savybės būdingos ekstravertams ir introvertams beveik prieš šimtmetį pristatytos šveicarų psichologo Carl Gustav Jung' o darbuose. Autoriaus nustatyta, kad introvertai daugiau orientuoti į savo vidų, mintis, patirtis ir jausenas. Tuo tarpu – ekstravertai labiau orientuoti į išorę į aplinką ir vykstančius įvykius bei žmones. Jie energingi, komunikuojantys, visur matomi. Yra ir tarpinė grupė – ambivertai, kuriems patinka ir draugija ir neilga vienatvė. Tokie asmenys, „užsibuvę" per ilgai vienatvėje išgyvena nemalonius jausmus ir tampa menkai produktyviais darbe. Šiomis asmeninėmis daugiau įgimtomis, nei įgytomis savybėmis pasižymi abi lytys ir vyrai ir moterys.

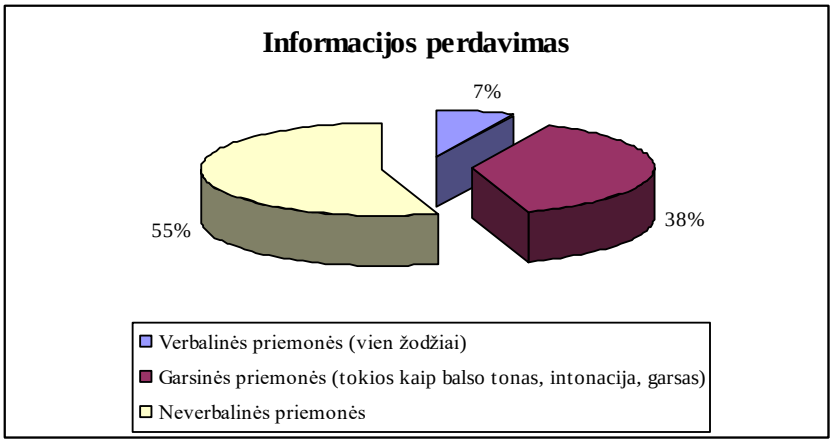
Taigi introvertai vyrai darbe gali puikiai reikštis ir nuotolinio darbo kontekste. Jiems patinka turininga veikla ar darbas vienumoje. Jie daugiau klauso, nei kalba; geba save analizuoti; mėgsta būti stebėtojais; dažnai yra labai nepriklausomi ir savarankiški; moka ir geba

pasakyti „Ne“. Tuo tarpu ekstravertams ir vyrams ir moterims būtini santykiai, jie gauna energijos iš socialinių santykių, buvimo triukšme ar dėmesio centre. Jiems svarbūs ir asmeniniai ir dalykiniai ryšiai, kurie turi iššūkių. Taigi ekstravertai nėra labai patenkinti nuotoliniu darbu.

Kalbant apie moteris ir vyrus, moterys taip pat gali būti ir ekstravertės ir introvertės, o dar joms ir namų reikalai išlieka svarbūs. Introvertėms bus puikus laikas namuose atlikti ir darbines ir asmenines veiklas, o ekstravertėms būtina socialinė aplinka, komunikavimas su kitais, pasitarimai ir pan. kas skatina jų didesnį įsitraukimą į darbines veiklas. Taip pat jaučiasi ir vyrai. Ekstravertams - komunikavimas kaip oras, o introvertams – tai tik dalinai. Kaip komunikuoja ekstravertai? Jie lengvai užmezga kontaktus, bet neilgam; mėgsta būti dėmesio centre; nemėgsta vienatvės; organizuoti, kalba greitai, raiškiai, daug gestikuliuoja. Kaip komunikuoja introvertai? Paprastai jie veikia tyliai, slaptai, ne visada pozityviai; viską „devynis kartus pamatuoja“; moka patylėti, išklausyti. Introvertai produktyvesni, dirbdami vienumoje.

Pastaruoju laikotarpiu vis daugiau darbdavių pageidauja darbuotojų su aukšta komunikacine kompetencija. Komunikacija (lot. *communicatio* „pranešimas, suteikimas“; iš lot. *communico* „darau bendra, bendrauju“) yra apibrėžiama kaip keitimasis informaciniais ženklais (kalba, gestais, mimika, judesiais ir pan.) suprantant pranešimo prasmę. Komunikacija – tai faktų, minčių, idėjų, emocijų pasikeitimo tarp dviejų žmonių ar grupių procesas. Komunikacija yra …”*marga intelektualių ir kultūrinių srovių sampyna, mūsų laikmečio konfrontacijų su savimi pačiu kodas. Suprasti komunikaciją reiškia suprasti daug daugiau*“(John Durham Peters, 2004).

Komunikacijos pagrindinės funkcijos grupėse: kontrolė, emocinė raiška, motyvavimas ir informavimas. Perduodama informacija verbaliniu (kalbiniu) ir neverbaliniu (kūno kalba, mimika, gestai, pauzės, judesiai ir kt.) būdais. Daugiausia informacijos (55 procentai) perduodama neverbaliniu būdu (1 paveikslas).



1 pav. Informacijos perdavimo būdai

Reikia pripažinti, kad vyrai ir moterys skirtingai reiškiasi komunikuodami verbaliniu ir neverbaliniu būdais. Kūno kalba – tai turtas, duotas kiekvienam iš mūsų, tačiau daugelis juo naudojasi tik retkarčiais ir kaip pakliuvo. Didžiulis turtas, sukauptas vartojant ir lavinant savo kūno kalbą bei įsisklausant ir atidžiaia stebint kitą asmenį, dažnai nepakankamai įvertinamas. Išmokus suprasti kito žmopgaus kūno judesius kaip jo vidinio nusiteikimo išraišką, atsiveria plačios galimybės suprasti kitus, nes žodžius žmonės parenka, o kūnas kalba be cenzūros. Čia

moterys dažnai aktyviau klausydamos pašnekovo geriau suvokia gaunamą informaciją ir pasižymi dažnai aukštesne komunikacine kompetencija.

Mokslinėje literatūroje pateikiami keli komunikacinės kompetencijos apibūdinimai. Vienas jų akcentuoja tam tikrą asmeninės ir profesinės bendravimo su kitais patirties formavimosi lygį, kurio reikia individui, kad jis galėtų sėkmingai veikti pagal savo gebėjimus ir socialinę padėtį. Kitas apibūdinimas akcentuoja asmens gebėjimą pasirinkti komunikacijos kodą, užtikrinantį adekvatų suvokimą ir kryptingą informacijos perdavimą konkrečioje situacijoje. Taigi komunikacinė kompetencija suponuoja sociokultūrinių normų ir kalbinės komunikacijos stereotipų išmanymą. Būtent tai labai svarbu siekiant sėkmingos komunikacijos.Tokių normų savininkas žino ne tik skirtingų lygių vienetų reikšmę ir šių elementų derinių tipų reikšmę, bet ir tekstinių socialinių parametrų reikšmę; pavyzdžiui, išmano kalbos dialogizavimo būdus (moka naudotis įvairiomis formomis kreipimusi, geba nuoširdžiai išreikšti savo vertinimą tam ar kitam faktui ar įvykiui, kuris dažniausiai sukelia atsaką, abipusę empatiją), geba numatyti emocingas pašnekovų reakcijas.

Kaip jau minėta, geri komunikaciniai įgūdžiai vis labiau tampa geidžiamomis darbuotojų savybėmis. Komunikabilus darbuotojas lengviau užmezga ryšį su įvairiais klientais, tiksliau geba įvertinti jų poreikius bei lūkesčius, lengviau įsilieja į komandą, sėkmingiau dirba, vadovauja, organizuoja ir efektyviai reiškiasi, siekiant organizacijos tikslų. Komunikacijos ekspertų teigimu komunikaciniai įgūdžiai prilygsta technologinių įgūdžių poreikiui.

Komunikacijoje moterys geba efektyviau reikštis, nei vyrai, kurie skiria nepakankamai dėmesio tarpasmeniniams santykiams. Vyrai turi turėti tikslą, ir jeigu jie nemato konkretumo, jiems nėra įdomus ir komunikacinis procesas. Komunikacija tai bendravimo mainai, vykstantys tarp bendradarbių, vadovų, komandos narių ir darbo grupių organizacijoje, kurių metu siekiama priimti sprendimus siekiant bendrų tikslų organizacijoje (Manoli, Hodgkinson, 2021). Moterų pastangos būti lankstesnėmis ir prisitaikančiomis dažnai yra produktyvios komunikacijoje, siekiant konkrečių tikslų. Tuo tarpu vyrai skiria nepakankamai dėmesio komunikacijai darbo aplinkoje. Nors fiziologiniu požiūriu moterys turi labiau išvystytą girdimąją atmintį, o vyrai – regimąją, tačiau moterys geba geriau reikštis komunikaciniame procese, nes geba aktyviau klausyti pašnekovo mintijimą.

Vyrai ir moterys kintančioje darbo aplinkoje.

Šiandien moterys darbo aplinkoje dažniausiai yra lygiavertės partnerės su kolegomis vyrais. Kartais moterys sugeba geriau spręsti naujas problemas dėl savo gebėjimo geriau pažinti save ir kitus bei komunikacinio lankstumo. O tai itin svarbu palaikant gerus tarpasmeninius santykius darbinėje aplinkoje. Labai dažnu atveju, kai nauji darbuotojai patenka į darbo vietas, kuriose kelios lytys, jie įtraukiami į esamus elgesio modelius, kuriems sunku atsispirti. Organizacijose įprastas kūnas yra vyriškas, dėvintis įprastą kostiumą ar džemperį. Moterų apranga dažnai išsiskiria spalvingumu todėl atrodo kaip įsibrovėliai biuro erdvėje.. Moteriškas įsikūnijimas grasina sutrikdyti racionalumą ir beasmenę ekonomikos sferos tvarką. Dažnu atveju moterys turi kasdien apsispręsti, ką apsirengti, o tai visiškai skiriasi nuo vyrų vienodumo. Tikimasi, kad moterys, norėdamos pademonstruoti savo lytį, dėvės sijonus, tačiau sijonai neturi būti per trumpi arba apranga per daug provokuojanti, nes bus sumenkintas jų, kaip rimtų darbuotojų, patikimumas. Vis tik egzistuoja tam tikri skirtumai tarp vyrų ir moterų darbe.

Vyrai ir moterys skirtingu lygiu atsiskleidžia darbo aplinkoje. Vyrams geriau atsiskleisti sekasi konkurencingoje aplinkoje, o tuo tarpu moterims imponuoja palaikanti ir draugiška darbo aplinka, kur jos gali demonstruoti savo gebėjimus.

Darbo rinka dažnai dar skirsto darbuotojus pagal lytį. Dauguma darbų yra savotiškai pasidalyta tarp vienos ar kitos lyties atstovų. Pastebėta tendencija, kad kuo daugiau moterų dirba kurioje nors profesinėje srityje, tuo mažesnius atlyginimus gauna šios srities darbuotojai. Šeima dažnai trukdo moteriai siekti karjeros, nes ji ne visada gali pasilikti dirbti viršvalandžius ar važinėti į komandiruotes. Tačiau kartais darbdaviai jau iš anksto yra įsitikinę, kad namai ir šeima trukdys moteriai dirbti atsakingą darbą.

Moterys, vyrai ir lyderystė. Moterys ir vyrai organizacijose dažnai eina vienodas pareigas, tačiau elgesys darbe nėra visiškai vienodas. Nepaprastai žymius moterų elgesio pasikeitimus be abejo lemia naujas moters vaidmuo šiuolaikinėje visuomenėje. Moterų lyderystės savybės skiriančios jas nuo vyrų lyderystės savybių yra aptariamos daugelio autorių (Wrede,1996; Šimanskienė, 2006; Cole 2010; Northousen, 2016 ir kt.) darbuose. Moterys – skiria daug dėmesio tam kas vyksta organizacijoje ir už jos ribų; jos sugeba išklausyti ir išgirsti kitus, moka eiti į kompromisus; pasiryžusios nenuslėpti jokios dalykinės informacijos; norinčios dalytis su kitais darbo sėkme (Wrede, 1996; Cole, 2010; Gurian, Annis, 2008). Manoma, kad moterims būdingesnis kompleksinis mąstymas, o vyrams - vienpusis. Pažymima ir tai, kad moterys geriau sugeba dirbti komandoje.

Diskusijos, koks yra geras vadovas, aktualios ilgą laiką. Sunku apibūdinti koks yra geras vadovas, nes rinkos nuolat keičiasi, reikalaudamos naujų lyderystės kompetencijų, patirčių ir netgi asmeninių savybių. Dar dažnai užduodamas klausimas, kas geresnis vadovas – vyras ar moteris? Nuomonės čia išsiskiria kardinaliai, o teisingo atsakymo greičiausiai rasti neįmanoma. Vis dėlto kartais lytis, kalbant apie užimamą pareigybę, turi šiek tiek įtakos.

McGregor Burns išskyrė du lyderystės tipus; transakcinė ir transformacinė (Cole, 2010; Northouse, 2016). Transakcinės lyderystės atveju akcentas dedamas į vadovo ir pavaldinio mainus, o transformacinės lyderystės atveju svarbi lyderio charizma, gebėjimas įkvėpti kitus, skirti kiekvienam pakankamą dėmesį bei intelektualiai skatinti siekti kartu sukurtos vizijos tikslų Jeigu vyrų paklaustume apie jų lyderystės rezultatyvumą ir gebėjimą daryti įtaką tiems, su kuriais jie dirba, didžiausia tikimybė, kad jie save apibūdintų terminais, kurie vartojami kalbant apie transakcinę lyderystę, kuri geriau tinka stabilioje aplinkoje. Transakcinės lyderystės atveju, vadovas siekia mainų su savo sekėjais, jie gali kažką duoti - paaukštinimą, didesnį darbo užmokestį ir pan. (Kobeyi, 2018). Šis lyderystės stilius remiasi planavimu, organizavimu, vykdymu ir kontrole (Uslu, 2019).

Moterys atvirkščiai, apibūdina save terminais, kurie vartojami kalbant apie transformacinę lyderystę, kuri produktyvi nestabilioje, neapibrėžtoje aplinkoje. Šis lyderystės stilius pasižymi gebėjimais priversti pavaldinius taip keisti savo egocentriškus interesus grupėje, kad būtų susieti asmeniniai ir organizaciniai tikslai. Jos suinteresuotos siekti susitarimo, skatinti darbuotojus dalyvauti priimant sprendimus, sudaryti palankią atmosferą ir ugdyti pavaldinių asmeninės vertės jausmą. Didelė tikimybė, kad moterų lyderystė plėtra bus nukreipta į tokias asmenines savybes, kaip charizma ir asmeninių tarpusavio santykių puoselėjimas, o ne į pareigybių įgaliojimus. Tačiau būtų klaidinga transformacinę lyderystę tiesiogiai sieti su moterų lytimi. Dauguma moterų puikiai įvaldė tradicinį (transakcinį) lyderystės stilių ir teikia jam pirmenybę, o dauguma vyrų sėkmingai naudoja transformacinės lyderystės stilių. Net jei lyderės taiko transformacinį stilių, jos turi mokėti pritaikyti vadovavime ir kitus lyderystės stilius. Lyderiai, vyrai ar moterys, turi įtikinti savo pasekėjus turima vizija, juos tinkamai ir intelektualiai motyvuoti bei būti lankstūs (Šimanskienė, 2010; Northouse, 2016).

Lyginant vyrą-vadovą ir moterį-vadovę, žymių skirtumų beveik nerandama, išskyrus psichologines vyro ir moters asmenybių struktūras. Vyrai gerbia kokybę, rūpinasi

profesionalios veiklos efektyvumu ir prižiūri įmonės kolektyvo bendradarbiavimą. Moterys-vadovės daugiau gerbia moralę ir interaktyvios visuomenės kokybę.

Lyderio bruožai turi bendrą prigimtį ir dažnai nepriklauso nuo lyties. Egzistuoja devyni lyderio bruožai, kurių pagalba galima pasiekti sėkmingų rezultatų. Penkis iš jų turi ir moterys ir vyrai. Šie sutampantys vyrų ir moterų bruožai yra: *gebėjimas veikti stresinėje; noras keistis; naujovių siekimas; efektyvus kitų žmonių sugebėjimų naudojimas; savo pozicijos ginimas.* Tai reiškia, kad ir vyrai ir moterys turi beveik vienodus psichologinius gebėjimus lyderystei darbe. Vyrų lyderių stiprybės – gebėjimas greitai priimti sprendimus, atsakomybės prisiėmimas, sumanus problemų sprendimas, apsukrumas, kai tuo tarpu moterų stiprybės darbe – geresnė intuicija, lankstus stilius, gebėjimas gerai dirbti komandose, siekis kurti patrauklų klimatą aplinkoje, gebėjimas komunikuoti ir kt. (Rakauskienė ir kt.,2007).

Etiniai skirtumai tarp žmonių gali būti sąlygojami amžiumi, darbo patirtimi, supančia kultūra ir lytimi. Tyrimai parodė, kad moterys turį aukštesnį etinį nusistatymą, bei griežčiau vertina tas pačias situacijas iš etinės pusės nei vyrai. Tačiau tie skirtumai nėra tokie dideli, kad būtų įmanoma iš anksto nusakyti vyrų ar moterų elgesio modelį tam tikrose situacijose. Moterys vadovės labiau linkusios keistis, veiksmingai dirba, malonesnės su pavaldiniais..

Moterys labiau linkusios dirbti komandoje negu vyrai, kas naudinga keliais požiūriais: svarbiausia - vertinamas žmonių darbas, kas lemia žmonių pasitenkinimą ir dažniausiai sėkmingą užduoties atlikimą. Lyginant vadovaujančius vyrus ir moteris, moterys yra įžvalgesnės, turi nuojautą versle kas labai vertinama kiekvienoje organizacijoje (Northouse, 2016).

Moterys neturėtų kopijuoti tokių tradiciškai vyriškų elgesio savybių, kaip nepriklausomumas, noras lenktyniauti, pavaldinių kontrolė, vietoj to išnaudoti moterų elgesio privalumus: gebėjimą užjausti, intuiciją, siekį dirbti komandoje (Andersen, 2006). Organizacijoms reikia daugiau išnaudoti moterų, kaip darbuotojų, darbo kapitalą, nes moterų išsimokslinimas, darbo patirtis, mokymasis organizacijoje atitinka, o kartais ir viršija vyrų lygį, taigi turi būti sudarytos tos pačios galimybės tobulėti ir siekti karjeros tiek vyrams, tiek ir moterims..

XXI a. vis daugiau dėmesio skiriama pačių technologijų valdymui, tobulinimui ir naudojimui. Tačiau ištes pagrindiniai naujųjų laikų elementai yra protinis darbas ir protinio darbo darbuotojai. Šiuo aspektu tiek vyrai tiek moterys geba tai įvaldyti ir siekti karjeros darbe. Wrede-Grischkat teigimu, dar neseniai nepatyrusioms moterims buvo nurodinėjama, kokių savo trūkumų jos turi atsisakyti, kad priartėtų prie vyriško idealo. Kad būtų pripažintos moterys turėjo stengtis būti vyriškesnės už vyrus. O šiandien vadybininkai turi stengtis turėti naujų "moteriškų" savybių (Wrede-Grischkat, 1996). Iš moterų, užimančių vadovaujančius postus, šiandien labiau negu iš vyrų reikalaujama prisitaikyti prie darbo etiketo normų, nes elgesio darbe taisyklės atitinka vyrišką charakterį. Dažnai iš moterų laukiama, kad jos atrodytų ir elgtųsi moteriškai, bet kartu ir vykdytų darbo reikalavimus, kuriuos vis dar diktuoja vyrai.

Vyrai mėgsta darbus, kuriems atlikti reikia šalto proto, logikos, ryžtingų veiksmų; moterims daugiau rūpi geras psichologinis klimatas aplinkoje. Moterų kalbinė raiška pasižymi aptakiomis frazėmis. Reikia pažymėti, kad dar vis moterys dažniau jaučia nepasitikėjimą savo kompetencija, nei vyrai.

Vyraujantis stereotipas jog moterys yra labiau šeimyniškos, namų židinio saugotojos, o ne siekiančios karjeros šiuo metu vis labiau yra paneigiamas. Darbdaviai, kurie laikosi šio stereotipo, turbūt nustemba sužinoję, kad vadybininkės moterys darbą meta ar keičia žymiai rečiau negu vadybininkai vyrai. Įsitikinimas, kad moterys labiau negu vyrai yra linkusios mesti vadovo darbą dėl šeimos ar kitų priežasčių, yra pasenęs. Tyrimo, kuriame dalyvavo 26 359 vadybininkai (11 076 moterys ir 15 283 vyrai), visą darbo dieną dirbantys didelėse daugiatautėse finansines paslaugas teikiančiose JAV kompanijose, metu paaiškėjo, kad moterų

vadybininkių savanoriškos darbo kaitos tempai buvo labai panašūs ar net šiek tiek mažesni negu vyrų, o neseniai paaukštintos moterys yra mažiau linkusios atsistatydinti iš pareigų negu neseniai paaukštinti vyrai (Salfi, Amicucci, Viselli, Gorgoni, Scarpelli, & Ferrara, 2022). Taigi darbdaviai, norintys išlaikyti talentingas moteris organizacijoje, turėtų nepamiršti jų retkarčiais paaukštinti. Beje, paaukštinimas veiksmingas tik tuo atveju, jei įvyksta per paskutiniuosius 11 mėnesių, nes efektas "Ką pastaruoju metu nuveikei?" suteikia vadybininkui/ei vilčių, kad jis/ji ir toliau bus aukštinami.

Lietuvos darbo biržos Statistinės informacijos skyriaus duomenimis, nors šalyje moterų išsilavinimo lygis yra daug aukštesnis nei vyrų, daug daugiau moterų sutinka užimti žemesnes pareigas ar imtis "prastesnio" darbo. 80% silpnosios lyties atstovių dirba mažiau kvalifikuotą darbą, o valdžios ir valdymo struktūroje dirbančių moterų tėra 3-6%. Moterų vidutinis atlyginimas 2022 m. buvo apie 13% mažesnis nei vyrų.

Dažnai girdime kalbant apie vyrų ir moterų skirtumus. Ar iš tikrųjų lytys skiriasi labiau, negu kiekvienas pastebime? Ar yra universalių psichologinių skirtumų? Kaip lyčių skirtumai įtakoja jauseną ir komunikavimą nuolat kintančioje darbo aplinkoje?

Nuolat kintančioje, neapibrėžtoje aplinkoje akcentuojama, kad *vyrai ir moterys savaip yra skirtingi ir tuo yra vertingi darbe.* Tyrimai, kurie atliekami taikant šiuolaikinius tyrimo metodus, pažymi įdomesnius, subtilesnius ir dažnai kitokius asmenybinius išskirtinumus. Pagal tai – vyrams sunkiau reikšti emocijas, jiems sunkiau įvardinti jausmus ir emocijas, pasižymi neįvairia kalbine raiška, jiems trūksta empatijos, pasižymi didesne agresija. Pagal agresijos raišką, išskiriama jos reiškimo forma: vyrams – fizinė, o moterims – kalbinė.

Tiriant vidurinės mokyklos 1- 9 klasių berniukus ir mergaites, pasirodė, kad matematikos užduotis jie atlieka vienodai arba kai kuriais atvejais mergaitėms sekasi geriau. Tačiau aukštųjų mokyklų studentai vaikinai pasirodė geriau sprendžiantys matematikos užduotis. nes *matematinių gabumų skirtumai staiga pasireiškia lytinės brandos laikotarp*iu. Reikėtų pažymėti, kad įvairiais metais atliktų tyrimų palyginamoji analizė patvirtino faktą, kad prieš kelis dešimtmečius vyrų matematiniai gabumai buvo didesni.

Tokius skirtumus mokslininkai vertina įvairiai. Pirmiausia - moterys netiki savo matematiniais gabumais ir nesitiki sėkmės šioje srityje, o pasitikėjimas savimi turi didelės įtakos elgsenai. Moterys rečiau lanko matematikos paskaitas, nes bijo nukrypti nuo socialinių lyčių normų ir nepasitiki savimi. Tėvai ir mokytojai retai skatina mergaites mokytis matematikos ir nepataria gilinti šios srities žinių, be to jos rečiau patenka į situacijas, kurios šiuos sugebėjimus vienaip ar kitaip lavintų.

Vyrai, moterys ir nuotolinis darbas. Pasikeitus darbo aplinkybėms darbdaviams taip pat reikia prisitaikyti prie pasikeitusių darbuotojų poreikių, nes nuotolinis darbas sukuria naujus iššūkius, kurių daromą įtaką yra nagrinėjama įvairiuose literatūros šaltiniuose. Darbuotojų komunikacija ir motyvacija, anot literatūros šaltinių, dirbant nuotolinėje darbo vietoje, kuri yra nepastovi, neapibrėžta ir neįprasta, išlieka viena iš svarbiausių organizacijos iššūkių (Davis, Mo, 2021). Svarbu paminėti, kad nuotolinis darbas daro reikšmingą įtaką ne tik darbuotojų komunikacijai, tačiau ir daro reikšmingą įtaką jų emocinei sveikatai. Literatūros šaltiniuose analizuojama tiek teigiama tiek neigiama nuotolinio darbo įtaką žmonių psichologinei būsenai. Tai patvirtina įvairūs atlikti tyrimai. Pavyzdžiui, JAV Amerikos Psichologų asociacijos (APA) 2021m. atliktos internetinės apklausos duomenimis, kurioje dalyvavo 1000 nuotoliu dirbančių darbuotojų, dauguma respondentų teigė patyrę neigiamą poveikį jų psichologinei sveikatai, įskaitant izoliaciją, vienatvę ir sunkumus atsitraukti nuo darbo dienos pabaigoje. (Robinson, 2021; Gupta, Grover, Basu, Krishnan, Tripathi, Subramanyam, & Avasthi, 2020).

Covid – 19 pandemija tapo puikiu laikotarpiu tirti socialinės izoliacijos poveikį žmonėms. Vienas tokių tyrimų atliktas Italijoje. Tyrime dalyvavo 1006 dalyviai. Šio tyrimo metu buvo

stebėta žmonių emocinė sveikata izoliacijos laikotarpiu. Dalyviai buvo padalinti į dvi grupes: pirma grupė - asmenys gyvenantys didelio sergamumo zonose, kuriose karantino reikalavimai buvo griežtesni, antroji grupė - asmenys, kuriems buvo taikomi švelnesni karantino ribojimai. Tyrimas parodė, jog žmonių judėjimo varžymas ir priverstinė socialinė izoliacija turi neigiamą poveikį emocinei sveikatai ir psichologinei būklei. Taip pat nustatyta koreliacija tarp izoliacijos trukmės ir neigiamų padarinių emocinei sveikatai intensyvumo (Pancani, Marinucci, Aureli & Riva, 2021). Dar vienas panašaus pobūdžio tyrimas, atliktas 2020 metų pavasarį, kurio metu analizuoti 988 respondentų atsakymai, taip pat pažymėjo žmonių fizinės ir psichologinės sveikatos pokyčius prasidėjus pandemijai ir perėjus prie darbo organizavimo iš namų (Xiao, Becerik-Gerber, Lucas, & Roll, 2021). Šio tyrimo rezultatų analizė parodė, jog prasidėjus pandemijai ir masiškai perėjus prie nuotolinio darbo, respondentų tiek vyrų, tiek moterų fizinis aktyvumas gerokai sumažėjo.

Darbas iš namų ne tik atima galimybę bendrauti su aplinkiniais ir jausti artumo jausmą, tokia darbo forma neretu atveju ima keisti balansą tarp darbo laiko ir darbuotojo asmeninio laiko (Oakman, Kinsman, Stuckey, Graham, & Weale, 2020). Dažniausios to priežastys yra su vadovais nesutariamos aiškios darbo valandos, darbuotojų jaučiama įtampa pasirodyti kuo geriau dirbant nuotoliu, bei darbuotojų pasižyminčių didele motyvacija nesugebėjimas atsitraukti nuo darbų ir skirti laisvo laiko sau. Tai ilgainiui gali privesti iki perdegimo ir kitų psichologinių problem (Putri & Amran, 2021).

Atliktas pilotinis kiekybinis tyrimas apie darbuotojų komunikavimo dažnį su vadovais ir kolegomis nuotolinio darbo atveju Lietuvoje 2022 metais. Tyrime dalyvavo 78 respondentai: 30 vyrų ir 48 moterys. Tyrimu siekta išsiaiškinti moterų komunikavimo poreikio patenkinimo lygį nuotolinio darbo atveju ir darbuotojų vyrų nuomonę apie jų darbo produktyvumą dirbant skirtingose darbo aplinkose. Daugiau kaip trečdalis moterų pažymėjo, kad komunikavimo poreikio lygis buvo nepakankamas, tačiau panašus moterų skaičius pažymėjo, kad su joms pakako komunikavimo su kolegomis kitomis priemonėmis norimu laiku (1 lentelė).

Pagal atlikto pilotinio tyrimo rezultatus, darbuotojai su kolegomis dirbant nuotoliniu būdu komunikavo dažniau nei su tiesioginiu vadovu. Daugiau nei pusė respondentų - 52,6%, komunikavo daugiau nei 2 kartus per dieną, o 42,1% respondenčių su kolegomis komunikavo bent kartą per dieną.

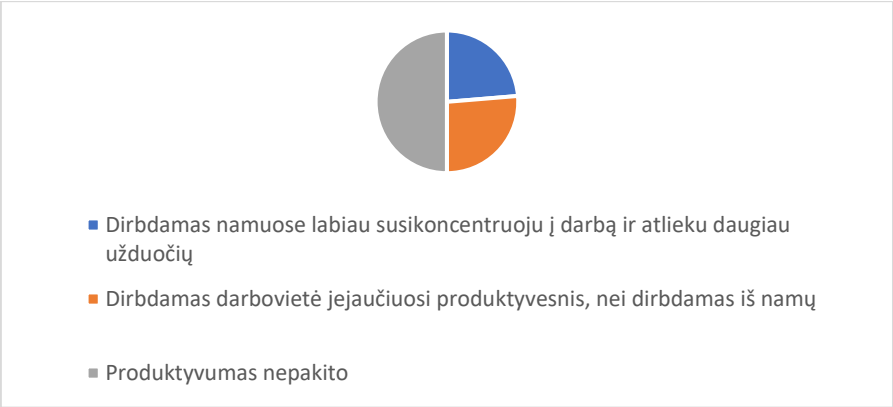
Moterims kylantys iššūkiai dirbant nuotoliu buvo įvertinti pasitelkiant Likerto skalę. Respondenčių nuomonės pasiskirstymas ir atsakymų išsidėstymas pateikiamas 1 lentelėje. Dauguma moterų (apie 42 procentus) nesutinka su teiginiais, jog dirbant nuotoliu nėra darbo ir asmeninio gyvenimo zonų atskyrimo (1 lentelė).

1 lentelė. Moterų nuomonė apie kylančius iššūkius nuotolinio darbo atveju
Sudaryta darbo autorės pagal pilotinio tyrimo rezultatus

	Visiškai nesutinku	Nesutinku	Neturiu nuomonės	Sutinku	Visiškai sutinku
Nepatenkinti komunikavimo su kolegomis poreikiai	18.4 %	28.9%	2.6%	34.3%	15.8%
Nėra darbo ir asmeninio gyvenimo zonų atskyrimo	5.6%	41.7%	5.6%	33.3%	13.9%

Respondentų vyrų nuomonė apie tai ar produktyvumas priklauso nuo darbo vietos, pasiskirstė įvairiai: 24 proc. respondentų vyrų nuomone - dirbdami nuotoliu labiau vyrai susikoncentruoja į darbą ir atlieka daugiau užduočių, o beveik panašus skaičius (26%)

respondentų vyrų pateikė atvirkštinę nuomonę – dirbdami organizacijoje (biure) jie jaučiasi produktyvesni nei dirbdami nuotoliu. Tyrimas parodė, kad didžiosios dalies, apie 50 proc. respondentų teigimu - produktyvumas nepakinta, pasikeitus darbo vietai (nuotolinis darbas ar biure) (2 paveikslas).



2 pav. Respondentų vyrų nuomonės apie darbo produktyvumą dirbant skirtingose darbo vietose

Tyrimas parodė, kad tiek vyrai tiek moterys yra labai skirtingi pagal komunikavimo poreikį darbe. Dauguma vyrų (apie 50 procentų) darbo vieta ne itin svarbi jų darbo atlikimo produktyvumui Tuo tarpu moterų nuomone jos produktyvesnės dirbdamos biure, nes namuose turi įtakos kiti namų darbai ir dažnai būtinumas nustatyti prioritetą sukelia bereikalingą stresą.

Daugumoje organizacijų šiuolaikinė darbo vieta tampa vis labiau napibrėžta ir nepastovi. Atsiranda ir komunikaciniai iššūkiai, tokie kaip komunikacija per tinklus ir kitokius kanalus, vis retesnis tampa "gyvas" komunikavimas su kolegomis; nyksta riba tarp darbo ir laisvalaikio, o tai turi tam tikrą poveikį emocinei vyrų ir moterų sveikatai. Neretai darbuotojai- tiek vyrai, tiek moterys, patiriantys iš karto kelis stresorius, skundžiasi simptomais kurie gali indikuoti depresiją ar nerimo sutrikimus.

Šiandien organizacijos arba darbdaviai turi būti suinteresuoti suteikti darbuotojams pagalbą, tam, jog šie gautų greitą ir tikslingą informaciją kaip spręsti iškylančius tiek darbinius, tiek psichologinius sunkumus, kylančius kiek nuotolinio darbo tiek ir darbo biure atvejais, bandant prisitaikyti prie naujos realybės. Taip pat darbdaviai turėtų dažniau apklausti darbuotojus apie jautrias komunikacines jų problemas ir iššūkius.

Išvados

Kultūrinis kontekstas ir per ilgą laikotarpį nusistovėjusios visuomenės normos leidžia paaiškinti daugelį vyrų ir moterų skirtumų. Kita vertus, šiuolaikiniai psichologai neįžvelgia radikalių skirtumų tarp vyrų ir moterų darbo aplinkoje.

Atliekami tyrimai apie vyrų ir moterų ypatumus dažniausiai vykdomi pagal keturis pagrindinius psichologinius reiškinius: gebėjimas orientuotis erdvėje, matematiniai gabumai, kalbos įgūdžiai, agresyvumas. Tyrimais nustatyti skirtumai realiai egzistuoja, tačiau jie yra minimalūs (iki 10 proc.) ir būdingi tik tam tikrose situacijose.

Asmeninių ypatumų lauke nustatyta, kad moterys aktyviau naudoja klausos organus, nes turi geriau išsivysčiusią girdimąją atmintį, o tuo tarpu vyrai - regimąją. Vyrams yra kur kas

aiškesnis objektyvus pasaulis, o moterims – subjektyvusis. Darbo aplinkoje vyrai dažniausiai siekia karjeros, prestižo, moterys – palaikančio psichologinio klimato aplinkoje.

Vyrai save apibūdintų terminais, kurie vartojami kalbant apie transakcinę lyderystę, kuri geriau tinka stabilioje aplinkoje. Tuo tarpu moterys apibūdina save terminais, kurie vartojami kalbant apie transformacinę lyderystę, kuri produktyvi nestabilioje, neapibrėžtoje aplinkoje.

Lyginant vyrą-vadovą ir moterį-vadovę, žymių skirtumų beveik nerandama, išskyrus psichologines vyro ir moters asmenybių struktūras. Vyrai gerbia kokybę, rūpinasi profesionalios veiklos efektyvumu ir prižiūri įmonės kolektyvo bendradarbiavimą. Moterys-vadovės daugiau gerbia moralę ir interaktyvios visuomenės kokybę. Moterys labiau linkusios dirbti komandoje negu vyrai, moterys yra įžvalgesnės, turi stipresnę nuojautą versle.

Dauguma socialinių psichologų teigia, kad tradiciniai lyčių skirtumai trukdo formuotis asmenybei ir palaiko socialinę nelygybę. Vyrams daugiau patinka dirbti konkurencingoje aplinkoje, o tuo tarpu moterų gebėjimai labiau atsiskleidžia palaikančio, draugiško psichologinio klimato aplinkoje.

Atliktas pilotinis tyrimas parodė, kad menki komunikaciniai ryšiai su vadovais ir kolegomis nuotolinio darbo atveju dažnai sekina tiek vyrų, tiek moterų emocinę sveikatą Vyrų teigimu – darbo produktyvumas ne itin priklauso nuo darbinės aplinkos (biure ar nuotoliu).

Šiuolaikinėse organizacijose derinami įvairūs veiklos atlikimo būdai, todėl darbdaviams iškyla nauji iššūkiai, kaip geriau organizuoti darbą skirtingose aplinkose, įvertinant lyčių, amžiaus, darbinius, komunikacinius ir psichologinius aspektus. Organizacijoms tikslingai organizuoti mokymus darbuotojams apie skirtingų darbo aplinkų įtaką jų emocinei sveikatai ir psichologinei būsenai. Taip pat tikslinga organizuoti mokymus apie tvarų bendradarbiavimą su skirtingais, „kitokiais“ žmonėmis, kad visi jaustųsi oriai, pasitikinčiai bei siektų kartu bendrų tikslų.

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MEN AND WOMEN IN CHANGING WORK ENVIRONMENT: SOCIAL ROLES, FEATURES, STEREOTYPES, COMMUNICATION, LEADERSHIP

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Summary

The article analyses gender-specific communication, social roles, personal peculiarities, stereotypes in changing work environment. Communication skills are becoming an important competence for every working person in the organisations of the 21st century. Communication allows us to fulfill our social demands, expand emotional relations. Communication is crucial in work environment. The colleagues can often strengthen or weaken one's self-confidence abilities etc. in work environment. That is why communicational, personal peculiarities and other differences of men and women are relevant in all aspects of life. We are living at the time when differences between men and women are slowly fading away, when there are no more boundaries (real and imaginary) and exceptionality loses its former purpose, but becomes an added value due its uniqueness. Traditional roles of men and women are now experiencing a crisis. Meanwhile, new modern roles of men and women are emerging. Employees of different ages and genders working together constantly participate in communicational process. This is how every group of employees present their abilities to communicate, to demonstrate their tolerance and empathy with colleagues and supervisors.

Different aspects of similiarities and differences between men and women, their communication and other competences in changing work environment are presented in scientific literature. This text analyses professional and personal gender-specific features of employees. While men and women are very different, they are equally valuable in organisations. Employee's responsibility for his/her communication skills, productivity, and work satisfaction are more related to personal characteristics, like character or temperament, as well as gender. In the context of pandemic, many employees took an opportunity to work remotely. This mode of work is accepted and tolerated differently by men and women. The differences between men and women are not as great as long standing stereotypes claim. Different norms of behaviour are applied to men and women, different social roles are assigned, and that leads to an inequality in formation of abilities and skills in work environment. Also, it is observed that the differences between men and women are eventually diminishing, which demonstrates that not only biological factors have impact, but also the social and work environments.

The aim of the article is to analyse men‘s and women’s various similiarities and differences, and skills of employees in different and constantly changing work environments, both in the office and working remotely. The text presents the results of the pilot study of quantitative research about the demands of communication of women working remotely, and levels of efficiency in men in different work environments.

Keywords: Men and women; personal characteristics; work environment; communication; remote work.

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GENDER EQUALITY AND ITS IMPACT ON FINANCIAL AND ECONOMIC SECURITY

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Annotation. *Gender equality, as equality of rights between men and women, equality of their opportunities and status, is not only a matter of social justice, but also of sustainable development of the economy and financial stability of the country.The article reviews the literature including the definition of gender equality and its evolution over time, as well as an analysis of different approaches to understanding financial and economic security. Special attention is paid to the role of gender equality in financial inclusion and economic activity of women. The impact of gender equality on social capital and sustainable development of countries is analyzed. The purpose of this article is to provide an understanding of the relationship between gender equality and financial and economic security, and to highlight the importance of gender aspects in achieving sustainable and consistent development of the country. The gender wage gap and the low participation of women in employment and economic processes in general limit the potential of the economy. Continuous persistence of such inequalities results in loss of resources and opportunities for economic growth. The untapped potential and knowledge of women become an obstacle to increasing productivity and innovation. A special emphasis on gender equality in the financial and economic sector contributes to increasing women's access to financial services, their economic independence and reducing the risks of financial insecurity. This contributes to increasing the stability of the economy and financial security. Gender equality also has a positive impact on entrepreneurship and innovation, which contributes to the development of new markets and job creation. Thus, gender equality is not only a matter of justice, but also a key factor for achieving sustainable economic development and ensuring the country's financial stability. Understanding the relationship between gender equality and financial and economic security is an important step in ensuring the prosperity and long-term sustainability of society.*

Keywords: *financial and economic security, economic security, gender equality, economic growth, economy.*

Introduction

Crimes Gender equality and its impact on financial and economic security is a hot topic that attracts the attention of researchers, economists, politicians and the public. Gender equality is defined as equality of rights, opportunities and status between men and women in all spheres of social life. This is not only a matter of social justice, but also a key factor for achieving sustainable economic development and financial stability of the country.

Considering the significant challenges that today's economies experience, including global financial crises, climate change, economic and technological transformations,

understanding the impact of gender equality on financial and economic security becomes critically important. There are studies that confirm that gender equality can have a positive impact on economic activity, financial inclusion, banking system resilience and financial and economic security risks.

In this research, we offer a systematic analysis of the role of gender equality in the context of financial and economic security. From examining the status of women on the labor market and their impact on economic development to analyzing the positive effects of financial inclusion and women's participation in entrepreneurship, we will try to reveal the complexity of the relationship between gender equality and financial and economic sustainability. The research will also focus on the gender aspects of sustainable development, balanced growth and risks arising in the context of financial and economic security.

Analysis of recent research and publications. The challenges of economic security is the subject of research by many Ukrainian scientists. V. Harkava, O. Yelizarov and O. Radchenko, B. Ilychok and Y. Malynovskyi, T. Petreman and K. Dubych, O. Skoruk, O. Tykha, and others, emphasized in their research on the consideration of ensuring economic security on state and regional levels. In general, it is possible to note a sufficient focus of interest in the issue of economic security in scientific community. This especially applies to studies of the genesis of the essence of economic security and its components, as well as the features of ensuring the economic security of an enterprise. Particularities of ensuring economic security in the financial sector of the economy is a relatively under-researched problem field. Among the latest studies and publications in this direction, we may note papers of such researchers as N. Kondratska and M. Liubovska, H. Saprun, A. Lazareva, who are focused on the study of the economic security of the banking sector of the economy in general and banking institutions in particular. The problem of identifying the specific features of ensuring the economic security of financial institutions is a rather poorly studied one, and therefore requires more thorough research, especially considering the social and transformational day-to-day realities.

In the context of the study of the problem of lack of gender equality, the analytical interest of numerous European and other foreign scientists who study this problem from different positions is manifested. Due attention is paid to the amplitude of gender differences in different countries, starting from basic legal inequalities and limitations in women's opportunities compared to men, as described in S. Jayachandran's paper, and ending with the difficulties of women's full participation in leadership both in the private sphere and public sectors of M. Bertrand. Particular attention is paid to both real and imagined aspects of gender norms, which act as significant barriers to achieving gender parity, as described in the papers of R. Fernandez, R. Fernandez and O. Fogli, E. Field, and others. which makes it particularly relevant to study the variability of these norms in the context of different societies and political practices.

Research object: the relationship between gender equality and financial and economic security in modern conditions.

The purpose of the research are to investigate the relationship between gender equality and financial and economic security, taking into account modern scientific research and practical conclusions.

To achieve the purpose**, the following tasks are defined**:

- to conduct a review of scientific literature on gender equality and identify key aspects of its impact on the economic and financial spheres;
- to investigate how gender equality affects the economic activity of women and their opportunities;
- analyze how gender equality affects the development of countries;

- highlight the importance of taking into account gender aspects in the development and implementation of strategies for economic growth and financial stability of the country.

Scope of the research is the impact of gender inequalities on the level of economic development, the stability of the financial system, the level of employment and other key aspects of financial and economic security.

Research methods: method of analysis of scientific literature, summarization, descriptive graphic analysis of data.

The use of the aforementioned theoretical methods in scientific work provides an opportunity to create new ideas as a result of thinking. The methodological basis of the research consists of general methods of analysis and summarization of scientific literature, with the help of which the concept of gender equality and identifying key aspects of its impact on the economic and financial spheres are examined. Descriptive graphic analysis of data is used to determine the impact of gender equality on women's economic activity, analyzing the impact of gender equality on the development of countries.

Approaches to defining “economic security” concept

The word “gender” was borrowed from grammar and introduced into the general sciences by Robert Stiller in 1965 in order to explain the visible differences in the personal and behavioral characteristics of men and women. Ann Oakley's common understanding of gender in the relevant literature: “sex” is a word that is associated with the biological differences between male and female. To generalize, gender is a social model of a man and a woman, with the help of which the position of both sexes in society is considered equally and no emphasis is placed on any one.

Nevertheless, the term “gender policy” has been used for a long time and is combined with a generalizing concept, it is important to note that this does not mean that it fully corresponds to objective reality. The processes of gender equality can be unstable and do not always lead to the creation of a pronounced state policy. Many problems are already being solved in other areas of state activity, such as social and labor, personnel, regional, family and demographic ones.

Policy should be seen as a practice that creates a new social order and system of relationships between people, not as a material substance that creates something physical. It is aimed at achieving socially significant goals by making decisions and taking actions.

The main purpose of gender policy is the achievement of actual gender equality, which assumes that all people have freedom of choice and the opportunity to develop their personal abilities without being limited by preconceived notions and the traditional gender system. The main principles of the gender system are the distribution of responsibilities, workload, income, access to economic and intellectual resources, as well as making political decisions. It is important to note that scholars, politicians and feminists may understand gender politics and gender roles in different ways, which requires careful study of different perspectives of this concept.

If we talk specifically about gender discrimination, then it consists in a biased attitude towards a person of one gender compared to an attitude towards a person of another gender in the same situation, and the basis for prejudice is the person’s gender. The United Nations Committee on Economic, Social and Cultural Rights notes that direct discrimination occurs when the difference in treatment is under way exceptionally due to gender and the characteristics of men and women, which cannot be objectively justified (Committee on Economic, Social and Cultural Rights, General Comment No. 16, 2005).

As for the concept of "economic security", it has come into existence relatively recently in Ukrainian scientific community. This was due to the practical need to use management principles that would ensure the ability of the business entity to adapt to changing market conditions using a situational approach.

During the terminology formation stage, the concept of "economic security" was often perceived as the protection of a business entity from various economic crimes, such as unfair competition, robbery, fraud, industrial and commercial espionage, etc.

Subsequently, the concept of economic security obtained a much broader meaning, and today the economic security of a business entity is understood as its state in which, due to countering the negative impact of external and internal threats and dangers, its stable and maximally effective functioning and high potential in the future are ensured. Security in the economic context implies sustainable development, which is achieved through the effective use of all types of resources (Vergun, Strizhko, 2015).

The analysis of scientific sources, which present various approaches to understanding the essence of "economic security" concept (Table 1), makes it possible to distinguish integral, resource and target approaches. As the matter stands at the moment, there is no unified understanding of this concept among researchers.

Table 1. Approaches to defining "economic security" concept
Source: compiled by the author

Author	Definition
Integral approach	
Vasyltsiv T. H.	"Economic security" concept is a complex one and requires a systematic approach to this measurement, and therefore the substantiation of connections and dependence on such integral economic categories as competitiveness, potential, viability, financial stability and risk resistance of the enterprise (Vasyltsiv et al., 2012).
Resource approach	
Heiets V. M.	The economic security of a business entity is a complex dynamic system that ensures stable functioning and development of the enterprise with the help of timely mobilization and the most rational use of labor, financial, technical and technological and other resources of the enterprise under the conditions of external and internal threats (Geiets et al., 2006).
Prus N. V.	Economic security of an enterprise involves its protection against economic crimes, is a state of protection from internal and external threats, and is also a state of effective use of resources or potential (Prus, 2014).
Target approach	
Mochernyi S. V.	The economic security of the enterprise is the state of protection of vital interests of the enterprise, the company from mafia-shadow formations, unfair competition, incompetent decisions, imperfect laws, as well as the ability to resist these threats and realize internal goals (Mochernyi, 2000).

Analysis of previous research on the relationship between gender equality and financial and economic security demonstrates the importance of understanding this relationship in order to achieve sustainable economic development and financial stability of society. The relationship between these notions affects the following aspects:

- Equality in access to resources. When men and women have equal opportunities and access to such resources as education, health, financial services, land rights, etc., it contributes to the effective use of human capital, increases the productivity and efficiency of the economy.

- Health and demographic situation. Supporting women in reproductive health, birth control and education has a positive impact on economic development, helps reduce mortality and improve the demographic structure of the population.

- Equal access to financial services. Equal access to financial services for men and women will improve their economic independence and increase economic development.
- Gender equality in creativity and innovation. The ability to participate in scientific activity, technological development and entrepreneurship will contribute to the creation of new ideas and the development of innovative sectors of the economy.

Enhancement of work opportunities and improving the quality of work

In 2016, the World Bank launched its Gender Strategy (2016-2023), which focuses on reducing gender gaps in four key areas: improving human resources, removing barriers to access to more and better jobs, and removing barriers to women's ownership and control of property and strengthening the voice and influence of women.

We would like to pay more attention to the issue of lifting restrictions to ensure more and better jobs. Gender gaps in the labor market and employment have remained consistently wide over the past decade, with the largest gaps in the Middle East, North Africa and South Asia (Figure 1). Female labor force participation has remained stable in most regions of the world over the past 30 years, but has declined in South Asia (Halim, O'Sullivan, and Sahay 2023).

In countries with smaller participation gaps, such as those in south-east Africa, a significant proportion of women in the labor market are in vulnerable employment with low wages and poor working conditions (Bue et al. 2022).

The gender gap in the employment-to-population ratio has persisted globally and regionally for decades. That is, the proportion of men and women who are employed in working age remains high, but there is no significant improvement (Figures 2 and 3).

This indicates that gender inequalities in employment and job opportunities remain a serious challenge for modern society. Women continue to face limited access to various sectors of the economy, and their representation in high-level positions and leadership remains insufficient.

It is important to note that gender inequalities in the workplace not only create challenges for women in career development but also limit the economic potential of society as a whole. Equal opportunities for men and women in the workplace are a necessary condition for achieving sustainable economic development and building a just society.

Addressing gender issues in the workplace requires a comprehensive approach, including the adoption of progressive legislative acts, the development of gender-sensitive policies in the field of labor, and resource provision for programs supporting women in professional growth. Such an approach will help reduce the gender gap and contribute to the creation of a more just and equal society.

Figure 2 shows the ratio of employment to the population aged 15 and over. Weighted average population of the countries of the International Bank for Reconstruction and Development and the International Development Agency.

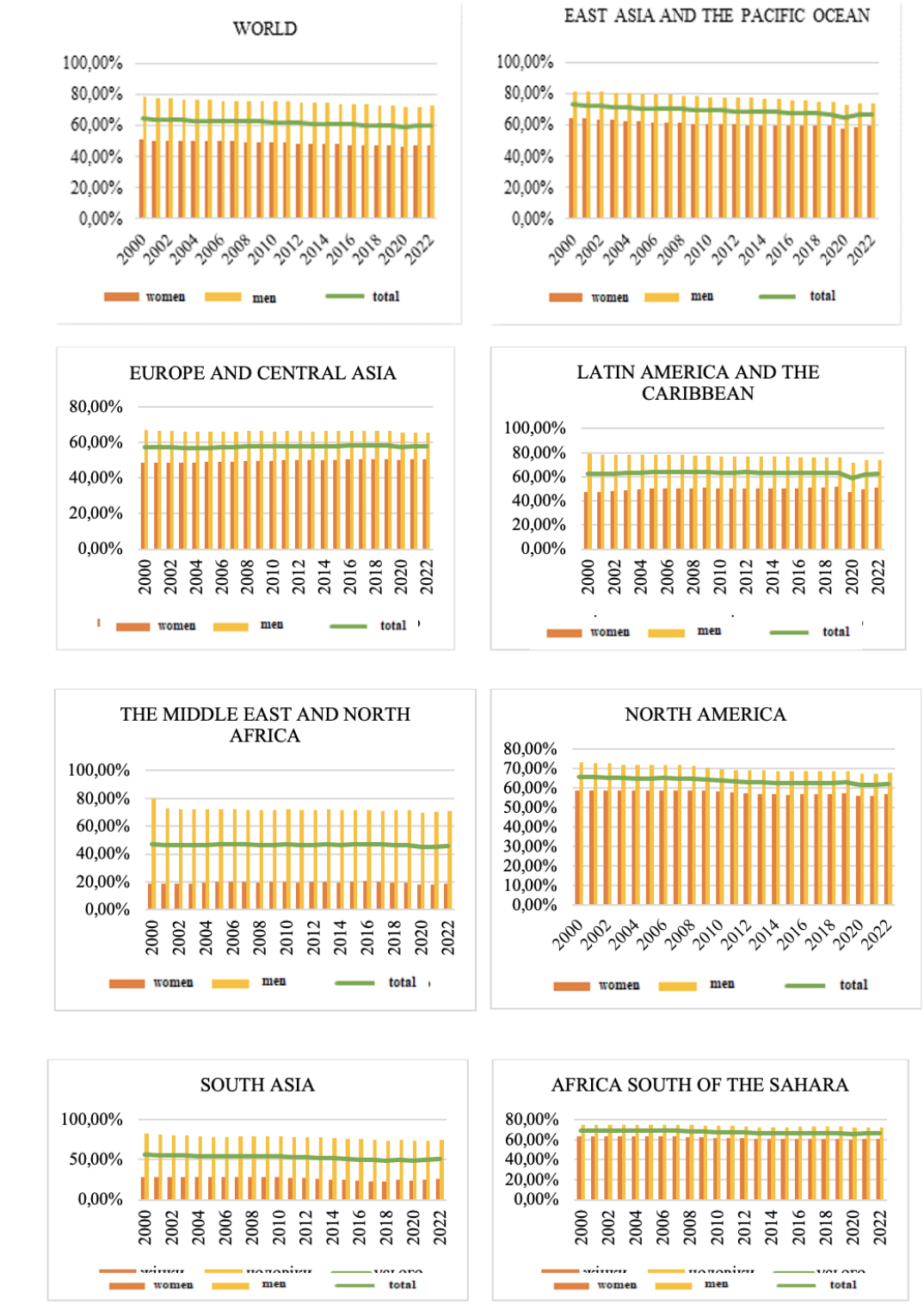

Figure 1. Gender gap in labor force participation (%), 2000-2022.
Source: World Bank Gender Data Portal

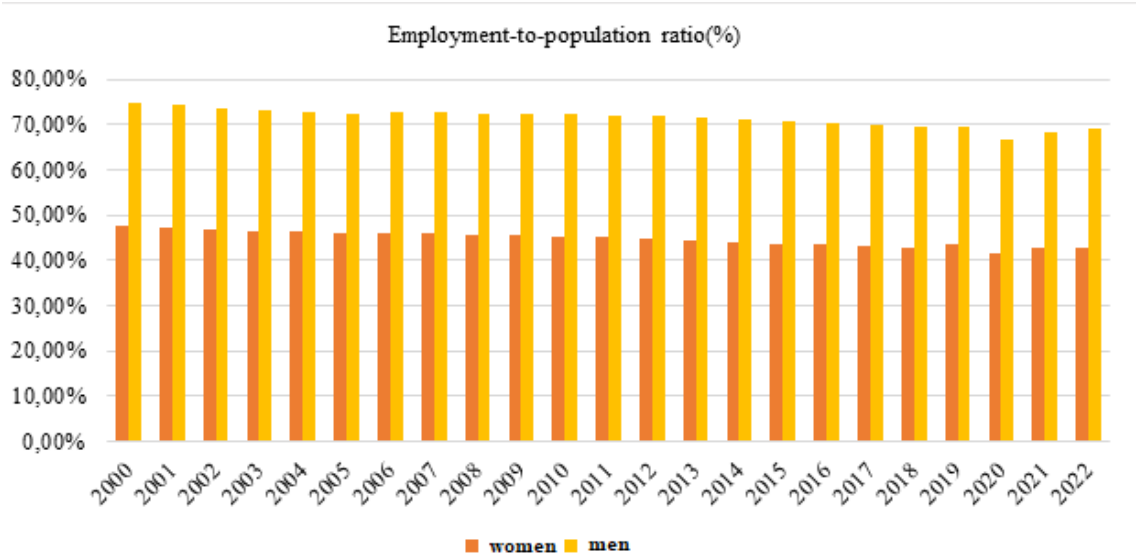

Figure 2. Employment-to-population ratio
Source: World Bank Gender Data Portal

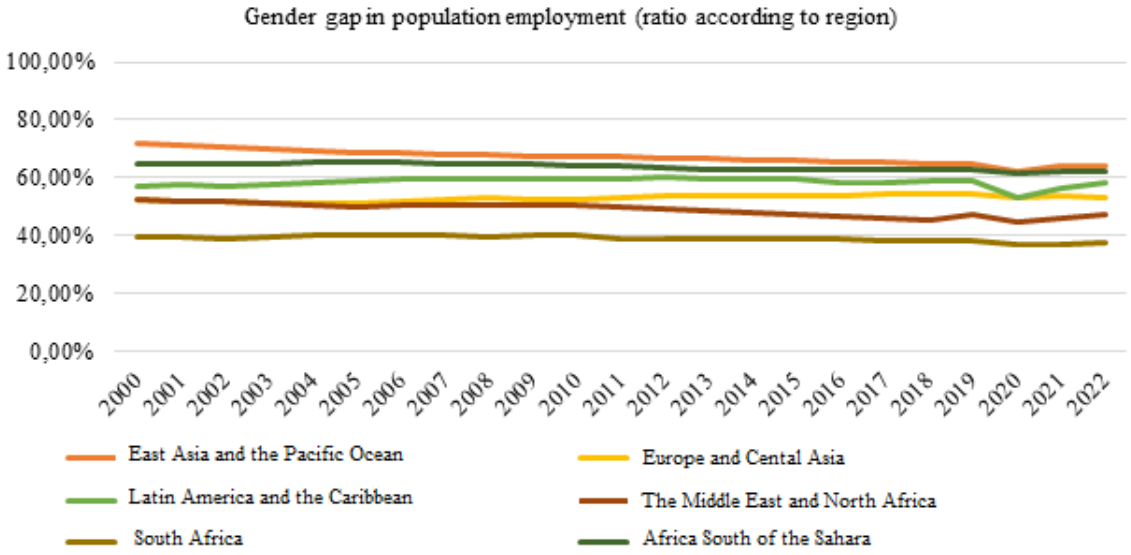

Figure 3. Gender gap in population employment (ratio according to region).
Source: World Bank Gender Data Portal

Figure 3 shows the average gender gap in the employment-to-population ratio in the countries of the region. The sample includes countries of the International Bank for Reconstruction and Development and the International Development Agency.

Addressing cultural and social norms related to women's work (Jayachandran, 2021), as well as eliminating preconceived notion about women (Bursztyn et al. 2023), may be crucial to achieving further improvements. This should be combined with macroeconomic, market, fiscal and trade policies that encourage women's work.

It is also necessary to emphasize the transition from school to work for young women and girls. The ratio of young women not working or not in education and training is higher than that

of men (Figure 4). In addition, increasing the level of education does not affect the employment of women (Figure 5).

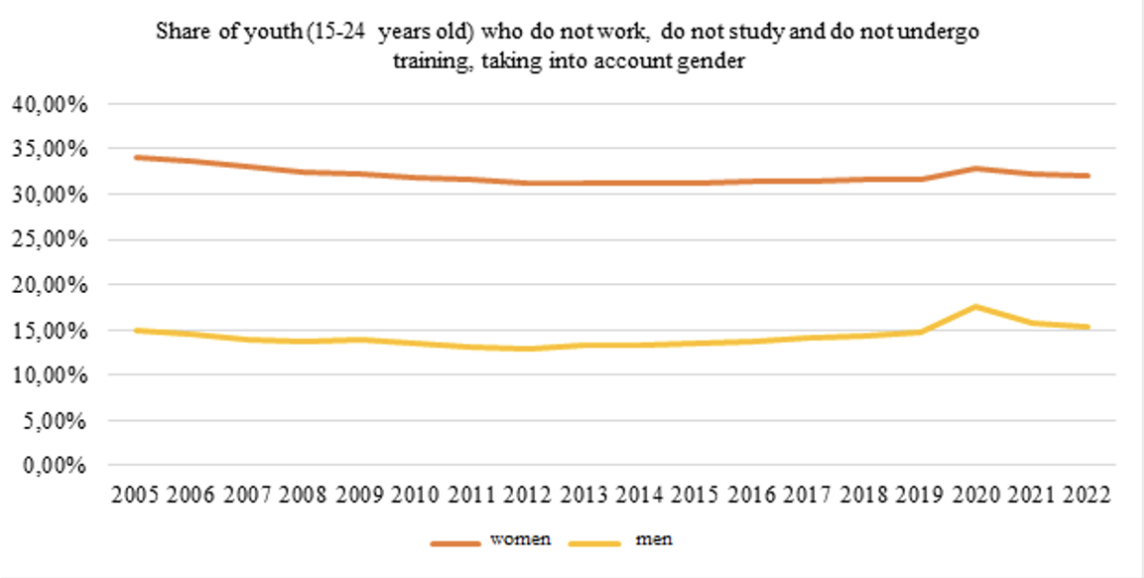

Figure 4. Share of youth (15-24 years old) who do not work, do not study and do not undergo training, taking into account gender
Source: ILOSTAT Database

Figure 4 shows the share of youth aged 15 to 24 who do not attend school. That is, those who were not enrolled in school or in a formal education program during a significant period. The sample includes countries belonging to the lending categories of the International Bank for Reconstruction and Development and the International Development Agency.

This indicator is key in determining youth access to education and reflects an important aspect of societal development. Non-attendance of school can be caused by various factors, such as economic difficulties, conflicts, gender inequalities, or insufficient availability of educational institutions.

To address this issue, it is important to focus on the development and implementation of effective education policies aimed at ensuring accessibility and quality education for all segments of the population. It is also necessary to consider gender aspects and socio-economic contexts in the development of targeted initiatives aimed at reducing the proportion of youth who lack the opportunity to receive an education.

Figure 5 shows the unemployment ratio for the population aged 15 to 24. Weighted average population of the countries of the International Bank for Reconstruction and Development and the International Development Agency.

This indicator is an important measure of the economic situation and opportunities for youth in the labor market. High youth unemployment can indicate difficulties in integrating young people into society and may have serious socio-economic consequences.

To address the issue of youth unemployment, it is necessary to implement effective employment policies, promote the development of skills and education, and create conditions to support entrepreneurship and the creation of new jobs. A gender approach is also important to consider the specific needs and opportunities of both young men and women in the field of employment.

Figure 5. The ratio of unemployment among young women to young men
Source: World Bank Gender Data Portal

The gender wage gap also remains significant in all regions; worldwide, for every dollar a man earns, a woman earns 77 cents (Equal pay for work of equal value). The economic losses from this gap are insignificant; by reducing gender gaps in lifetime income, including total wealth, pensions and assets, economies could gain an average of $160 trillion (Wodon and de la Brière 2018).

In particular, South Asia has the widest average gap in percent wages compared to men's monthly earnings. South Africa has had the smallest reduction in the wage gap over the past decade. Most of this gap is due to the private sector. The wage gap in the public sector, which accounts for 45 percent of formal employment in low-income countries (Merotto et al. 2018), is approximately 10 percent.

A variety of factors can contribute to the gender gap in lifetime earnings, including skill gaps, occupational sorting, underrepresentation in management and gender gaps in promotion rankings, and gender stereotypes that can affect starting salaries, performance appraisals, and rates of promotion (Sahay 2023).

In most countries around the world, there is inequality in the distribution of women and men in informal employment. According to the International Labour Organization data for the year 2023, in 56 percent of countries, the number of women engaged in informal employment exceeds the number of men. Despite the fact that globally there are slightly more men than women in informal employment, this statistic is significantly influenced by individual countries, such as China, and conceals acute regional inequalities (ILO 2023).

The situation is particularly important in a number of regions where a high proportion of women work in the informal sector. The reasons for the high level of informality among women are diverse and include the need for flexible working hours, especially reduced working hours, as indicated in the Sahay 2023 study.

Women often perform low-skilled jobs, such as domestic work, street vending, home-based work, or work in family businesses, which are considered low in job protection and social benefits. This makes women more vulnerable to negative, gender-driven consequences of crises, such as the COVID-19 pandemic highlighted by the International Labour Organization in 2023. Women working in vulnerable conditions often become the first to lose their income,

as indicated by UN Women data in 2020, and the last to recover it, as noted in the UN Women report in 2013.

The COVID-19 pandemic emphasized and deepened longstanding gender inequalities in the labor market and households. The role of women as caregivers for children, the elderly, the sick, and persons with disabilities limits women's opportunities to participate in the workforce. Research from numerous countries confirms that job losses among women were greater than among men, and sectors of the economy with a high female workforce experienced the most significant impact from the pandemic. High-frequency phone surveys conducted in 13 Latin American and Caribbean countries revealed that women were 44 percent more likely to lose their jobs at the beginning of the pandemic, highlighting the profound impact of the crisis on female employment (World Bank 2021).

Data from various national surveys provide compelling evidence that the economic recession of 2020, triggered by the pandemic, became a true 'shecession.' In most countries, women experienced a greater decline in employment compared to men. This trend can be explained by the specific structure of women's employment in different sectors and professions. Particularly, sectors where female labor predominates became especially vulnerable to the impact of economic difficulties.

It is important to note that the closure of schools and childcare facilities also had a significant impact on women's employment. As a result, women had to take on the responsibility of childcare at home, leading to even greater challenges in balancing work and family duties. This has been a major factor in the high percentage of job losses among women, especially those with young children (Alon et al. 2021).

Analysis of data from monthly population surveys in the United States revealed that over 45 percent of the gender employment gap can be attributed to job losses among women due to the high caregiving burden (Fabrizio, Gomes, and Tavares 2021). This highlights the need for the implementation of effective measures to support women in the labor market, as well as the improvement of the family support system to facilitate their entry into the workforce and address challenges related to childcare.

The onset of Russia's full-scale invasion of Ukraine in February 2022 had a significant impact not only on the sphere of gender equality but also on all aspects of societal life. Among the key areas requiring attention in addressing gender equality issues in these conditions are:

- balancing the rights of women and men in the political, economic, and security spheres;
- security and defense. Issues related to access to and conditions of military service, combating gender-based violence and sexual violence associated with the conflict, etc.

Yes, the «National Action Plan for the Implementation of UN Security Council Resolution 1325 "Women, Peace, Security" for the period until 2025», approved by the Cabinet of Ministers of Ukraine on October 28, 2020, No. 1544-r, is aimed at ensuring the following: women's participation in decision-making, post-conflict recovery, and transitional justice (pertaining to the sphere of balancing the rights of women and men); resilience to security challenges; combating gender-based violence and sexual violence related to the conflict (relevant to the sphere of security and defense); strengthening the institutional capacity of the implementers of the National Plan (referring to the ability of the state-established mechanisms to fulfill their functional purpose).

In the first months of the full-scale war in Ukraine, surveys were conducted where respondents were asked whether they personally encountered discrimination or prejudices since the beginning of the full-scale war (First Days of the Full-Scale War in Ukraine: Thoughts, Experiences, Actions. First Research Results, 2022). Most respondents did not report such

instances. Among those who did mention such cases, the responses were most often associated with gender identity. Thus, we can note that even in the presence of certain issues indicating manifestations of gender discrimination, the participants do not always identify them as conflicting with their rights.

The importance of sustainable development in the economy

To achieve stable economic development and ensure the country's financial security, it is important to consider gender equality as a key element of economic policy. This requires taking of specific measures at the level of legislation, changes in cultural and social stereotypes, support for women's entrepreneurship and openness for women in management and decision-making in the field of economy.

The formation and regulation of state policy on the establishment of gender equality is carried out in accordance with international obligations and the legislation of Ukraine. On September 8, 2005, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Ensuring Equal Rights and Opportunities of Women and Men", which defines the concept of gender equality in Ukraine for the first time. The law prohibits discrimination based on sex. (Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" dated September 8, 2006, No. 2866-IV-K., 2006.) the Cabinet of Ministers of Ukraine approved the State Strategy for Ensuring Equal Rights and Opportunities for Women and Men for the Period Until 2030 and, in particular, the operational plan for its implementation for 2022-2024.

Achieving gender equality within the UN Sustainable Development Goals by 2030 requires immediate action to address the root causes of discrimination that limit women's rights in all areas of society, whether in the private or public sector. These goals include: Goal 5 "Gender equality":

5.1 Eliminate all forms of discrimination against all women and girls everywhere.

5.2 Eradicate all forms of violence against all women and girls in the public and private spheres, including human trafficking, sexual and other forms of exploitation.

5.3 Eliminate all harmful practices such as child, early and forced marriage and female genital mutilation.

5.4 Recognize and value unpaid care work and household work, by providing social services, providing infrastructure and social protection systems, and encourage joint responsibility in family management, taking into account national characteristics.

5.5 Ensure full and effective participation of women and equal opportunities for women's leadership at all levels of decision-making in political, economic and social life.

5.6 Ensure universal access to sexual and reproductive health care services and the realization of reproductive rights in accordance with the Program of Action of the International Conference on Population and Development, the Beijing Platform for Action and the concluding documents of the conferences on the review of their implementation.

5.a Implement reforms to give women equal rights to economic resources and access to ownership and management of land and other forms of property, financial services, inheritance and natural resources in accordance with national laws.

5.b More actively use highly effective technologies, in particular information and communication technologies, to promote the expansion of women's rights and opportunities.

5.c Adopt and improve reasoned strategies and enforceable laws to promote gender equality and empower all women and girls at all levels (UN General Assembly Resolution "Transforming our World: A Sustainable Development Agenda for the Period until 2030" dated September 25, 2015).

To achieve the stated goals and ensure gender equality in all aspects of society and the economy, it is crucial to actively involve women in decision-making at political, economic, and social levels. The development of women's entrepreneurship and support for women in leadership positions are key elements of this process.

Establishing working partnerships with civil society, the business sector, and other stakeholders can contribute to the implementation of effective strategies towards gender equality. It is important to provide women with equal access to economic resources, financial services, education, and other opportunities.

To overcome gender stereotypes and address gender inequalities, it is necessary to implement educational and informational programs that promote society's conscious attitude towards the role of women in the modern world. Ensuring the safety and protection of women from gender-based violence, as well as providing access to quality sexual and reproductive health services, are also crucial aspects on the path to gender equality.

Implementing all of these measures will contribute to building a fair, equal society where women and men have equal opportunities for personal and professional development, fostering sustainable economic growth and social progress in the country.

Conclusions

Ensuring gender equality should be based on raising the overall level of legal culture and unwavering adherence to the fundamental principles of law. Through widespread recognition of the principle of general equality and the formation of a conscious attitude toward it at the ideological and everyday perception levels, its fullest implementation in life can be ensured. In this case, the issue of prioritizing the treatment of women and men is one of the components of a high level of mass legal awareness, an important condition for achieving overall societal well-being.

It is crucial to understand that prioritizing the treatment of women and men serves as a necessary component of a high level of legal awareness in society. This entails recognizing equal rights and opportunities for both genders and fostering a culture of respect for diversity and inclusivity.

Gender equality has an enormous influence on the economic development and financial stability of the country. Recent studies and analyzes show that inequality between men and women in various areas, from employment and income to financial inclusion and entrepreneurship, has a significant impact on the country’s economy.

The gender wage gap and the low participation of women in employment and economic processes in general limit the potential of the economy. Continuous persistence of such inequalities results in loss of resources and opportunities for economic growth. The untapped potential and knowledge of women become an obstacle to increasing productivity and innovation.

A special emphasis on gender equality in the financial and economic sector contributes to increasing women’s access to financial services, their economic independence and reducing the risks of financial insecurity. This contributes to increasing the stability of the economy and financial security. Gender equality also has a positive impact on entrepreneurship and innovation, which contributes to the development of new markets and job creation.

Thus, gender equality is not only a matter of justice, but also a key factor for achieving sustainable economic development and ensuring the country’s financial stability. Understanding the relationship between gender equality and financial and economic security is an important step in ensuring the prosperity and long-term sustainability of society.

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INFORMATIONAL CONTEXT OF THE AGGRESSION AGAINST UKRAINE AND ITS DESTABILIZING INFLUENCE ON MODERN SOCIETY

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Abstract*. The article deals with the study of the problem of information warfare in the context of the Russian-Ukrainian military conflict. Information attacks appear to be one of the ways of manipulating the consciousness of broad public population. Aggressive Russian information psychological operations and attacks as one of the weapons in the military conflict of the present time are analysed. The methods of dissemination of compromising and deliberately distorted information for the purpose of destabilising society and reducing the level of trust to current Ukrainian leadership and the armed forces of the country are covered. Thus the aim of the paper is to analyse the main features and manifestations of informational context of the aggression against Ukraine. Methods of critical analyses of research studies and other sources, empirical manifestations of informational context, also considerations and analysis of personal experiences of the authors were used for developing this paper. Conclusions are formulated that at all levels of education the focus on critical thinking, checking and double checking sources, critical discussion, debate, substantiation of opinions by arguments, based on facts, data from multiple sources, avoiding emotional opinions and preference of rational thought is of crucial importance. Part of the data and considerations were completed during the research practice in Lithuania in 2023 (Summer) (No. P-SV-23-177; Title: Informacinis karas. Istorija, raiškos formos, atpažinimo priemonės: filologinis ir edukacinis aspektai).*

Keywords*: information warfare, information attack, information-psychological weapon (IPW), mass media.*

Introduction.

Information warfare is a kind of challenge to society and a test of the modern system of moral values and beliefs. Manipulation of the psychological state of the public through the use of information has long been one of the weapons in wars on a par with classical weapons and tactical military's actions on the battlefield. The characteristic feature of information wars is that the influence on the object is carried out through the use of the latest means, as well as the lack of specific legal regulation and control in this area, which allows the use of untruthful and distorted information to achieve the goals. This problem has become especially urgent for Ukraine, which has faced not only an open military aggression from the neighboring country RF, but at the same time a powerful information assault in its direction. Every day the information attacks of the Russian Federation against Ukraine become more intense and acquire new sides.

Therefore, the **aim** of the paper is to analyse the main features and manifestations of informational context of the aggression against Ukraine.

Methods of critical analyses of research and other sources, empirical manifestations of informational context, also considerations and analysis of personal experiences of the authors were used for developing this paper.

Informational Context of the Aggression Against Ukraine and its Destabilizing Influence on Modern Society

The media are the direct carriers and sources of information. Mass media have enormous opportunities to influence the mass consciousness, to form public opinion and attitude to certain personalities, events and political decisions. The media are a powerful transmitter of public sentiments and opinions. Media influence the policy allows to form public opinion in a certain way.

As one of the authors already shared elsewhere (Zuzeviciute, Krzywosz-Rynkiewicz, 2022), contemporary context with the ample possibilities for communication, which were resulted by an expansion of the mass communication networks may (and in the case that is analysed here - does) pose a threat to societies, democracies, even human lives. Though this aspect (informational war) was not tackled by the author originally, mainly because the publication had been developed before the war. Yet, the concern that had been voiced out several years ago was substantiated by war, rather than disputed: mass communication may serve for the advancements of democracy and –unfortunately- against it quite effectively. The role and impact of the extensive communicative opportunities and the increased competence of the users for waging an effective informational war comprise a bases for the theoretical framework, which was used for analysing empirical manifestations.

Ukrainian authors deeply and comprehensively consider theoretical and practical issues (Bogush, 2010; Marunchenko, 2012) related to information wars and attacks (Bogush, 2010). Even in Ukraine there are already whole scientific schools that have already started to study the phenomenon of information wars in detail, in particular, such scientific communities started to form in Odessa under the leadership of Kovalevska-Slavova (Kovalevska-Slavova, 2019), which was also emphasised by foreign researchers, (Singer, 2014). Nevertheless, despite the multiple theoretical studies of this area, among the works there are often differences in the definitions of the concept and its components. At the same time, the large-scale military invasion of the Russian Federation on the territory of Ukraine and the expansionist policy of the Russian Federation towards other countries cause the need for a clear understanding of the essence and peculiarities of information wars and attacks in order to develop effective methods of countering their influence. The today's information war of the Russian Federation against Ukraine is, of course, not the first precedent in history. Nevertheless, the strength and scale of the confrontation is unrivalled in the past. As researchers point out, this conflict has become a leader in terms of the amount of content of the most diverse content and quality, purpose and value (Horbulin, 2014). In parallel to the dynamically ongoing armed conflict between countries, we observe the dynamic development and evolution of fundamentally new and previously unknown methods and techniques in information confrontation. Different researchers note similar features of information warfare. Namely: information warfare is a purposeful influence on society and its consciousness to achieve an advantage over the adversary - political, military, informational, which, thus, leads to grave results: information warfare causes destructive consequences, and is able to change the public consciousness of the opponent, and further change the behavior (Byliana, 2022; Sohl, 2022). It should be noted that

even before the full fledged war researchers noted the important features of specifically contemporary information war. Namely, that information warfare is carried out with the help of the media and can be conducted both within one state and at the international level, affecting not a local but a global picture and perceptions of the world (Baumann, 2020). This phenomenon is exactly what we are witnessing now in the confrontation between Russia and Ukraine.

The main and principal method of information warfare is the dissemination of destabilising information, often false, untrue or distorted. The main purpose of dissemination of such information is to reduce the general national spirit of the population, instil fear, sow panic, sow doubts about the competence of the country's leadership, army and political leadership. This method is carried out in the following ways:

1. Subjective interpretation of events (they demonstrate their offences and pass them off as actions of the opponent. Let's recall the footages from Bucha, Irpen).
2. Creation of abstract generalised conclusions on the basis of single events, transfer of individual details of a particular event to all actions in general.
3. Exaggeration of possible consequences of any, predicted in the future or threatening events (explosion at a nuclear power plant, departure of a large number of refugees to other countries).

Modern researchers designate such techniques of psychological warfare as:

- psychological pressure (repeating the same thesis or assumption many times, creating psychological discomfort, pressure by authority, etc.)
- stealthy penetration into consciousness (gossip, rumours, advertising of one's own life, dissemination of ideas and beliefs through films, commercials, TV series).

The current media have too much power to influence the population, and in a full-scale war this is particularly dangerous. For example, manipulation technologies make people believe in freedom of choice in their lives (in the absence of it as such in reality). People do not feel deceived and are confident in their own choice of civic position.

The experience of the Russian Federation's hybrid war against Ukraine since the beginning of 2014 allows us to distinguish such groups of the population subjected to information attacks:

1. the population of Ukraine and the RF;
2. the population and political elite of the post-Soviet states;
3. the political elite and citizens of the European Union.

Huge efforts and funds have been invested in the democratization of the Russian Federation, but nevertheless it has not been able to bring the desired results. Internet resources remain the main place where the ideology of the West flows, as everything else is still under the control of the state and special services. Almost all rhetoric in the Russian media is of an anti-Ukrainian aggressive nature. Propagandists from leading TV channels call for the open physical extermination of Ukrainians. Their main theses are the advantage of the Russian Federation over other states, the inability of Ukraine to make internal political decisions on its own and to conduct its own policy. It is obvious that Russian propaganda has become the successor of the Soviet propaganda, improved and has now reached its peak.

Among the main directions of application of the information and psychological weapons of the Russian Federation against Ukraine should be mentioned such as:

- undermining the legitimacy of the Ukrainian authorities;
- undermining the international authority of Ukraine, creating a negative image in order to stop all-round support of Ukraine by other European countries and the USA (reduction of military, economic, humanitarian and financial aid);

- destabilisation of society inside Ukraine, undermining the morale of the population, aggravation of social conflicts inside the country;
- undermining the defence capability of the state and the morale of the Armed Forces;
- creation of a negative image of Ukrainian citizens by spreading fake stories about "neo-Nazis", "Banderaites", etc.;
- attempts to destroy the socio-cultural identity of the Ukrainian population, imposing doubts about national values and ideas.

It should be noted that Russians are "one step ahead" in this information war. Our alternative is openness of the authorities and steps towards real changes, fighting internal contradictions in society (language, religion) by building a strong trusting interaction between society and the leading political forces.

The tactics of the Russian Federation in conducting information wars are open attacks. Ukraine is forced to take a defensive position in this conflict. Thus, we would like to stress the need for initiative and counterattacks, as well as retaliatory warfare in the enemy's media space, and not only defence in our own. We also consider it is necessary to increase the technical capacity for broadcasting Ukrainian radio and TV channels in the captured territories, to fight against captured TV centres in the occupied territories.

Openness, high professional level of organisation of information campaigns by the Office of the President, the Ministry of Defence, the Ministry of Foreign Affairs and Ukrainian journalists, readiness and ability to defend their own position in the world media, active work in social networks should become reliable and valid tools to counter the outright lies of Kremlin agitators and propagandists. No less important in this matter is the segment of neurolinguistic programming, detailed acquaintance and tools of which will also allow the Ukrainian people to protect themselves from information attacks, because the Russian media quite often use them in their channels of information dissemination and "throw-ins"; because, as it is established in many studies, neurolinguistic programming (further on: NLP) is an effective tool, which may be used to alleviate anxiety for vulnerable people, e.g., among patients, and – also - for inducing anxiety for everyone at which the tool is aimed at (Adams et al, 2023; Kotera, Lieu, Aledeh, 2022).

First of all, we are talking about NLP inductions (for more details see the works of T. Kovalevskaya ("Structural Classification of Political Advertising Slogans", T. Kovalevskaya, 2014) and other representatives of the Odessa school of suggestive linguistics), which mean inferences in special forms. In NLP, as a rule, there are three types of inductions - simple, complex and indirect, which together constitute the main weapon of Russian propaganda and lies.

Simple inductions are the first component of any influence, which are mechanisms/schemes that direct the addressee in a direction fixed by the addressee and necessary for the addressee. These include the following subtypes:

1) Verbal synchronisation - the use of words and phrases in speech that have a colouring or relation to a certain perception system. Human beings have such systems of information perception: visual or visual (with the help of eyes), auditory (ears), tactile (skin), olfactory (nose), gustatory (tongue). It is believed that the best way for our interlocutor to subconsciously better perceive what we want to convey to him is to use his "native" predicates. Therefore, the essence of verbal synchronisation comes down to the fact that we need to synchronise the text we want to say or write (i.e. address) with the leading perception system of our interlocutor

2) Overlapping of representational systems - the use of several words from different perceptual systems in one text at the same time. Example: You can see the sound of victory! Where see is a visual predicate, sound is an auditory predicate. The thing to remember here is that predicates are usually analysed by our subconscious mind. In the case when the brain has to analyse predicates of one category, it will be a simple analytical operation for it, or rather for the consciousness. Otherwise, when we have to analyse simultaneously predicates from different representational systems, the consciousness will already need a little more time. Therefore overlapping of representational systems favors inhibition of perception, so that a person is more prepared for future influence. Such technology is often used by some Russian news anchors.

3) Access to past trance states. This is an induction in which we ask (read and force) the person to remember some moment in their life when they felt good, and then we join these positive feelings, this positive memory. This is done in order to formally link ourselves to that person or event. This induction works generally like this: first we isolate a past trance state (i.e. some positive reference) and then we superimpose on it, on its emotional foundation, the information we need; there is at least one person (artist and actor), a Ukrainian who became "Russian", very often "sinned" with such technique.

4) Accessing normal trance states is artificially creating a positive reference, memory or emotion in a person. Comparison. Accessing past trance states (remember how good you felt when you won). A common trance state has a key in the form of the word "Imagine" (Imagine how good you will feel when you win). Why use this induction as well and when? The fact is that the past trance state poses a certain danger, because most people have, for example, pleasant memories of childhood. However, there is a small percentage of people whose childhood was not so rosy. This induction was repeatedly used by guests of the programme "Evening with Vladimir Solovyov".

Complex inductions are unconscious powerful components of influence. They include the following varieties:

1) Pattern Interruption. This is a certain sequence of events. If we are used to something, then when a person says or does something very unexpected to us, at such a moment our consciousness enters a state of downtime (illogical, uncritical, irrational). So when a person does something significantly different from what they have been doing or what we are used to, then our consciousness goes into downtime and is no longer analysing what we are going to be told next, but is focusing on why the previously said thing done is so different from everything we were prepared for. Therefore, this downtime, or in other words - immersion in ourselves, gives us a backlash (a window) for influence. The presenter of the programme "Evening with Vladimir Solovyov" very often addresses unflattering criticism with a rather illogical set of words and arguments. Therefore, the consciousness of his addressee continues to analyse the previous phrase and will not have enough time to critically consider the next one;

2) Overload (7+/-2). This induction is related to the famous Miller's magic number. It refers to the number of units of information that we can simultaneously and comfortably hold in our consciousness. If there is not much of this information, our consciousness does not perceive it as worthy of our attention, i.e. plus or minus ignores it. If there is a lot of it, we are no longer able to work through it. This technique is still actively used in Russian news.

3) Citation - an appeal to a specific authority in a certain field. This generally consists of using the authoritative status of another person whose opinion may be important to our target audience. However, it is important to choose the right authority here. The programme "Sunday Evening with Vladimir Solovyov" can again be given as an example;

4) Truisms. The term comes from the English word "true", which means "truth". Therefore, under truism it is accepted to understand banal truths, i.e. something that in principle does not require confirmation, but it is so banal and common knowledge that it is rather strange to base on it, but here again there is a "but". In our subconsciousness we perceive it as a certain axiom, and this axiom is interpreted by our subconsciousness itself. As an example, the phrase "In matters of war, Russia is Russia, and Ukraine is Ukraine" was repeatedly encountered in Russian publics. In principle, there is no sense in this phrase, because not a single fact is given. However, each of the readers interpreted it for himself, and putting the word "Russia" in the foreground makes a hint that Russia is stronger than Ukraine in military terms, but the phrase itself does not express such a meaning extra-linguistically.

Indirect inductions are command techniques that are not directly in the text, but can be deployed by the human subconscious. These include the following:

1) Embedded commands, which are indirect commands. When in everyday communication we use the imperative form of the verb in our call, it is often perceived by our interlocutors quite aggressively, because nobody likes to be commanded. In this case, we can achieve the opposite effect. However, imperatives can be rephrased, and the command itself should be placed in the second position in the sentence, shading it with other information that comes first and first gets into the "hands of consciousness". The main benefit of this wording is that it is not perceived aggressively;

2) Embedded questions are an induction with the same idea behind embedded commands. The only difference is that if we are talking about commands, we are talking about narrative sentences, if we are talking about questions, then, logically, we are just talking about questions in their traditional sense. However, embedded questions are designed to give us an ostensibly formal choice, when in fact we don't have that choice.Knowing what tools Russian propagandists use, including NLP inductions, one can protect oneself from the pathogenic impact of their context on the consciousness of conscious and thinking people and come closer to ending the war in favour of Ukraine.

Surely, it is impossible to give a definite answer to the question whether Ukraine will be able to win in the information confrontation with the Russian Federation today. Thanks to the ban on Russian media and social networks, the creation of a large amount of quality Ukrainian content for foreign audiences, the provision of conditions for foreign journalists to work, the documentation of war crimes, and the improvement of the level of media literacy of the population, significant results have already been achieved.

Ukraine's great advantage now is that it has managed to attract the attention of the West and maintain that sympathy. At the same time, the Russian Federation continues to use social media and messengers to promote narratives that are favourable to it, investing huge amounts of money in its propaganda machine, trying to construct an alternative reality. Nevertheless, Ukraine has the ability to recognise the enemy in a way that Western countries do not, to use this experience and to seek future dominance in the information sphere in order to show the world the real story in the future.

Conclusions

The idea for this line of investigation was formulated in Spring, 2023, when an application for the Summer Research Practice was developed. It was indicated that, though information wars go on as long as recorded history, however, the expansion of the channels, various opportunities for communication, the scope and coverage of information wars increased significantly.

While significant part of the data and considerations were completed during the research during the Summer Practice in Lithuania in 2023, especially on the general theoretical framework (No. P-SV-23-177; Title: *Informacinis karas. Istorija, raiškos formos, atpažinimo priemonės: filologinis ir edukacinis aspektai/Informational War. History, manifestations and measures for recognizing; philological and educational aspects*), however, the more detailed analysis of empirical manifestations were addressed by the Ukraine colleagues.

We see that the current space of the information society is inevitably in contact with the concept of information warfare and various types of manipulation through the use of information and propaganda. The problem of qualitative orientation in the global and local media space creates the need for a clear distinction between qualitative information and distorted fakes.

Hybrid attacks are carried out through mass media, television, radio, social networks, social messengers and mailings. The problem of combating information attacks through social networks remains acute. The problem of forming a high level of critical thinking in society is relevant. To solve this problem it is important to have perfect knowledge and understanding of the processes occurring in the media space.

Among the important ways of protection we also note the importance of educational work among the population, aimed at the ability to respond correctly to the enemy's information aggression, to adequately perceive different sources of information and to separate facts from fakes.

In order to neutralise the consequences of information attacks, the country, which is the victim of aggression, should learn to retaliate with similar methods in its own interests, to conduct an offensive response policy, and not only an exculpatory and defensive one.

For the development of the state information policy it is suggested to use the experience of European countries, taking into account the peculiarities of Ukraine's military situation, as well as the involvement of the general public in the defence of the information space.

However, most important implications are for the educational settings. It is evident that at all levels of education the focus on critical thinking, checking and double checking sources, critical discussion, debate, substantiation of opinions by arguments, based on facts, data from multiple sources, avoiding emotional opinions and preference of rational thought is of crucial importance. That is important in any educational setting, whether a country is at war, or the peaceful one, because the adversaries are getting more competent in distorting the reality.

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KONSTITUCINIŲ ŽMOGAUS TEISIŲ IR LAISVIŲ RIBOJIMAS SIEKIANT APSAUGOTI ŽMOGAUS IR VISUOMENĖS SVEIKATĄ

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Anotacija. *Šiame straipsnyje nagrinėjama, kaip Lietuvos Respublikos Konstitucinio Teismo formuluojamoje oficialiojoje konstitucinėje doktrinoje kito žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, vaidmuo, kai valstybėje dėl koronaviruso infekcijos (COVID-19 ligos) plitimo susidarė ypatinga situacija, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms. Šis straipsnis susideda iš dviejų dalių: pirmoje dalyje nagrinėjama su žmogaus ir visuomenės sveikatos apsauga susijusi oficialioji konstitucinė doktrina, suformuluota iki valstybėje susidarant minėtai ypatingai situacijai, o antroje dalyje analizuojama valstybėje susidariusios minėtos ypatingos situacijos kontekste suformuluota atitinkama oficialioji konstitucinė doktrina.*

Pirmoje straipsnio dalyje pažymima, kad tiek eksplicitinių (tiesiogiai joje nurodytų), tiek implicitinių (iš visuminio teisinio reguliavimo išplaukiančių) konstitucinių nuostatų, įvairiais aspektais susijusių su žmogaus sveikatos apsauga, sampratą plėtoja Konstitucinis Teismas. Atlikus oficialiosios konstitucinės doktrinos, Konstitucinio Teismo suformuluotos iki valstybėje susidarant minėtai ypatingai situacijai, analizę, daroma išvada, kad žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, vaidmuo konstitucinėje jurisprudencijoje buvo reikšmingas ir iki jai susidarant. Šis vaidmuo atsispindėjo ir apibrėžiant žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, santykį su kitomis konstitucinėmis vertybėmis. Tuo tarpu oficialiosios konstitucinės doktrinos raida valstybėje susidarius žmonių užkrečiamųjų ligų plitimo visuomenėje nulemtai ypatingai situacijai, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, sudaro prielaidas išvadai, kad, susidarius šiai situacijai, žmogaus ir visuomenės sveikatos, kaip vienos iš su žmogiškuoju orumu neatsiejamai susijusių konstitucinių vertybių, vaidmuo dar išaugo: šios valstybėje susidariusios ypatingos situacijos kontekste kalbant apie konstitucines žmogaus teises ir laisves pirmenybė teikiama būtent žmogaus ir visuomenės sveikatai bei jos apsaugai.

Atsižvelgiant į atliktą analizę, straipsnyje daroma išvada, kad žmogaus ir visuomenės sveikata konstitucinėje jurisprudencijoje buvo ir tebėra įvardijama kaip viena svarbiausių konstitucinių vertybių: ji visada buvo reikšminga konstitucinė vertybė, o jos apsauga atspindi bendrojo tautos gėrio įgyvendinimą. Šios konstitucinės vertybės vaidmeniui dar išaugus, kai valstybėje dėl koronaviruso infekcijos (COVID-19 ligos) plitimo susidarė ypatinga situacija, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, be kita ko, žmogaus ir visuomenės sveikatos apsaugos būtinybės nulemta oficialiosios konstitucinės doktrinos raida lėmė ir šiuo laikotarpiu nustatytų žmogaus teisių ribojimų ir draudimų suderinamumo su konstituciniais reikalavimais vertinimą.

Pagrindinės sąvokos: *žmogaus ir visuomenės sveikatos apsauga; žmogaus teisių apsauga; žmogaus teisių ribojimo sąlygos; Vyriausybės įgaliojimai nustatyti žmogaus teises ir laisves ribojančių priemonių įgyvendinimo reikalavimus.*

Įvadas

2020 metais visam pasauliui susidūrus su naujojo koronaviruso infekcijos (COVID-19 ligos) pandemijos sukeltais iššūkiais, valstybės valdžios institucijos ėmėsi skubių priemonių, siekdamos sudaryti prielaidas apsaugoti žmogaus ir visuomenės sveikatą. Nors skirtingose valstybėse šiam tikslui pasiekti pasirinktos priemonės šiek tiek skyrėsi, kartu jos buvo panašios savo pobūdžiu[1] – jomis buvo sudarytos prielaidos tam tikra apimtimi riboti ir kai kurias

[1] Europos Parlamento vidaus politikos generalinis direktoratas. (2022) '*Ataskaita apie COVID-19 priemonių poveikį pagrindinėms teisėms ir demokratijai*'.

Konstitucijose įtvirtintas žmogaus teises ir laisves[2]. Kitaip tariant, visuomenės sveikatos krizės akivaizdoje siekiant apsaugoti vienas žmogaus teises neišvengiamai pasikėsinta į kai kurias kitas žmogaus teises[3]. Atitinkamai kilus abejonių dėl kai kurių iš tokių žmogaus teisių ribojimų suderinamumo su iš Konstitucijos (kitų aukštesnės galios teisės aktų) kylančiais reikalavimais, šiuos klausimus ėmėsi spręsti konstitucinės justicijos institucijos[4]. Taip ne tik visoje Europoje, bet visame pasaulyje konstituciniame lygmenyje buvo susidurta su koronaviruso infekcijos (COVID-19 ligos) sukeltos pandemijos suvaldymui skirtų priemonių konstitucingumo vertinimu[5]. Būtent aukščiausiesiems ir konstituciniams teismams teko esminis vaidmuo tikrinant šias priemones; tiesa, praktikoje teisminės kontrolės apimtis ir intensyvumas skyrėsi[6].

Šiame kontekste ne išimtis ir Lietuva. Mūsų teisinėje sistemoje siekis suvaldyti pandemiją, susidoroti su jos keliamais iššūkiais lėmė nacionalinės teisės pakeitimus – atitinkamų naujų teisės aktų priėmimą ir galiojusio teisinio reguliavimo (visų pirma, įtvirtinto Lietuvos Respublikos civilinės saugos įstatyme[7] (dabar – Lietuvos Respublikos krizių valdymo ir civilinės saugos įstatymas[8]), Lietuvos Respublikos užkrečiamųjų ligų profilaktikos ir kontrolės įstatyme[9]) pakeitimus.

Siekiant kuo skubiau suvaldyti koronaviruso plitimą, visoje šalyje dėl COVID-19 ligos (koronaviruso infekcijos) plitimo grėsmės Lietuvos Respublikos Vyriausybė 2020 m. vasario 26 d. paskelbė valstybės lygio ekstremaliąją situaciją[10], kuri buvo atšaukta tik nuo 2022 m. gegužės 1 d.[11] Epidemiologinei situacijai toliau blogėjant, papildomos kovos su COVID-19 ligos (koronaviruso infekcijos) plitimu priemonės buvo nustatytos visoje Lietuvos Respublikos teritorijoje paskelbiant karantiną. Jis paskelbtas 2020 m. kovo 14 d. Vyriausybės nutarimu[12], kuriuo kartu įtvirtintos nuostatos dėl judėjimo per sieną ir šalies viduje, dėl viešojo ir privataus sektoriaus veiklos, dėl švietimo, taip pat sveikatos priežiūros įstaigų darbo organizavimo. Šis Vyriausybės nutarimas galios neteko nuo 2020 m. birželio 17 d.[13] Tačiau Vyriausybės 2020 m. lapkričio 4 d. nutarimu[14], atsižvelgus į nepalankią epideminę COVID-19 ligos (koronaviruso

[2] Hidalgo, G. P., De Londras, F., Lock, D. (2022) 'Parliament, the Pandemic, and Constitutional Principle in the United Kingdom: A Study of the Coronavirus Act 2020', *The Modern Law Review*, 85(6).
[3] Bennett, B., Freckelton, I., Wolf, G. (2023) *Covid-19 Law & Regulation. Rights, Freedoms, and Obligations in a Pandemic*. Oxford University Press, p567.
[4] Birmontienė, T., Miliuvienė, J. (2022) 'Konstitucinės jurisprudencijos iššūkiai vertinant pandemijai suvaldyti skirtas priemones', *Teisė ir COVID-19 pandemija*, p27–64.
[5] Europos komisija „Demokratija per teisę" (Venecijos komisija). '*Konstitucinės jurisprudencijos elektroninis biuletenis. Specialus bylų, susijusių su Covid-19, rinkinys*'. Prieiga internetu: https://venice.coe.int/files/Bulletin/COVID-19-e.htm (žiūrėta 2023 spalio 15 d.).
[6] Grogan, J., Beqiraj, J. (2022) 'The Rule of Law as the Perimeter of Legitimacy for Covid-19 Responses' in *Routledge Handbook of Law and the COVID-19 Pandemic* (eds. Grogan, J., Donald, A.), Routledge, p209.
[7] Lietuvos Respublikos civilinės saugos įstatymas. *Valstybės žinios*, 2009-12-31, Nr. 159-7207.
[8] Lietuvos Respublikos krizių valdymo ir civilinės saugos įstatymas. *Valstybės žinios*, 1998-12-31, Nr. 115-3230.
[9] Lietuvos Respublikos užkrečiamųjų ligų profilaktikos ir kontrolės įstatymas. *Valstybės žinios*, 1996-10-30, Nr. 104-2363.
[10] Lietuvos Respublikos Vyriausybės 2020 m. vasario 26 d. nutarimas Nr. 152 „Dėl valstybės lygio ekstremaliosios situacijos paskelbimo". *TAR*, 2021, Nr. 2021-14469.
[11] Lietuvos Respublikos Vyriausybės 2022 m. balandžio 20 d. nutarimas Nr. 378 „Dėl Lietuvos Respublikos Vyriausybės 2020 m. vasario 26 d. nutarimo Nr. 152 „Dėl valstybės lygio ekstremaliosios situacijos paskelbimo" pripažinimo netekusiu galios". *TAR*, 2022-04-21, Nr. 2022-08126.
[12] Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimas Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo". *TAR*, 2020-03-14, Nr. 2020-05466.
[13] Lietuvos Respublikos Vyriausybės 2020 m. birželio 10 d. nutarimas Nr. 579 „Dėl Lietuvos Respublikos Vyriausybės 2020 m. kovo 14 d. nutarimo Nr. 207 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo" pripažinimo netekusiu galios". *TAR*, 2020-06-11, Nr. 12723.
[14] Lietuvos Respublikos Vyriausybės 2020 m. lapkričio 4 d. nutarimas Nr. 1226 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo". *TAR*, 2020-11-05, Nr. 23062.

infekcijos) situaciją, visoje Lietuvos Respublikos teritorijoje antrą kartą buvo paskelbtas karantinas, kuris buvo atšauktas tik nuo 2021 m. liepos 1 d.[15] Šiuo laikotarpiu įstatymuose ir Vyriausybės nutarimuose įtvirtintas teisinis reguliavimas buvo ne kartą keičiamas, atitinkamai koreguojant ir tas nuostatas, kuriomis sudarytos prielaidos tam tikra apimtimi riboti ir kai kurias Konstitucijoje įtvirtintas žmogaus teises ir laisves.

Pažymėtina, kad Lietuvoje šių kovai su COVID-19 ligos (koronaviruso infekcijos) plitimu skirtų priemonių suderinamumą su Lietuvos Respublikos Konstitucija taip pat ne kartą bandyta ginčyti Lietuvos Respublikos Konstituciniame Teisme. Išnagrinėjus tokius prašymus, priimti 5 Konstitucinio Teismo nutarimai, paskutinis iš jų – šių metų spalio 4 d.[16] Todėl nors dalis aktualių Konstitucinio Teismo baigiamųjų aktų jau buvo nagrinėta teisės mokslininkų[17], visų Konstitucinio Teismo baigiamųjų aktų (šiuo metu nebėra likusių neišnagrinėtų su šia problematika susijusių konstitucinės justicijos bylų[18]) analizė dar nebuvo atlikta. Tuo tarpu būtent šie Konstitucinio Teismo baigiamieji aktai ir juose pateiktas Konstitucijos nuostatų aiškinimas atskleidžia naujausius konstitucinių nuostatų, skirtų užtikrinti žmogaus ir visuomenės sveikatos apsaugą, aiškinimo aspektus. Todėl jų analizė leidžia nustatyti, kaip kito konstitucinėje jurisprudencijoje apibrėžtas tokių konstitucinių vertybių kaip žmogaus ir visuomenės sveikata bei įvairios konstitucinės žmogaus teisės ir laisvės santykis.

Atsižvelgiant į tai, šio straipsnio tikslas yra apibrėžti, koks oficialiojoje konstitucinėje doktrinoje yra žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, vaidmuo, kaip jis kito (ar nekito) kovos su COVID-19 ligos (koronaviruso infekcijos) plitimu kontekste. Šiam tikslui pasiekti straipsnyje, visų pirma, nagrinėjama, su žmogaus ir visuomenės sveikatos užtikrinimu susijusi oficialioji konstitucinė doktrina, suformuluota iki valstybėje dėl koronaviruso infekcijos (COVID-19 ligos) plitimo susidarė ypatinga situacija, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms. Toliau analizuojama, kaip kito su tuo susijęs Konstitucijos nuostatų aiškinimas, valstybėje susidarius tokiai ypatingai situacijai. Tad straipsnyje sistemiškai nagrinėjama bendroji (taip įvardinama išimtinai šio straipsnio tikslais) oficialioji konstitucinė doktrina, susijusi su žmogaus ir visuomenės sveikatos užtikrinimu, suformuota iki Konstituciniam Teismui sprendžiant dėl kovai su COVID-19 ligos (koronaviruso infekcijos) plitimu pasitelktų priemonių konstitucingumo ir ta su minėtos konstitucinės vertybės apsauga susijusi oficialioji konstitucinė doktrina, suformuota vertinant minėtų priemonių konstitucingumą.

Bendrosios oficialiosios konstitucinės doktrinos nuostatos, susijusios su žmogaus ir visuomenės sveikatos apsauga

Kaip matyti iš Konstitucijos[19] teksto, žmogaus ir visuomenės sveikata viena ar kita forma tiesiogiai įvardinama ne vienoje konstitucinėje nuostatoje. Pavyzdžiui:

[15] Lietuvos Respublikos Vyriausybės 2021 m. birželio 28 d. nutarimas Nr. 499 „Dėl Lietuvos Respublikos Vyriausybės 2020 m. lapkričio 4 d. nutarimo Nr. 1226 „Dėl karantino Lietuvos Respublikos teritorijoje paskelbimo“ pripažinimo netekusiu galios“. *TAR*, 2021-06-28, Nr. 14448.
[16] Lietuvos Respublikos Konstitucinio Teismo 2023 m. spalio 4 d. nutarimas Nr. KT83-N9/2023. *TAR*, 2023-10-04, Nr. 19560.
[17] Pavyzdžiui, Jakulevičienė, L., Valutytė, R., Sagatienė, D. (red.) (2022) *Teisė ir COVID-19 pandemija*. Mykolo Romerio universitetas.
[18] Lietuvos Respublikos Konstitucinis Teismas. *Neišnagrinėtų prašymų sąrašas*. Prieiga internetu: https://lrkt.lt/lt/prasymai/neisnagrinetu-prasymu-sarasas/370 (žiūrėta 2023 m. spalio 15 d.).
[19] Lietuvos Respublikos Konstitucija. *Lietuvos aidas*, 1992-11-10, Nr. 220-0.

– pagal Konstitucijos 24 straipsnio 2 dalį be gyventojo sutikimo įeiti į būstą neleidžiama kitaip, kaip tik teismo sprendimu arba įstatymo nustatyta tvarka tada, kai reikia garantuoti, be kita ko, žmogaus sveikatą;

– pagal Konstitucijos 25 straipsnio 3 dalį laisvė reikšti įsitikinimus, gauti ir skleisti informaciją negali būti ribojama kitaip, kaip tik įstatymu, jei tai būtina apsaugoti, be kita ko, žmogaus sveikatai;

– pagal Konstitucijos 32 straipsnio 2 dalį piliečio teisės laisvai kilnotis ir pasirinkti gyvenamąją vietą Lietuvoje, laisvai išvykti iš Lietuvos gali būti varžomos tik įstatymu ir jei tai būtina, be kita ko, žmonių sveikatai apsaugoti;

– pagal Konstitucijos 36 straipsnio 2 dalį piliečių teisė rinktis be ginklo į taikius susirinkimus gali būti ribojama tik įstatymu ir tik tada, kai reikia apsaugoti, be kita ko, valstybės ar visuomenės saugumą, žmonių sveikatą;

– Konstitucijos 48 straipsnio 1 dalyje įtvirtinta teisė turėti, be kita ko, saugias ir sveikas darbo sąlygas;

– pagal Konstitucijos 53 straipsnio 1 dalį valstybė rūpinasi žmonių sveikata ir laiduoja medicinos pagalbą bei paslaugas žmogui susirgus.

Taigi, žmogaus sveikata vienu ar kitu aspektu joje yra tiesiogiai minima konstitucinėse nuostatose. Tačiau tai, žinoma, nereiškia, jog žmogaus ir visuomenės sveikata aktuali tik šiais, tiesiogiai Konstitucijoje įvardintais aspektais: Konstitucija apima ne tik eksplicitines (tiesiogiai joje nurodytas), bet ir implicitines (iš visuminio jos reguliavimo išplaukiančias) nuostatas[20]. Be to, kaip pabrėžiama teisės moksle, tikrasis konstitucinio reguliavimo turinys gali būti atskleistas, kai konstitucinės normos yra analizuojamos konstitucinių principų kontekste[21]. Tuo tarpu Konstitucijos nuostatų (eksplicitinių ir implicitinių) sampratą, vis naujus jos aspektus atskleidžia būtent Konstitucinis Teismas, plėtodamas savo ankstesniuose nutarimuose, kituose aktuose pateiktą Konstitucijos nuostatų sampratą[22].

Nagrinėdami oficialiąją konstitucinę doktriną, pastebėsime, kad joje žmogaus ir visuomenės sveikata, kaip konstitucine vertybe, buvo remtasi įvairiais aspektais.

(i) Žmogaus sveikatos apsaugos svarba, visų pirma, atskleista nagrinėjant *su žmogaus teise į kuo geresnę sveikatą susijusius klausimus*, įskaitant įstatymų leidėjui kylančius su tuo susijusius reikalavimus nustatant atitinkamą teisinį reguliavimą, įtvirtinant teisės į socialinęapsaugą teisinį reguliavimą.

Šiame kontekste žmogaus teisė į kuo geresnę sveikatą susieta su žmogaus gyvybe bei orumu, kurie oficialiojoje konstitucinėje doktrinoje įvardinami kaip žmogaus vientisumą ir nepaprastą jo esmę išreiškiančios vertybės[23]. Kaip pažymima teisės moksle, žmogaus orumas kartais suprantamas net kaip tam tikras sinonimas kalbant apie žmogaus teises ir laisves, o užtikrinti žmogaus orumą yra Konstitucinio Teismo, užtikrinančio konkrečią žmogaus teisę ar laisvę, pareiga[24].

Konstitucinis Teismas, spręsdamas dėl pareigos mokėti valstybinio socialinio draudimo ir privalomo sveikatos draudimo įmokas konstitucingumo, atskleidė tokį žmogaus teisės į kuo geresnę sveikatą santykį su žmogaus gyvybe ir jo orumu: žmogaus orumas, teisė į gyvybę ir teisė į kuo geresnę sveikatą yra taip glaudžiai susiję, kad, iš vienos pusės, neužtikrinus deramos

[20] Lietuvos Respublikos Konstitucinio Teismo 2014 m. vasario 27 d. sprendimas. *TAR*, 2014-02-28, Nr. 2336.
[21] Sinkevičius, V. (2005) 'Konstitucijos interpretavimo principai ir ribos', *Jurisprudencija*, 67(59), p15.
[22] Lietuvos Respublikos Konstitucinio Teismo 2006 m. kovo 28 d. nutarimas. *Valstybės žinios*, 2006-03-31, Nr. 36-1292.
[23] Lietuvos Respublikos Konstitucinio Teismo 1998 m. gruodžio 9 d. nutarimas. *Valstybės žinios*, 1998-12-11, Nr. 109-3004.
[24] Taminskas, A., Mesonis, G. (2014) 'Žmogaus orumas: konstitucinės refleksijos', *Jurisprudencija*, 21(4), p970.

sveikatos apsaugos, žmogaus teisės į gyvybę ir jo orumo apsauga taip pat nebūtų visavertė, o iš kitos pusės, teisė į gyvybės išsaugojimą ir gelbėjimą, kai jai kyla pavojus, yra neatsiejama, pamatinė prigimtinės žmogaus teisės į kuo geresnę sveikatą dalis[25]. Taigi, oficialiojoje konstitucinėje doktrinoje žmogaus teisę į kuo geresnę sveikatą susiejus su jo teisėmis į gyvybę ir orumo apsaugą, žmogaus sveikatos apsaugai atitinkamai suteikta tokia apsauga, kuri būtina šioms vertybėms užtikrinti.

(ii) Žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, apsauga tiesiogiai siejama ir su jau minėta Konstitucijos 53 straipsnio 1 dalies lemiama *valstybės funkcija rūpintis žmonių sveikata*. Konstitucinis Teismas ne kartą yra nagrinėjęs konstitucinės justicijos bylas, kuriose buvo keliamas būtent šios konstitucinės nuostatos aiškinimo klausimas, ir yra suformulavęs plačią su tuo susijusią oficialiąją konstitucinę doktriną.

Visgi Konstitucijos 53 straipsnio 1 dalies reikalavimas valstybei rūpintis žmonių sveikata ir laiduoti medicinos pagalbą bei paslaugas žmogui susirgus, pirmiausia, ir, žinoma, daugiausia siejamas būtent su pareiga užtikrinti atitinkamą medicinos pagalbą asmeniui. Šiame kontekste rūpinimasis žmonių sveikata ir medicinos pagalbos bei paslaugų žmogui susirgus laidavimas vertinti kaip valstybės funkcija, ją siejant ir su sveikatinimo veiklos valdymu ir priežiūra bei pabrėžiant valstybės pareigą užtikrinti tinkamą šios funkcijos finansavimą iš valstybės biudžeto[26]. Tačiau kartu pabrėžta, kad valstybė turi pareigą saugoti asmenis nuo grėsmių sveikatai – sumažinti sveikatai keliamą pavojų, o tam tikrais atvejais, kai tai įmanoma, užkirsti jam kelią[27].

(iii) Ryškiausiai žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, apsaugai tenkantis vaidmuo atsispindi nagrinėjant tą konstitucinės jurisprudencijos dalį, kurioje sprendžiama santykio tarp šios ir kitų konstitucinių vertybių problematika. Iš tikrųjų nors visos Konstitucijos nuostatos sudaro darnią sistemą, o tarp Konstitucijoje įtvirtintų vertybių yra pusiausvyra[28], teisiškai reguliuojant visuomeninius santykius ne visada pavyksta ją tinkamai atspindėti. Todėl oficialioje konstitucinėje doktrinoje atskleidžiant įvairių konstitucinių nuostatų turinį, jų tarpusavio sąsajas, kartu atskleidžiama ir minėta pusiausvyra. Taip sprendžiant teisėkūros kontekste pasitaikančius „konfliktus“ tarp konstitucinių vertybių kartu sudaromos prielaidos užtikrinti visuomenės ir teisinės sistemos sugyvenimą, jų vienovę[29]. Iš tiesų sprendžiant tokias „konstitucinių vertybių sandūros situacijas“ atspindimas vertybinis požiūris į konstitucinį reguliavimą[30].

Konstitucinis Teismas savo jurisprudencijoje ne kartą sprendė pusiausvyros tarp žmogaus ir visuomenės sveikatos ir kitų konstitucinių vertybių problematiką. Galima teigti, kad šiame kontekste oficialioji doktrina daugiausia išplėtota *derinant žmogaus ir visuomenės sveikatą bei ūkinės veiklos laisvę* tiek, kiek tai susiję su jų lemiamais reikalavimais įstatymų leidėjui.

Konstitucinėje jurisprudencijoje ne kartą konstatuota, kad Konstitucijos 46 straipsnio 3 dalies nuostata, jog valstybė reguliuoja ūkinę veiklą taip, kad ji tarnautų bendrai tautos

[25] Lietuvos Respublikos Konstitucinio Teismo 2013 m. gegužės 16 d. nutarimas. *Valstybės žinios*, 2013-05-21, Nr. 52-2604.
[26] Lietuvos Respublikos Konstitucinio Teismo 2002 m. sausio 14 d. nutarimas. *Valstybės žinios*, 2002-01-18, Nr. 5-186.
[27] Lietuvos Respublikos Konstitucinio Teismo 2009 m. rugsėjo 2 d. nutarimas. *Valstybės žinios*, 2009-09-05, Nr. 106-4434.
[28] Lietuvos Respublikos Konstitucinio Teismo 2006 m. gegužės 9 d. nutarimas. *Valstybės žinios*, 2006-05-11, Nr. 51-1894.
[29] Zucca L.(2007). *Constitutional Dilemmas. Conflicts of Fundamental Legal Rights in Europe and the USA*. Oxford: Oxford University Press, psl. ix
[30] Beliūnienė, L. (2008) ‘Konstitucinių vertybių pusiausvyra ir jos pagrindimas konstitucinėje jurisprudencijoje‘, *Konstitucinė jurisprudencija*, Nr. 2(10): 134–157, p146.

gerovei, aiškintina, be kita ko, kartu su Konstitucijos 53 straipsnio 1 dalimi, kurioje nustatyta, kad valstybė rūpinasi žmonių sveikata[31]. Šiame kontekste atskleisdamas minėtos Konstitucijos 46 straipsnio 3 dalies nuostatos turinį, Konstitucinis Teismas pabrėžė, kad Konstitucijoje yra įtvirtinta valstybės priedermė siekti bendros tautos gerovės, taip pat valstybės pareiga siekiant bendros tautos gerovės reguliuoti ūkinę veiklą šalyje. Šiame kontekste tautos gerovė neturi būti suvokiama vien materialine (ar finansine) prasme, taip pat, kaip pabrėžė Konstitucinis Teismas, „kažin ar būtų teisinga ir dora siekti materialinės gerovės žmonių sveikatai kenkiančiu būdu“[32]. Vadinasi, konstitucinėje jurisprudencijoje ūkinės veiklos reguliavimas siejamas, be kita ko, su žmogaus ir visuomenės sveikatos apsaugos imperatyvais.

Dar daugiau, žmogaus ir visuomenės sveikata įvardinama kaip viena svarbiausių visuomenės vertybių, žmonių sveikatos apsauga – konstituciškai svarbus tikslas, viešasis interesas, o rūpinimasis žmonių sveikata – valstybės funkcija. Todėl, kaip konstatavo Konstitucinis Teismas, toks ūkinės veiklos ribojimas, kuriuo siekiama apsaugoti žmonių sveikatą, yra traktuotinas kaip skirtas bendrai tautos gerovei užtikrinti ir, jeigu yra paisoma iš Konstitucijos kylančių reikalavimų, savaime nėra laikytinas pažeidžiančiu Konstituciją[33]. Kitaip tariant, taip oficialiojoje konstitucinėje doktrinoje iš esmės konstatuotas žmogaus ir visuomenės apsaugos prioritetas prieš ūkinės veiklos laisvę tais atvejais, kai ūkinė veikla įgyvendinama taip, jog ji turi būti ribojama, siekiant rūpintis žmonių sveikata; toks ribojimas laikomas nustatytu siekiant bendros tautos gerovės.

Vadinasi, žmogaus ir visuomenės sveikata – konstitucinė vertybė, kurios apsauga yra viešasis interesas, o jos įgyvendinimas prisideda prie bendros tautos gerovės. Todėl tais atvejais, kai šiuo tikslu turi būti ribojama ūkinės veiklos laisvė, jeigu toks ribojimas atliktas laikantis iš Konstitucijos kylančių reikalavimų, jis savaime negali būti laikomas neatitinkančiu Konstitucijos. Šiame kontekste svarbu tai, kad pagal Konstituciją žmogaus konstitucinių teisių ir laisvių įgyvendinimą galima riboti, jeigu laikomasi šių sąlygų: tai daroma įstatymu; apribojimai yra būtini demokratinėje visuomenėje siekiant apsaugoti kitų asmenų teises bei laisves ir Konstitucijoje įtvirtintas vertybes, taip pat konstituciškai svarbius tikslus; apribojimais nėra paneigiama teisių ir laisvių prigimtis bei jų esmė; yra laikomasi konstitucinio proporcingumo principo[34].

Konstitucinis Teismas savo ankstesnėje jurisprudencijoje taip pat atskleidė *žmogaus ir visuomenės sveikatos apsaugos imperatyvo bei Konstitucijos 48 straipsnio 1 dalyje įtvirtintos žmogaus teisės turėti tinkamas, saugias ir sveikas darbo sąlygas santykį*.

Oficialiojoje konstitucinėje doktrinoje teisė į tinkamas, saugias ir sveikas darbo sąlygas aiškinama kaip reiškianti, kad kiekvienas darbuotojas turi teisę į tokias darbo sąlygas (įskaitant darbo aplinką, darbo pobūdį, darbo ir poilsio laiką, darbo priemones ir kt.), kurios nedarytų neigiamo poveikio jo gyvybei, sveikatai, atitiktų saugumo ir higienos reikalavimus[35]. Kartu ši konstitucinė teisė lemia darbdavio pareigą užtikrinti tinkamas, saugias ir sveikas darbo sąlygas[36], bei valstybės pareigą (kylančią, be kita ko, iš Konstitucijos 53 straipsnio 1 dalies

[31] Lietuvos Respublikos Konstitucinio Teismo 2014 m. gegužės 9 d. nutarimas. *TAR*, 2014-05-12, Nr. 5321.
[32] Lietuvos Respublikos Konstitucinio Teismo 2005 m. gegužės 13 d. nutarimas. *Valstybės žinios*, 2005-05-19, Nr. 63-2235.
[33] Lietuvos Respublikos Konstitucinio Teismo 2005 m. rugsėjo 29 d. nutarimas. *Valstybės žinios*, 2005-10-01, Nr. 117-4239.
[34] Lietuvos Respublikos Konstitucinio Teismo 2019 m. kovo 1 d. nutarimas. *TAR*, 2019-03-01, Nr. 3464.
[35] Lietuvos Respublikos Konstitucinio Teismo 2002 m. balandžio 9 d. nutarimas. *Valstybės žinios*, 2002-04-12, Nr. 39-1441.
[36] Lietuvos Respublikos Konstitucinio Teismo 2013 m. gegužės 9 d. nutarimas. *Valstybės žinios*, 2013-05-15, Nr. 50-2502.

nuostatos „valstybė rūpinasi žmonių sveikata“) nustatyti teisinį reguliavimą, pagal kurį būtų sudarytos teisinės prielaidos įgyvendinti šią teisę[37].

Taigi, žmogaus ir visuomenės sveikatos apsaugos užtikrinimas neatsiejamas ir nuo iš Konstitucijos kylančio reikalavimo dirbantiems asmenims užtikrinti tokias jų darbo sąlygas, kurios, be kita ko, nedarytų neigiamo poveikio jų sveikatai.

Žinoma, oficialiojoje konstitucinėje doktrinoje žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, vaidmuo atskleistas ne tik nurodytaisiais, bet ir kitais aspektais (pavyzdžiui, atskleidžiant jos santykį su informacijos laisve[38]). Šiuo atveju pasirinkta aptarti tik tuos su šia konstitucine vertybe susijusius oficialiosios konstitucinės doktrinos aspektus, kurie ryškiausiai atspindėti ankstesnėje konstitucinėje jurisprudencijoje ir kurie reikšmingiausi nagrinėjant aktualios oficialiosios konstitucinės doktrinos pokyčius valstybėje susidarius žmonių užkrečiamųjų ligų plitimo visuomenėje nulemtai ypatingai situacijai, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms.

Apibendrinant galima teigti, kad žmogaus ir visuomenės sveikata, kaip konstitucinė vertybė, užėmė reikšmingą vietą konstitucinėje jurisprudencijoje. Oficialiojoje konstitucinėje doktrinoje apibrėžiant šios ir kitų konstitucinių vertybių santykį, neretai pirmenybė buvo teikiama būtent pastarajai (žinoma, tik jeigu laikytasi kitų konstitucinių reikalavimų). Ypatingą žmogaus ir visuomenės sveikatos vaidmenį atspindi ir tai, kad jos užtikrinimas reflektuoja bendros tautos gerovės siekio įgyvendinimą.

Žmogaus ir visuomenės sveikatos vaidmuo naujausioje konstitucinėje jurisprudencijoje

Minėtos paskutiniais metais susiklosčiusios aplinkybės (valstybėje susidariusi žmonių užkrečiamųjų ligų plitimo visuomenėje nulemta ypatinga situacija, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms) neišvengiamai lėmė tai, kad su žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, apsauga susiję klausimai užima ypatingą vietą naujausioje konstitucinėje jurisprudencijoje. Žinoma, tai nereiškia, kad Konstitucinis Teismas nenagrinėjo ir neatskleidė iš Konstitucijos kylančių reikalavimų susijusių su kitais žmonių sveikatos apsaugos, kaip konstituciškai svarbaus tikslo, įgyvendinimo aspektais (pavyzdžiui, nagrinėdamas klausimus dėl kompensuojamųjų vaistinių preparatų ir medicinos pagalbos priemonių bazinių kainų apskaičiavimo tvarkos nustatymo konstitucingumo[39]). Visgi būtent nagrinėjant kovai su COVID-19 ligos (koronaviruso infekcijos) plitimu susijusių priemonių suderinamumą su Konstitucija (kitais aukštesnės galios teisės aktais) buvo ryškiausiai atskleistas žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, vaidmuo.

Nagrinėdami šiame kontekste aktualius Konstitucinio Teismo baigiamuosius aktus, pamatysime, jog plėtodamas Konstitucijos aiškinimą ir atskleisdamas naujus žmogaus ir visuomenės sveikatos vaidmens aspektus, Konstitucinis Teismas, visų pirma, rėmėsi pirmajame šio straipsnio skyriuje aptartomis (visomis ar dalimi jų) bendrosios oficialiosios konstitucinės doktrinos nuostatomis, susijusiomis su žmogaus ir visuomenės sveikatos apsauga. Būtent remiantis jomis oficialiojoje konstitucinėje doktrinoje atskleisti nauji su žmogaus ir visuomenės sveikatos apsauga susiję aspektai.

[37] Lietuvos Respublikos Konstitucinio Teismo 2009 m. gruodžio 11 d. nutarimas. *Valstybės žinios*, 2009-12-15, Nr. 148-6632.
[38] Lietuvos Respublikos Konstitucinio Teismo 2005 m. rugsėjo 29 d. nutarimas. *Valstybės žinios*, 2005-10-01, Nr. 117-4239.
[39] Lietuvos Respublikos Konstitucinio Teismo 2021 m. spalio 15 d. nutarimas. *TAR*, 2023-01-02, Nr. 1.

Galima išskirti toliau nurodytas pagrindines sritis, kuriose Konstitucinis Teismas, nagrinėdamas kovai su COVID-19 ligos (koronaviruso infekcijos) plitimu susijusių priemonių konstitucingumą, vystė oficialiąją konstitucinė doktriną.

1. *Žmogaus ir visuomenės sveikatos apsaugos santykis su konstitucine teise į tinkamas, saugias ir sveikas darbo sąlygas aspektai, su teise laisvai pasirinkti darbą*[40].

Konstitucinis Teismas 48 straipsnio 1 dalyje įtvirtintą konstitucinę žmogaus teisę laisvai pasirinkti darbą aiškino kartu su šioje dalyje įtvirtinta kiekvieno žmogaus teise turėti tinkamas, saugias ir sveikas darbo sąlygas. Šiame kontekste konstituciniai įstatymų leidėjo įgaliojimai nustatyti teisės laisvai pasirinkti darbą įgyvendinimo sąlygas (jos turi būti nustatytos atsižvelgiant į darbo pobūdį) aiškinti kaip tokie, kurie apima jo pareigą nustatyti tokį teisinį reguliavimą, kuriuo būtų sudarytos teisinės prielaidos įgyvendinti ir Konstitucijos 48 straipsnio 1 dalyje įtvirtintą žmogaus konstitucinę teisę į tinkamas, saugias ir sveikas darbo sąlygas. Taigi, Konstitucinis Teismas iš esmės susiejo įstatymų leidėjo įgaliojimus reguliuoti darbo teisinius santykius su jo pareiga juos reguliuoti taip, kad būtų galimybė įgyvendinti dirbančio asmens teisę į tinkamas, saugias ir sveikas darbo sąlygas.

Ši jo pareiga, kaip nurodė Konstitucinis Teismas, galėtų būti įgyvendinama ir nustatant, kad tose darbovietėse, kuriose nustatytas staigus užkrečiamosios ligos išplitimas, būtų taikomos tam tikros teisės laisvai pasirinkti darbą įgyvendinimo sąlygos, susijusios su žmonių užkrečiamųjų ligų plitimo valdymu (kontrole). Kaip viena iš tokių priemonių, pasak Konstitucinio Teismo, galėtų būti reikalavimas įgyvendinti priemones (tiek bendro pobūdžio, tiek specialias), kurių privaloma imtis siekiant suvaldyti užkrečiamosios ligos staigų plitimą ir sumažinti riziką kitiems asmenims (įskaitant darbuotojus) užsikrėsti plintančia liga. Tiesa, tokios teisės laisvai pasirinkti darbą įgyvendinimo sąlygos gali būti taikomos tik tuo atveju, jeigu paisoma iš Konstitucijos kylančių reikalavimų, tik dėl to, kad žmonių sveikatos apsauga yra konstituciškai svarbus tikslas, viešasis interesas, ir tik siekiant užkirsti kelią žmonių užkrečiamųjų ligų plitimui visuomenėje, taip pat suvaldyti šių ligų plitimą, dėl kurio valstybėje susidaro ypatinga situacija, kelianti grėsmę daugelio žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms.

Konstitucinis Teismas, atsižvelgdamas, be kita ko, į tokį šiomis ypatingomis aplinkybėmis Konstitucijos lemiamą žmogaus ir visuomenės sveikatos apsaugos santykį su konstitucine teise į tinkamas, saugias ir sveikas darbo sąlygas, taip pat jos santykį su teise laisvai pasirinkti darbą, 2022 m. birželio 21 d. nutarime neprieštaraujančiu Konstitucijai pripažino tą teisinį reguliavimą, kuriuo Nacionaliniam visuomenės sveikatos centrui suteikta teisė paskirti darbuotojams privalomas žmonių užkrečiamųjų ligų kontrolės priemones. Atsižvelgdamas, be kita ko, į nurodytas oficialiosios konstitucinės doktrinos nuostatas, Konstitucinis Teismas 2022 m. spalio 12 d. nutarime[41] konstatavo ir teisinio reguliavimo, kuriuo Vyriausybei pavesta nustatyti sritis, kuriose pasitikrinusiems dėl užkrečiamosios ligos darbuotojams leidžiama dirbti, ir kuriuo sudarytos prielaidos nušalinti nuo darbo nepasitikrinusius darbuotojus, suderinamumą su Konstitucija.

2. *Žmogaus ir visuomenės sveikatos apsaugos santykis su Konstitucijos 32 straipsnyje laiduojama kilnojimosi laisve, teise pasirinkti gyvenamąją vietą Lietuvoje, teise laisvai išvykti iš Lietuvos*[42].

[40] Lietuvos Respublikos Konstitucinio Teismo 2022 m. birželio 21 d. nutarimas Nr. KT79-N8/2022. *TAR*, 2022-06-21, Nr. 13291.
[41] Lietuvos Respublikos Konstitucinio Teismo 2022 m. spalio 12 d. nutarimas Nr. KT128-N12/2022. *TAR*, 2022-10-12, Nr. 20749.
[42] Lietuvos Respublikos Konstitucinio Teismo 2023 m. gegužės 31 d. nutarimas Nr. KT49-A-N5/2023. *TAR*, 2023-05-31, Nr. 10698.

Konstitucinis Teismas žmonių užkrečiamųjų ligų plitimo visuomenėje nulemtos valstybėje susidariusios ypatingos situacijos, dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, kontekste atskleidė ir iš Konstitucijos 53 straipsnio 1 dalies kylančios pareigos saugoti asmenis nuo grėsmių sveikatai turinį. Atskleisdamas šią pareigą įgyvendinančio įstatymų leidėjo įgaliojimų ribas, Konstitucinis Teismas pažymėjo, kad jis gali nustatyti asmens teisę spręsti, kurioje Lietuvos Respublikos teritorijos vietoje jam būti, kada šią vietą palikti ir persikelti į kitą vietą, teisę laisvai spręsti, kurią nuolatinę ar laikiną gyvenamąją vietą pasirinkti, taip pat apsispręsti, ar likti Lietuvoje, ar iš jos išvykti, ir teisę pasirinkti išvykimo laiką ribojančias priemones, kuriomis siekiama užkirsti kelią žmonių užkrečiamųjų ligų plitimui visuomenėje, taip pat suvaldyti šių ligų plitimą.

Taigi, kaip matyti iš nurodytų oficialiosios konstitucinės doktrinos nuostatų, Konstitucinis Teismas, apibrėždamas žmogaus ir visuomenės sveikatos apsaugos santykį su konstitucine kilnojimosi laisve, teise pasirinkti gyvenamąją vietą Lietuvoje, teise laisvai išvykti iš Lietuvos, pirmenybę iš esmės teikė žmonių sveikatos apsaugos imperatyvui. Žinoma, tiek šiuo, tiek kitais atvejais, nustatydamas santykius tarp konstitucinių vertybių, Konstitucinis Teismas pabrėžė būtinybę laikytis, be kita ko, iš Konstitucijos kylančių konstitucinių žmogaus teisių ribojimo sąlygų.

Paminėtina, kad Konstitucinis Teismas 2023 m. gegužės 31 d. nutarime neprieštaravusiu Konstitucijai pripažino teisinį reguliavimą, kuriuo buvo ribojamas asmenų artimų kontaktų skaičiaus uždarose erdvėse paskelbus karantiną. Tiesa, tai Konstitucinis Teismas konstatavo, padaręs išvadą, jog ginčijamas teisinis reguliavimas ir atitinkamos Konstitucijos 32 straipsnio nuostatos reguliuoja skirtingus santykius, t. y. tiesiogiai nesiremdamas nurodytomis naujai suformuluotomis oficialiosios konstitucinės doktrinos nuostatomis.

3. *Žmogaus ir visuomenės sveikatos apsaugos santykis su Konstitucijos 46 straipsnio laiduojama ūkinės veiklos laisve, su tuo susiję įgaliojimai nustatyti žmogaus teises ir laisves ribojančias priemones*[43].

Konstitucinis Teismas, atskleisdamas šių vertybių santykį tuo atveju, kai dėl žmonių užkrečiamųjų ligų plitimo visuomenėje valstybėje susidarė ypatinga situacija, dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, nurodė, jog įstatymų leidėjas gali nustatyti tokius ūkinės veiklos ribojimus ar draudimus, skirtus užkirsti kelią žmonių užkrečiamųjų ligų plitimui visuomenėje ar šių ligų plitimui suvaldyti, kuriais siekiama konstituciškai svarbaus tikslo – apsaugoti žmonių sveikatą ir gyvybę. Tiesa, net ir tokiu atveju nustatyti ūkinės veiklos ribojimai ir draudimai turi būti proporcingi siekiamam minėtam konstituciškai svarbiam tikslui – apsaugoti žmonių sveikatą ir gyvybę, užtikrinti kitus gyvybiškai svarbius visuomenės interesus, kitas konstitucines vertybes.

Atsižvelgiant į šias oficialiosios konstitucinės doktrinos nuostatas, galima manyti, kad Konstitucinis Teismas šios ypatingos situacijos kontekste pirmenybę teikia (ir teiktų) žmogaus ir visuomenės sveikatos apsaugai; ūkinės veiklos laisvė tokiu atveju gali būti ribojama, tačiau tik laikantis proporcingumo principo.

Kartu Konstitucinis Teismas apibrėžė iš Konstitucijos kylančius reikalavimus dėl užkrečiamosios ligos plitimo visuomenėje nustatant ūkinę veiklą ribojančias priemones ar draudimus. Juos apibendrinti galima būtų taip:

– gali būti nustatytas toks teisinis reguliavimas, pagal kurį įstatymų leidėjo įstatyme įtvirtintos žmonių užkrečiamosioms ligoms suvaldyti skirtos priemonės gali būti detalizuojamos poįstatyminiuose teisės aktuose (nustatant ir konkrečių pasirinktų priemonių

[43] Lietuvos Respublikos Konstitucinio Teismo 2023 m. sausio 24 d. nutarimas Nr. KT8-N1/2023. *TAR*, 2023-01-24, Nr. 1176.

taikymo mastą bei trukmę); tai įmanoma tik tokiu atveju, kai, siekiant užtikrinti viešąjį sveikatos apsaugos interesą, būtina priimti skubius ir veiksmingus sprendimus;

– toks teisinis reguliavimas gali būti nustatytas įsitikinus, jog valstybėje susidariusi minėta ypatinga situacija yra tokia sunki, kad dėl jos būtina kuo skubiau imtis atitinkamų, be kita ko, ūkinės veiklos laisvę ribojančių priemonių; jis taip pat gali būti nustatytais atvejais, kai yra pagrindo manyti (atsižvelgiant į tuo metu turimą specialią informaciją), kad tokia situacija yra neišvengiama ir kad, laiku nesiėmus veiksmingų priemonių, bus padaryta nepataisoma žala Konstitucijoje įtvirtintoms vertybėms, be kita ko, žmonių sveikatai ir gyvybei;

– tokiu atveju turi būti nustatytos tokios žmogaus teises ir laisves ribojančios priemonės, kad būtų išvengta minėtos žalos ir kad būtų užtikrintas deramas valstybės konstitucinės funkcijos rūpintis žmonių sveikata vykdymas ir tinkamas žmogaus teisės į kuo geresnę sveikatą ir teisės į sveikatos priežiūrą įgyvendinimas;

– tokios žmogaus teises ir laisves ribojančios priemonės, be kita ko, ūkinės veiklos srityje, gali būti taikomos tik laikinai (tol, kol valstybėje yra susidariusi tam tikra ypatinga situacija arba kol, atsižvelgiant į tuo metu turimą specialią informaciją, yra pagrindo manyti, kad tokia situacija yra neišvengiama), o tokių priemonių nustatymas ir taikymas turi būti grindžiamas aplinkybėmis, liudijančiomis grėsmę daugelio žmonių sveikatai ir gyvybei (pavyzdžiui, užkrečiamosios ligos plitimo visuomenėje greičiu ir mastu, sveikatos priežiūros įstaigoms tenkančiu krūviu (įskaitant hospitalizuotų asmenų skaičių), būtinųjų sveikatos priežiūros paslaugų prieinamumu);

– Vyriausybė, įstatymų leidėjo pavedimu įstatyme nustatytais atvejais ir sąlygomis detalizavusi ūkinės veiklos ribojimus (pavyzdžiui, nustačiusi konkrečias tam tikru laikotarpiu taikomas ūkinę veiklą ribojančias priemones, kuriomis siekiama apsaugoti žmonių sveikatą), privalo nuolat peržiūrėti specifines ūkinę veiklą ribojančias priemones, nustatytas dėl žmonių užkrečiamųjų ligų plitimo visuomenėje kilus grėsmei žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, ir iš naujo įvertinti, ar jas taikyti siekiant išvengti grėsmės žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms vis dar yra būtina.

Taigi dėl žmonių užkrečiamųjų ligų plitimo visuomenėje valstybėje susidariusi ypatinga situacija, dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, lemia ir teisinio reguliavimo, nustatančio ūkinę veiklą ribojančias priemones ar draudimus, specifiką, kuri galėtų būti apibrėžiama taip: (i) poįstatyminiais teisės aktais gali būti detalizuojamos įstatymų leidėjo nustatytos priemonės; (ii) jos gali būti detalizuojamos ne tik tada, kai jau yra susiklosčiusi atitinkama ypatinga situacija, bet ir tada, kai yra pagrindo manyti, kad tokia situacija yra neišvengiama ir dėl to, gali kilti žala konstitucinėms vertybėms; (iii) tokiu atveju privalo būti nustatytos priemonės, kurios padėtų išvengti tokios žalos ir sudarytų prielaidas pasiekti konstituciškai svarbių tikslų (be kita ko, rūpintis žmonių sveikata ir užtikrinti tinkamas žmogaus teisės į kuo geresnę sveikatą, teisę į sveikatos priežiūrą); (iv) toks teisinis reguliavimas gali būti nustatytas tik laikinai, o atitinkamos priemonės gali būti nustatytos ir taikomos tik jeigu egzistuoja grėsmė daugelio žmonių sveikatai ir gyvybei; (v) taip nustatytos specifinės ūkinę veiklą ribojančios priemonės Vyriausybės turi būti nuolat peržiūrimos (įvertinant, ar vis dar būtina taikyti tokias priemones, siekiant išvengti grėsmės žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms).

Šiame kontekste svarbu tai, kad nurodytosiomis oficialiosios konstitucinės doktrinos nuostatomis naujai buvo atskleistas tam tikras Vyriausybės įgaliojimų aspektas – galimybė nustatyti žmogaus teises ir laisves ribojančių priemonių įgyvendinimo reikalavimus dėl žmonių užkrečiamųjų ligų plitimo visuomenėje valstybėje susidarius ypatingai situacija, dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms. Ši oficialiosios konstitucinės doktrinos raida atspindi kokybiškai naują aspektą, susijusį su žmogaus ir

visuomenės teisės į sveikatos apsaugą užtikinimu, su žmogaus ir visuomenės teisės į sveikatą santykiu su kitomis konstitucinėmis vertybėmis.

Konstitucinis Teismas, vadovaudamasis šiomis ir kitomis oficialiosios konstitucinės doktrinos nuostatomis, 2023 m. sausio 24 d. nutarimu neprieštaraujančiu Konstitucijai ir atitinkamoms įstatymo nuostatoms pripažino tą teisinį reguliavimą, kuriuo karantino laikotarpiu buvo uždraustos tam tikros grožio ir odontologijos paslaugos.

4. *Žmogaus ir visuomenės sveikatos apsaugos santykis su Konstitucijos 20 straipsnio 1 dalyje garantuojamu asmens laisve, 21 straipsnio 1 dalyje įtvirtintu asmens neliečiamumu, 22 straipsnyje įtvirtintu asmens privataus gyvenimo neliečiamumu, su tuo susiję įgaliojimai nustatyti žmogaus teises ir laisves ribojančias priemones*[44].

Konstitucinis Teismas, atskleisdamas tokių vertybių santykį, pažymėjo, kad valstybėje susidarius ypatingai situacijai, kuri nulemta žmonių užkrečiamųjų ligų plitimo visuomenėje ir dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, laikinai gali būti apribota ne tik ūkinės veiklos laisvė, bet ir kitos asmens teisės ir laisvės, įskaitant Konstitucijos 20 straipsnio 1 dalyje garantuojamą asmens laisvę, 21 straipsnio 1 dalyje įtvirtintą asmens neliečiamumą ar 22 straipsnyje įtvirtintą asmens privataus gyvenimo neliečiamumą. Tačiau tai įmanoma tik tais atvejais, kai yra pagrindo manyti (vadovaujantis tuo metu turima specialia informacija), kad laiku nesiėmus veiksmingų priemonių bus padaryta nepataisoma žala Konstitucijoje įtvirtintoms vertybėms (be kita ko, žmonių sveikatai ir gyvybei), siekiant įgyvendinti iš Konstitucijos kylančią pareigą saugoti asmenis nuo grėsmių sveikatai ir atsižvelgus į ligos plitimo dinamiką (įskaitant naujų pavojingesnių ir labiau užkrečiamų ligos atmainų atsiradimą). Tiesa, net ir tokiu atveju turi būti laikomasi iš Konstitucijos kylančių reikalavimų.

Atsižvelgiant į šias oficialiosios konstitucinės doktrinos nuostatas, galima manyti, kad Konstitucinis Teismas šios ypatingos situacijos kontekste pirmenybę teikia (ir teiktų) žmogaus ir visuomenės sveikatos apsaugai: Konstitucijos 20 straipsnio 1 dalyje garantuojama asmens laisvė, 21 straipsnio 1 dalyje įtvirtintas asmens neliečiamumas ar 22 straipsnyje įtvirtintas asmens privataus gyvenimo neliečiamumas gali būti ribojami, tačiau tik laikantis nustatytų reikalavimų.

Šiame kontekste Konstitucinis Teismas apibrėžė tuos atvejus, kai dėl žmonių užkrečiamųjų ligų plitimo visuomenėje valstybėje susidarė ypatinga situacija, dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, iš Konstitucijos kylančius papildomus reikalavimus dėl užkrečiamosios ligos plitimo visuomenėje nustatant asmens teises ir laisves, įskaitant Konstitucijos 20 straipsnio 1 dalyje garantuojamą asmens laisvę, 21 straipsnio 1 dalyje įtvirtintą asmens neliečiamumą ar 22 straipsnyje įtvirtintą asmens privataus gyvenimo neliečiamumą ribojančias priemones ar draudimus. Juos apibendrinti galima būtų taip:

– žmonių užkrečiamųjų ligų plitimui visuomenėje skirtos suvaldyti priemonės, kuriomis, siekiant apsaugoti asmenis nuo grėsmių sveikatai, apribojamos kai kurios žmogaus teisės ir laisvės, negali būti tokios, kurias taikant net ir laikinai asmuo negalėtų patenkinti gyvybiškai būtinų poreikių (pavyzdžiui, įsigyti maisto, vaistų, gauti būtinųjų asmens sveikatos priežiūros paslaugų ir kt.);

– tokios priemonės gali būti taikomos tik laikinai, t. y. tol, kol yra pagrindo manyti (atsižvelgiant į tuo metu turimą specialią informaciją), kad netaikant minėtų apribojimų bus padaryta nepataisoma žala Konstitucijoje įtvirtintoms vertybėms, be kita ko, žmonių sveikatai ir gyvybei, arba kol išnyksta tokių priemonių taikymą nulėmusios aplinkybės, liudijančios

[44] Lietuvos Respublikos Konstitucinio Teismo 2023 m. spalio 4 d. nutarimas Nr. KT83-N9/2023. *TAR*, 2023-10-04, Nr. 19560.

grėsmę daugelio žmonių sveikatai ir gyvybei (pavyzdžiui, užkrečiamosios ligos plitimo visuomenėje greitis ir mastas, naujų viruso atmainų atsiradimas, sveikatos priežiūros įstaigoms tenkantis krūvis (be kita ko, hospitalizuotų asmenų skaičius), būtinųjų sveikatos priežiūros paslaugų prieinamumas);

– toks teisinis reguliavimas, kuriuo, siekiant užkirsti kelią žmonių užkrečiamųjų ligų plitimui visuomenėje, taip pat suvaldyti šių ligų plitimą, nustatomos asmens teises ir laisves ribojančios priemonės, privalo būti nuolat peržiūrimas ir iš naujo įvertinama būtinybė jį taikyti ir toliau.

Taigi, atsižvelgiant į nurodytas oficialiosios konstitucinės doktrinos nuostatas, dėl žmonių užkrečiamųjų ligų plitimo visuomenėje valstybėje susidariusi ypatinga situacija, dėl kurios kyla grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, lemia ir teisinio reguliavimo, nustatančio minėtas asmens teises ir laisves ribojančias priemones ar draudimus, specifiką. Ji galėtų būti apibrėžiama taip: (i) ribojimais negali būti sudaryta galimybė riboti asmens gyvybiškai būtinų poreikių patenkinimo; (ii) tokie ribojimai gali būti taikomi tik laikinai – tol, kol yra pagrindo manyti, kad, priešingu atveju, bus padaryta nepataisoma žala konstitucinėms vertybės (įskaitant žmonių sveikatą ir gyvybę), arba kol išnyksta tokių priemonių taikymą nulėmusios atitinkamos aplinkybės; (iii) ribojimus nustatantis teisinis reguliavimas turi būti nuolat peržiūrimas ir iš naujo įvertinama jo taikymo tolesnė būtinybė.

Šiame kontekste svarbu tai, kad nurodytosiomis oficialiosios konstitucinės doktrinos nuostatomis buvo atskleistos sąlygos, kuriomis susidarius minėtai ypatingai situacijai, gali būti ribojamos ir Konstitucijos 20 straipsnio 1 dalyje, 21 straipsnio 1 dalyje, 22 straipsnyje įtvirtintos teisės ir laisvės. Ši oficialiosios konstitucinės doktrinos raida atspindi kokybiškai naują aspektą, susijusį su žmogaus ir visuomenės teisės į sveikatos apsaugą užtikinimu, su žmogaus ir visuomenės teisės į sveikatą santykiu su kitomis konstitucinėmis vertybėmis.

Konstitucinis Teismas, vadovaudamasis šiomis ir kitomis oficialiosios konstitucinės doktrinos nuostatomis, 2023 m. spalio 4 d. nutarimu neprieštaravusiu Konstitucijai ir atitinkamoms įstatymo nuostatoms pripažino tą teisinį reguliavimą, kuriuo buvo nustatyta galimybė teikti kontaktiniu būdu tam tikras paslaugas tik vadinamąjį „galimybių pasą“ turėjusiems asmenims, t. y. tiems asmenims, kurie buvo nustatyta tvarka pasiskiepiję atitinkama vakcina, buvo persirgęs COVID-19 liga (koronaviruso infekcija) arba buvo atlikę nurodytą COVID-19 tyrimą ir gavę neigiamą rezultatą.

Taigi, kaip matyti iš nurodytų oficialiosios konstitucinės doktrinos nuostatų, valstybėje susidariusi ypatinga situacija, kuri nulemta žmonių užkrečiamųjų ligų plitimo visuomenėje ir dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, lėmė ir oficialiosios konstitucinės doktrinos raidą. Šių pakitimų analizė leidžia teigti, kad minėtos ypatingos situacijos nulemti Konstitucijos nuostatų aiškinimo pakeitimai neatsiejamai susiję su žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, ypatingu vaidmeniu: laikantis Konstitucijos lemiamų reikalavimų šiame kontekste visais atvejais, visų pirma, siekiama užtikrinti žmogaus ir visuomenės sveikatos apsaugą (ir nuo jos neatsiejamą žmogaus teisę į gyvybę, taip pat kitas konstitucines vertybes). Atsižvelgiant į tai, konstitucinėje jurisprudencijoje užtikrinant skirtingų konstitucinių vertybių pusiausvyrą pirmenybė šiame kontekste teikiama žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, apsaugai.

Išvados

Konstitucinėje jurisprudencijoje atskleistų žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, apsaugos lemiamų reikalavimų analizė sudaro prielaidas daryti toliau

nurodytas išvadas.

1. Žmogaus ir visuomenės sveikata konstitucinėje jurisprudencijoje buvo ir yra įvardinama kaip viena svarbiausių konstitucinių vertybių. Žmogaus ir visuomenės sveikatos, kaip konstitucinės vertybės, vaidmuo konstitucinėje jurisprudencijoje visada buvo reikšmingas, nes jos apsaugos užtikrinimas reflektuoja bendros tautos gerovės siekio įgyvendinimą. Jis atsispindi ir apibrėžiant šios konstitucinės vertybės santykį su kitomis konstitucinėmis vertybėmis.

2. Valstybėje susidariusi žmonių užkrečiamųjų ligų plitimo visuomenėje nulemta ypatinga situacija, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, lėmė ir atitinkamos oficialiosios konstitucinės doktrinos raidą. Ypatingai šiame kontekste buvo vystoma su žmogaus ir visuomenės sveikatos apsaugos užtikrinimu susijusių Konstitucijos nuostatų samprata.

Nors žmogaus ir visuomenės sveikata, kaip konstitucinė vertybė, ir iki tol užėmė reikšmingą vietą konstitucinėje jurisprudencijoje, valstybėje susidarius ypatingai situacijai, žmogaus ir visuomenės sveikatos, kaip vienos iš su žmogiškuoju orumu neatsiejamai susijusių konstitucinių vertybių, vaidmuo dar išaugo. Aktualios konstitucinės jurisprudencijos analizė leidžia teigti, kad šios valstybėje susidariusios ypatingos situacijos kontekste kalbant apie konstitucines žmogaus teises ir laisves pirmenybė teikiama būtent žmogaus ir visuomenės sveikatai bei jų apsaugai.

3. Valstybėje susidariusi žmonių užkrečiamųjų ligų plitimo visuomenėje nulemta ypatinga situacija, dėl kurios kilo grėsmė žmonių sveikatai ir gyvybei, kitoms konstitucinėms vertybėms, ir siekis užtikrinti žmogaus ir visuomenės sveikatos apsaugą lėmė ir oficialiojoje konstitucinėje doktrinoje naujai atskleistus Vyriausybės įgaliojimų aspektus – jos įgaliojimus nustatyti žmogaus teises ir laisves ribojančių priemonių įgyvendinimo reikalavimus. Ši ir su ja susijusi žmogaus ir visuomenės sveikatos apsaugos būtinybės nulemta oficialiosios konstitucinės doktrinos raida lėmė, be kita ko, tai, kad konstitucinėje jurisprudencijoje buvo pateisinti šiuo laikotarpiu nustatyti žmogaus teisių ribojimai ir draudimai.

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LIMITATION OF CONSTITUTIONAL HUMAN RIGHTS AND FREEDOMS IN ORDER TO PROTECT THE HEALTH OF HUMAN BEING AND OF SOCIETY

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Summary

This article examines how the role of health of human and of society, as a constitutional value, has evolved in the official constitutional doctrine, when the spread of coronavirus infection (COVID-19 disease) in the country has created an extraordinary situation that has threatened the health and life of people, as well as other constitutional values. For this purpose, this article is divided into two parts: the first part examines the official constitutional doctrine

relating to the protection of health of human being and of society, which was developed before the emergence of the special situation in the State; and the second part analyses the relevant official constitutional doctrine, which was developed after the emergence of the special situation.

In the first part of the article, following the analysis of the constitutional provisions, it is noted that the human health is explicitly mentioned in various aspects in the constitutional provisions. However, the Constitution includes not only explicit (directly mentioned) but also implicit (derived from the totality of its regulation) provisions. Whereas the concept of the constitutional provisions (both explicit and implicit) is elaborated by the Constitutional Court.

Following the analysis of the official constitutional doctrine before the emergence of the mentioned extraordinary situation in the State, the conclusion is made that the role of health of human being and of society, as a constitutional value, was also significant in the constitutional jurisprudence prior to the emergence of the mentioned extraordinary situation in the State. This role was also reflected in the definition of the relationship between health of human being and of society, as a constitutional value, and other constitutional values.

Meanwhile, the development of the official constitutional doctrine in the State in the context of a extraordinary situation caused by the spread of infectious diseases in human society, which threatened the health and life of people and other constitutional values, leads to the conclusion that the role of health of human being and of society, which is intrinsically linked to human dignity, has become more important in this context: in the context of the mentioned extraordinary situation in the state, it is health of human being and of society and its protection that are, generally, given priority over other constitutional human rights and freedoms.

It is finally concluded, that health of human being and of society in constitutional jurisprudence has been and continues to be identified as one of the most important constitutional values: it has always been significant constitutional value and its protection reflects the realisation of the common good of the nation. It is also reflected when defining the relationship between this constitutional value and other constitutional values. Whereas the special situation created by the spread of communicable diseases in the society, which threatened the health and life of people and other constitutional values, led to the development of the relevant official constitutional doctrine, especially to the one related to the health of human being and of society. Therefore, the role of this constitutional value, which is inseparably linked to human dignity, has become even more important in the context of the mentioned extraordinary situation in the State. An analysis of current constitutional jurisprudence suggests that, in this context, the protection and protection health of human being and of society is a priority in the context of protection of other constitutional human rights and freedoms. Lastly, it is noted, that the inevitable development of the official constitutional includes the new aspects of the Government's powers, namely, the Government's power to determine the requirements for the implementation of the measures limiting human rights and freedoms. It is concluded, that, among others, this development of official constitutional doctrine was driven by the need to protect health of human being and of society and it has resulted in the justification of limitations and prohibitions on human rights, that were introduced during this extraordinary period.

Keywords: protection of health of human and of society; protection of human rights; conditions for limiting human rights; the power of the Government to determine the requirements for the implementation of measures limiting human rights and freedoms.

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PROCEDURES AND CONDITIONS FOR THE ENTRY OF FOREIGNERS TO THE REPUBLIC OF LITHUANIA: A CRITICAL APPROACH

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Abstract. *Following the declaration of the restoration of independence of the Republic of Lithuania on 11 March 1990, there was a need to regulate not only the social relations within the country related to Lithuanian citizenship, but also to determine the legal status of foreigners in the Republic of Lithuania. The legal status of aliens includes the following: the conditions of entry, residence or departure are determined by the State itself, a right which derives from the sovereignty of the States, but the definition of the legal status of aliens must also be subject to the norms of international law, which lay down the necessary conditions for the legal protection of aliens.*
The article presents, on the basis of statistical data, the procedure and conditions of entry of aliens into the Republic of Lithuania and assesses the application of the provisions of the Law on the Legal Status of Aliens.

Keywords: *Alien, entry procedure, border crossing.*

Introduction

The globalization processes taking place around the world often force countries to review their regulatory instruments. High migration flows have influenced changes in the regulation of the Legal Status of Aliens and related legislation. The Law on the Legal Status of Aliens states that an alien means any person other than a citizen of the Republic of Lithuania irrespective of whether he is a national of a foreign state or a stateless person. (Legal Status of Aliens, 2023). Some literature refers to an alien as a citizen of a foreign state who is temporarily or permanently present on the territory of the relevant state. As a general rule, national law defines foreigners as any person who is not a national of that country, i.e. not only nationals of other countries, but also stateless persons (Šaltė, 2023).

The legal status of a foreigner is regulated by the internal laws of the States in which he or she is present, as well as by international treaties. Legal status is the set of rights and obligations of a person arising from his or her legal status and the existing legal framework. The legal status of foreigners depends on a number of factors, including their entry and exit procedures, their right to reside and work, the forms of asylum granted, the legal regime established in the State, etc.

In 2023, the number of foreigners living in Lithuania surpassed 200,000 for the first time in the country's history. In the middle of this year, in July, there were a little more than 195 thousand foreigners in Lithuania (see Figure 1), and already on 1 September there were 203 157 persons from various foreign countries living in Lithuania, according to the statistics available to the Migration Department (Migration Department, 2023).

Figure 1. Foreigners in Lithuania
Sourse: European Migration Network (EMN)

At the beginning of the year, immigration of foreign workers to Lithuania slowed down slightly. This may have been due to the talk of an impending recession. However, the pace of applications for residence permits picked up again in the spring, resulting in a 7 000-strong increase in the number of foreigners in Lithuania in July and August (Migration Department, 2023).

As mentioned above, with the increasing number of foreigners in Lithuania (including the increasing number of migrants), the executive authorities are increasingly faced with certain challenges: the large flow of migrants makes it difficult to apply and implement legal procedures consistently, which often creates tensions among persons wishing to cross the border of the Republic of Lithuania, and increasingly poses challenges to public security and the maintenance of public order. The long-standing international agreement whereby a person who illegally crossed the state border by applying for asylum could avoid sanctions for illegal border crossing has also caused some controversy and has come to be seen as a kind of legislative loophole.

As a result, the latest version of the Law of Legal Status of Aliens provides for the possible detention of foreigners for up to six months, but does not provide for an appeal procedure for this measure; the disproportionate length of time it takes to hear court decisions, which has led to the possibility of an increasing number of breaches of the non-refoulement principle.

The increasing number of migrants requires a review of the legal framework on the legal status of foreigners and an assessment of the specificities of the application of the legal rules. The article will assess the aspects of the legal regulation by reviewing the procedure and conditions for the entry of foreigners to the Republic of Lithuania and assessing the problematic aspects.

Entry and legal status of foreigners in the Republic of Lithuania

The legal status of foreigners is primarily a matter for the State to determine at its discretion, but this does not mean that international law does not regulate it in the same way. In contemporary international law, the protection of aliens is an integral part of the international legal protection of human rights, since the regulation of the legal status of aliens must nevertheless be in line with the international obligations of States (Daukšienė & Šaltė, 2022).

As provided by ECHR Article 1, the engagement undertaken by a Contracting State is confined to “securing” the listed rights and freedoms to persons within its own “jurisdiction”. “Jurisdiction” within the meaning of Article 1 is threshold criterion. The exercise of jurisdiction

is a necessary condition for a Contracting State to be able to be held responsible for acts or omissions imputable to it which give rise to an allegation of the infringement of rights and freedoms set forth in the Convention. According to Vilen Vadapal (2006), the wording "every person within their jurisdiction" implies that it applies not only to citizens but also to foreigners and stateless persons.

It should also be noted that Article 18(1) of the Treaty establishing the European Community establishes the right of a citizen of the European Union to move and reside freely within the territories of the Member States (Vranceanu, 2017). Since the regulation of the legal status of aliens is at the discretion of the States, States normally grant aliens the same rights as those enjoyed by hon trade) or through a non-discrimination clause.

Lithuania is no exception. The aforementioned Law of Legal Status of Aliens states that foreigners in the Republic of Lithuania have the rights and freedoms provided for by the Constitution of the Republic of Lithuania, international treaties, laws of the Republic of Lithuania, and legal acts of the EU. Aliens in the Republic of Lithuania are equal under the law, regardless of their sex, race, nationality, language, origin, social status, religion, beliefs or opinions.

However, it is also stated that foreigners staying in the Republic of Lithuania are obliged to comply with the Constitution of the Republic of Lithuania, the laws of the Republic of Lithuania and other legal acts.

At the request of law enforcement officials or civil servants of the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereafter referred to as the "Migration Department"), a foreigner shall be obliged to present a document confirming his/her personal identity (a travel document, a residence permit, or any other document), as well as other documents, which state the purpose of his/her stay in the Republic of Lithuania and the conditions for such a stay, and which prove that the foreigner has been staying in the Republic of Lithuania legally.

When determining the specific legal regime for foreigners, countries often consider whether they are temporarily or permanently resident. They do not usually enjoy political rights such as the right to vote, to hold public office, etc. They do not have to perform military service during their stay. The right to acquire real estate is often restricted. And this is not treated as discrimination, it is usually part of an international agreement.

Foreigners can enter the territory of a country on the basis of a visa issued by the relevant state bodies, usually consular or diplomatic missions. visas come in different forms: multiple-entry (entry, exit), transit.

The entry of foreigners into the Republic of Lithuania is regulated by the Law of Legal Status of Aliens, as well as the provisions of the Schengen Borders Code (European Parliament, 2016). Foreigners may enter and leave the Republic of Lithuania only through the functioning BCPs.

In response to Russia's war against Ukraine and the resulting threats, Lithuania, together with the other Baltic States, Latvia, Estonia, Poland and Finland, has decided to tighten controls on the entry of Russian nationals. As of 19 September 2022, Russian citizens entering the territory of the Republic of Lithuania through all border checkpoints during the state of emergency will be subject to individually reinforced checks.

The Government Decision confirms that only Russian citizens and their family members for special humanitarian reasons, members of crews and crews of international transport, Russian diplomats in transit through Lithuania, persons holding a residence permit issued by an EU country, as well as Russian citizens holding a long-stay Schengen national visa or a simplified transit document, will be admitted to Lithuania via the Schengen external border.

The State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania controls the entry of foreigners to the Republic of Lithuania through the external border of the European Union, as well as through the internal border of the European Union when its control is temporarily restored, therefore the Embassy does not provide advice on whether a foreigner holding certain documents, etc., will be allowed to enter the Republic of Lithuania.

When admitting a foreigner to the Republic of Lithuania, the officials of the State Border Guard Service have to determine whether the foreigner fulfils the conditions laid down in the Schengen Borders Code and whether there are no reasons laid down in the Schengen Borders Code for not allowing the foreigner to enter the Republic of Lithuania.

For intended stays on the territory of the Member States of a duration of no more than 90 days in any 180-day period, which entails considering the 180-day period preceding each day of stay, the entry conditions for third-country nationals shall be the following:

a) they are in possession of a valid travel document entitling the holder to cross the border satisfying the following criteria:
   (i) its validity shall extend at least three months after the intended date of departure from the territory of the Member States. In a justified case of emergency, this obligation may be waived;
   (ii)it shall have been issued within the previous 10 years;
(b)they are in possession of a valid visa, if required pursuant to Council Regulation (EC) No 539/2001 (25), except where they hold a valid residence permit or a valid long-stay visa;
(c) they justify the purpose and conditions of the intended stay, and they have sufficient means of subsistence, both for the duration of the intended stay and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully;
(d)they are not persons for whom an alert has been issued in the SIS for the purposes of refusing entry;
(e) they are not considered to be a threat to public policy, internal security, public health or the international relations of any of the Member States, in particular where no alert has been issued in Member States' national data bases for the purposes of refusing entry on the same grounds (European Parliament, 2016).

Accordingly, illegal entry of aliens (see Figure 2) is considered to be an entry in violation of the provisions of the Schengen Borders Code and an entry included in the national list of aliens who are prohibited from entering the Republic of Lithuania.

Figure 2. Non-eligible third country citizens by Schengen borders code
Sourse: State Border Guard Service (SBGS)

In addition to the concept of aliens, the Law of Legal Status of Aliens also includes the concept of a citizen of the European Union. Citizens of the Member States of the European Union have more rights and are subject to fewer requirements in exercising their right to free movement within the territory of the Member States of the European Union than citizens of third countries. One example is that citizens of the Union are exempted from the requirement to hold a visa for entry and stay in the Republic of Lithuania, while citizens of third countries are subject to Regulation (EU) 2018/1806 of the European Parliament and of the Council listing the third countries whose nationals must be in possession of a visa when crossing the external borders of the Union and those whose nationals are exempt from that requirement.

As regards the entry and stay in the Republic of Lithuania of an alien subject to a visa-free regime, an alien holding a Schengen visa valid in the Republic of Lithuania, a residence permit or a national visa issued by another EU Member State, etc., the possible duration of the trip cannot exceed 90 days within a 180-day period. The issuance of a visa is regulated by Article 21(1) of the Law of Legal Status of Aliens, which stipulates that the documents for obtaining a visa shall be submitted to the diplomatic mission or consular office of the Republic of Lithuania, and in the absence of such a diplomatic mission or consular office - to the diplomatic mission or consular office of a Schengen State representing the Republic of Lithuania. An exception is that documents may also be submitted to the SCP, the Migration Department or the Ministry of Foreign Affairs of the Republic of Lithuania, but only in cases determined by the Minister of the Interior in agreement with the Minister of Foreign Affairs.

When the alien's stay becomes unlawful, a return procedure must be initiated against the alien. On the other hand, a national of a Member State of the European Union who arrives in Lithuania for a stay of more than 3 months in a half-year period and who meets at least one of the grounds laid down in Article 101(1) of the Law (worker; has sufficient resources for subsistence and a health insurance document; is in education, training, studying or improving his/her qualification; a member of the family of the European Union citizen with whom or with whom he/she is arriving) is granted a temporary residence permit.

Unaccompanied minors (Seniutienė, 2021) and asylum seekers who have arrived in the territory of the Republic of Lithuania have the right to remain in the Republic of Lithuania. However, these persons have the right to remain until a decision on their legal status is taken. The Migration Department, after examining the documents and evidence submitted to it, shall, within 48 hours of the submission of the application for asylum, adopt a decision on the determination of the State responsible for examining the application for asylum. In order to ensure that the principle of family unity and the best interests of the child are fully respected, according to Article 8(1) of the Dublin Regulation, "If the applicant is an unaccompanied minor, the Member State responsible shall be the one in which the unaccompanied minor's family member, or the unaccompanied minor's sibling, or the unaccompanied minor's brother or sister, if this is in the best interest of the minor, is legally present ". Thus, in all cases involving minors, in this case unaccompanied minors, the best interests of the child are always considered, and this is also ensured by the qualified and competent representative involved in the procedures.

The right to reside in the Republic of Lithuania is granted by temporary or permanent residence permits. These permits may be issued or changed in accordance with Article 26 of the Law of Legal Status of Aliens. As a general rule, the first time a residence permit is issued, a temporary residence permit is issued. Such a document confers the status of temporary resident on the alien. This is regulated not only by Section 3 of the Law of Legal Status of Aliens, but also by the Order of the Minister of the Interior of the Republic of Lithuania of 12 October 2005 "On temporary residence permits for aliens in the Republic of Lithuania". A

temporary residence permit may be issued to a foreigner on the following grounds: exercising the right to restore the citizenship of the Republic of Lithuania; of Lithuanian origin; family reunification; for employment purposes; intra-corporate transfer; carrying out a lawful activity; setting up a start-up; for training purposes; for fostering purposes; he/she may not be returned to a foreign country; he/she has been granted subsidiary protection or temporary protection; he/she is in need of medical assistance; he/she is the victim of trafficking in human beings or illegal work; he/she holds a residence permit from another Member State of the EU.

A temporary residence permit is normally issued to a foreigner for one, two or three years, depending on one of the grounds referred to in Article 40(1) of the Law of Legal Status of Aliens, and for a foreigner entitled to restore the citizenship of the Republic of Lithuania or a foreigner of Lithuanian descent - for 5 years. On the other hand, for a citizen of a Member State of the European Union, the certificate of the right of temporary residence in Lithuania and the European Union temporary residence permit card shall be issued and changed for 5 years.

Having a document granting the right to enter and reside in Lithuania and confirming the status of a permanent resident, i.e. a permanent residence permit, does not change the alien's status, i.e. he/she does not lose the right to reside in Lithuania after the expiry of the validity of his/her permit. The permanent residence of foreigners in the Republic of Lithuania is regulated by Section 4 of the Law of Legal Status of Aliens. The aforementioned permit is issued for 5 years to a foreigner who has the right to regain Lithuanian citizenship, is of Lithuanian origin, has lost his/her citizenship but resides in Lithuania, has refugee status, is a long-term resident of Lithuania, as well as in cases of family reunification (has come to reside as a member of the family of a citizen of the Republic of Lithuania, or is a minor foreigner with at least one of the parents being a citizen of the Republic of Lithuania or a permanent resident of the Republic of Lithuania).

Moreover, the list of grounds for revoking this document is much narrower than that for temporary residence. The document granting the right of permanent residence in Lithuania shall be revoked if it was obtained fraudulently, if the foreigner's residence poses a threat to the security of the state, if the foreigner has been convicted of a very serious crime and poses a threat to society, if he/she has been residing in a non-EU Member State for more than 12 or 24 months consecutively, if the foreigner has been residing in a territory of the Member State for more than 6 years and has acquired the status of a long-term resident, or if his/her status of refugee has been cancelled. On the other hand, a citizen of the European Union who has resided legally in Lithuania for 5 years is granted a certificate of the right to reside permanently in the Republic of Lithuania for 10 years, and this right is revoked if the presence of the citizen or his/her family members poses a threat to the state, if the right is acquired by fraud or if he/she departs from Lithuania for a period of more than 2 years in a row.

Depending on the type of residence permit and the basis on which it was issued, foreigners may be required to obtain a work permit in order to exercise their right to work, depending on the needs of the labour market in the Republic of Lithuania, such as the need for workers with certain qualifications or experience, or a shortage of workers in certain professions. This permit is valid for up to 1 year, or up to 6 months in a 12-month period if the work is seasonal. A work permit is not required if the foreigner is a permanent resident of Lithuania, i.e. has a permanent residence permit in the Republic of Lithuania. Similarly, foreigners who are citizens of EU Member States can freely travel and work in Lithuania without visas or work permits.

The status of foreigners granted international protection differs from that of other foreigners for a specific reason. The State of origin of aliens granted international protection is no longer able to provide them with protection and to protect and safeguard their rights, as these aliens need protection from their own State of origin. Thus, only the State which has granted

international protection can ensure the protection and enforcement of the rights of these persons. Article 65 of the UPR states that every alien "shall have the right to apply for and receive asylum in the Republic of Lithuania in accordance with the procedure laid down in this Law". Even if a person enters Lithuania illegally from a country where he/she is at risk, he/she is not liable if he/she immediately presents himself/herself to the competent authorities and explains the reasons.

Conclusions

Entry of a foreigner into the Republic of Lithuania through external borders and internal borders when checks are temporarily suspended is only possible through functioning Border Crossing Points; the person entering must meet the conditions set out in the Schengen Borders Code. The provisions of the Schengen Borders Code are directly and fully applicable in the Republic of Lithuania.

The assessment of the provisions of the legal regulation on entry into the Republic of Lithuania leads to the conclusion that the legislation establishes clear provisions justifying the conditions and procedures for lawful entry into the country, and applies effective screening procedures and, if necessary, allows individuals to apply for protection (e.g. to apply for asylum) at the time of the border screening before they enter the territory of the Republic of Lithuania.

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A COMPLEXITY RESEARCH OF MEANING OF SECURITY

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Abstract. *Security is the most important value of people, because every person seeks to avoid threats to his life, health, freedom, and property, regardless of his age, group and national affiliation or other features related to human existence. However, now the trend of escalating a new world war is again expanding in the world. This sad statement is confirmed by the ongoing and expanding wars: Russia attacked Ukraine, the terrorist organization "Hamas" started a war with Israel. This alarming trend forces us to examine the meaning of security and peace.*

The meaning of any social phenomenon is analyzed in detail when its separate significances are revealed. The article examines the complex significances of security and peace: socio-cultural, historical - political, just war and psychological. The sociocultural significance of security and peace is explained based on the closely parallel evolution of the human mind and community. The political significance of security and peace is determined by the need to maintain just order in society and between countries, i.e., to resolve social conflicts (wars) through negotiations and other means, when the parties are unable to resolve them peacefully by themselves. The consequences of wars conditioned the development of just war concepts and their importance in restoring peace and security. The psychological significance of security and peace is explained based on the satisfaction or lack of basic human needs.

The research is based on document analysis and complex interpretation of the obtained data. The article presents the conclusions of a comprehensive study.

Keywords*: Security, peace, socio-cultural significance of security and peace, historical – political, just war and psychological significance of security and peace.*

Introduction

After the brutal 20th century of the second world war was constantly repeated - "it must not happen again". Therefore, the United Nations was established, the main purpose of which is to prevent future world wars. However, even in Europe, military unrest is inevitable. For example, at the end of the 20th century, there was a war in the Balkans, European countries were constantly threatened by international terrorist organizations. Now there is a brutal war again in Eastern Europe, caused by Russia's attack on Ukraine. The terrorist organization Hamas started a war with Israel. The trend of escalation of the new world war is becoming more and more evident. This alarming trend forces us to examine the meaning of security and peace.

Security is a state of protection, self-protection against danger, and confidence in one's knowledge. This threefold interpretation of the meaning of security is due to the fact that security itself expresses a relationship in which there are no threats to the participants of the relationship (Šlapkauskas, 2022, p. 30). Security is the most important value of people, because every person seeks to avoid threats to his life, health, freedom, and property, regardless of his age, group and national affiliation or other features related to human existence. It is the satisfaction of people's nutritional and security needs that has always been, is, and will be in the future the basis for the successful existence of all human subjects. In the process of satisfying basic needs, the people of the Western world gradually realized the necessary basis for the existence of everyone and every individual, which we call natural rights. They express the core of moral rights: the right to life, health, liberty, and property. The meaning of their observance is formed and changes in the socio-cultural activities of people or, according to Fr.

A. Hayek, in the closely parallel evolution of the human mind and communities (Hayek, 1998, p. 34).

Security is a dynamic phenomenon, the condition and development of which is determined by the constant interaction of external factors and the individual's consciousness.

Security is a dynamic phenomenon, as its condition and development are determined by the constant interaction of external factors and the individual's consciousness. Mostly external factors are the socio-cultural environment of the individual and political and economic factors. The interaction of these factors with the consciousness of individuals and their groups causes social conflicts and other social and psychological phenomena. This means that it is necessary to research security in a complex way.

Therefore, it is necessary to examine the significance of security and peace in the historical process of the formation and development of European tribes and states, where the interaction of socio-cultural, political, and psychological forces took place. Since the process of evolution began with the natural struggle of human groups for survival, common customary norms of safe behavior were first formed. They are the essential result of human mind and socio-cultural evolution. Adherence to common rules of conduct had a permanent, reversible effect on the further evolution of human existence. From this point of view, it can be firmly stated that the security and peace of the people of the future must be based on the observance of common rules of conduct.

The object of the research is the socio-cultural, historical-political, just war and psychological significance of security and peace. Their interaction determines the meaning of security and peace. The meaning of any social phenomenon is analyzed in detail when its individual meanings are revealed.

The purpose of the study is to reveal the meaning of security and peace. The article examines the socio-cultural, historical-political, just war and psychological meanings of security and peace. The research is based on document analysis and complex interpretation of the obtained data.

Sociocultural significance of security and peace

The sociocultural significance of security and peace is explained based on the closely parallel evolution of the human mind and community. According to Fr. A. Hayek, “the mind is, of course, the result of adaptation to the natural and social environment in which a person lives, and it developed under the constant influence of the institutions that define the structure of society. <...> At the same time, it is a factor influencing and changing those institutions. <...> It was formed when a person acquired such habits and customs that increased the chances of survival of the group to which he belonged” (Hayek, 1998, p. 34-35). In this evolution, the rules of social behavior, their functioning mechanisms and the social structure of human groups were formed – social institutions and other forms of human organizational existence related to their development.

The Latin word structure expresses the structure of an object or a system of phenomena, the elements of which are connected by mutual relations, which can be expressed, for example, by hierarchical organic and/or mechanical dependence; mutual trust based on adherence to common rules of conduct. The structure of primitive human groups was like the hierarchical structure of a herd, which was determined by the biological nature of the individual – his physical and mental strength. However, in the parallel process (evolution) of the formation of the human mind and community, the nature of the herd structure changed. It gradually developed towards a community of people and their wider organization – a social structure

characteristic of society. In the current understanding, social structure is the structure of society, the elements of which – social institutions, social groups, social organizations, and forms of social action – are connected by mutual relations, which are expressed by the rules of social behavior and their observance.

The main meaning of the term "social" has Is been communal (Nisbet, 2000, p.101). It emphasizes the most important result achieved by the evolution of human groups – becoming a community. Community is the primary form of organization of people's existence, which was formed based on kinship ties and is characterized by the type of direct relationships. Although specific communities are similar in their structure, they differ in their socio-cultural (community and cultural) development, attitude towards the observance of common rules of conduct, towards people, security, and peace. For example, now in the societies of the Western world, respect for man, his security and peace are noticeable more clearly than in other worlds. This was achieved in a transformative evolution, within which the socio-cultural, political, and psychological interaction of people becoming communities took place, later the same interaction took place at a higher level – between communities and states.

Although specific societies are unique, they are characterized by social institutions of the same nature, which not only structure the society (community), but also connect other elements of the social structure. In the evolution of human organizational existence, five social (community) institutions were formed – family, church, school, professions, state. These basic social institutions are interconnected by the social institutions that regulate the behavior and functioning of individuals, their groups, and organizations – morality, religion, and law. It is the strength of adherence to the norms of social behavior – morality, religion, and law – that determines the formation of people's organizational social institutions, the strength of social ties of individuals, joint efforts to satisfy basic needs and live in peace.

How was this achieved? Human behavior through trial and error led to the formation of successful rules of existence and the evolution of the mind through learning. "Learning from experience, which is characteristic of humans no less than other animals, is primarily not a process of reasoning, but a process of assimilating, spreading, transferring, and improving certain patterns of behavior that determine success. <...> The result of this process is primarily not articulated knowledge, but such knowledge that can be expressed in the concepts of rules, although the individual himself is able to follow it only in practice and is unable to express it in words. The mind does not create rules but is itself composed of a set of behavioral rules that were not consciously created, but which the individual began to follow because the activity according to these rules was more successful than the activity of competing individuals or groups" (Hayek, 1998, pp. 34-35).

Therefore, it is important to emphasize that in the parallel process of the evolution of the human mind and the community, the culture of people's being was formed – the rules of behavior and the group of people itself turned into a community. More precisely, the transformation of a group of people into a community was conditioned by the adherence of its members to common rules of conduct or a corresponding way of life. Environmental conditions play an important role in this process, the result of adaptation to which is the way of life of a group of people. "The unequal way of life of various societies is not a matter of purposeful choice. Rather, there is an unconscious adaptation process of societies. Not all societies face the same environmental conditions, and not all of them face them at the same stages of their development. For various reasons, some societies adapt to existing conditions in one way, others in another way, and still others do not adapt at all" (Hayek, 1998, p. 58). For example, the Lithuanian tribe adapted and survived, while the Jotvingian -Suduvian and Prussian tribes did not survive. In the beginning, they were assimilated by the German Order, later by the

people of Samogitian and Lithuania, who escaped from the Grand Duchy of Lithuania. Therefore, Little Lithuania was formed.

Thus, the socio-cultural significance of security and peace is determined by the joint development of two interwoven phenomena – "cultural" and "social". Cultural heritage consists of behavioral rules formed in the process of adaptation to the environment, which help a group of people to survive, i.e., meet nutritional and security needs. When these rules are adopted by most of the members of a specific group of people, then these rules of behavior become general – social, and the group of people who have mastered them turns into a community. Therefore, even now, culture is understood in two ways: 1) from an objective point of view, it is the activity products created by man and society, its forms and systems, the functioning of which allows the creation, use and transfer of material and spiritual values; 2) from a subjective point of view, it is the degree of perfection achieved by a person, achieved in some field of science or activity; sophistication Thus, the cultural heritage of communities – habits and customs is an objective culture, which must be adopted by the majority of community members and transformed into their own subjective culture for the survival of the community itself and its further successful development.

The constant struggle of human groups for survival, i.e., seeking to meet nutritional and security needs led to the need to control the behavior of members of one's group. Such control is possible if most adults have learned from experience how to behave correctly and can control each other's behavior on this basis. This is how social control is formed in this process. Social control is a mechanism of regulation of human behavior within a group, which ensures compliance with certain common forms of behavior and restrictions, the violation of which disrupts the realization of basic needs and the functioning of the human group itself. Therefore, social control is based on the material and symbolic resources that the community possesses to encourage the positive behavior of its members and condemn its deviations.

General forms of behavior, in the process of their observance, eventually turned into corresponding institutions of social behavior – morality, religion and law. On their basis, a social order is spontaneously formed, which is a comprehensive mechanism for maintenance of community security, including social control itself. This means that the socio-cultural evolution of the meaning of security and peace is constantly driven by emerging threats that the community must overcome in developing its social order and social control. In other words, the rate of development of a specific human community's sociocultural approach to its security was determined by the frequency and specificity of security threats. Depending on the specifics and frequency of threats, this approach can be both stricter and softer. This is reflected in the respective customs and traditions of specific communities.

Now the sociocultural significance of security and peace is examined by analyzing the functioning of social order and social control in a specific society. The aim is to reveal the fundamental socio-cultural relations within the society, the purposeful cultivation of which strength determined and now determines the corresponding integrity of the society (communities) and general security. Therefore, first, the relationship between the ways of expression of social order (moral, religious, and legal) and the forms of consciousness of human society (community) (moral, religious, and legal) and the nature of its functioning are examined. Strengthening this connection guarantees the formation of collective consciousness and solidarity, their functionality (based on E. Durkheim). From his point of view, solidarity (interaction of individual minds) is the link connecting society and its values. This interaction creates a system of shared values and feelings – a collective consciousness. Collective consciousness is a set of common beliefs, ways of thinking and feelings lived by members of a

social group or community (nation). Although the bearer of this form of consciousness is individual people, it cannot be confused with individual consciousness.

Based on the strength of the singled-out connection, the concepts, and practices of obligations (freedom) and responsibility of the main organizational social institutions – family, church, school, company, and state – are also formed, evolved, and even transformed. The greatest negative impact on this relationship can be made by the political power of the state, if group or personal interests prevail over the common needs of public security. Prudent political will of the state seeks to avoid possible social conflicts; therefore, it controls the implementation of general norms of behavior so that mutual trust and security of its members is fostered on their basis.

Historical – political significance of security and peace

The use of the term "politics" is associated with the life of the state since the ancient Greek word "poli" means city - state. Now politics is understood broadly: it is a system of regulation of the common existence of people, which aims to maintain order in society, to resolve internal and external conflicts in its life. H. Heclo argues that the idea of "politics" is neither precise nor obvious. Traditionally, the term "politics" is usually applied to something that is "more" than individual decisions but "less" than mass social movements. Many authors emphasize its essential element - purposefulness (Parsons, 2001, p. 27).

From the point of view of historical development, politics originates from the need to establish one's power in the local community and later in society, when the goal is to merge different communities into a state. Any government is based on the ability to compel other people to obey, with the appropriate use of force when necessary. The latter can be expressed in different forms, including military. As the tools of war improved and the brutality of the consequences of war increased, moral, religious, and legal considerations of limiting the policy of war developed, which aimed to define a just war and limit the possibilities of the rise of other forms of war. In other words, the politics of war sought to be limited by emphasizing the moral, religious, and legal role of security and peace.

The political significance and role of security and peace is determined by the need to maintain order in society and between countries, i.e., the political goal of resolving social conflicts (wars) through negotiations and legal and other means, when the parties are unable to resolve them by themselves. Social conflict is a confrontation or war in which parties seek to control the resources or territory of a rival, threaten individuals or groups, their property or culture in such a way that the struggle takes the form of attack or defense. Any war is a social conflict that has its own structure: 1) participants in the conflict, which may be two or more; 2) the theme of the conflict, which defines the reasons for the outbreak of the war; 3) the object of the conflict, which can be the property, power, resources, spiritual achievements of the parties (groups); 4) the context of the conflict, which consists of the macro and micro environment in which the confrontation between parties (groups) is formed and takes place. The environment can be changed by changes in the behavior of state institutions and groups, which arise as a result of their subjective reaction to threats to their security and the realization of interests. The rise of security threats can become a stimulus and catalyst for social conflict (Šlapkauskas, 2023, p. 135-136).

A retrospective analysis of European medieval history reveals that from the 5th c. (beginning of the early Middle Ages) to the 15th century (Late Middle Ages) happened many wars. Some of them were very long and exhausting. They were mostly determined by the primary - biological nature of man, because in the natural struggle of human groups for survival,

only the strongest and most skilled groups survived. The more warlike tribes sought to seize the property of other tribes and conquer them. But wars and the insecurity they cause have their natural limits, the size of the human population. Because of war and lack of security, there is no growth in human population and their lives. Therefore, the unfavorable conditions of social life provoked inevitable changes, the necessity of which was formed periodically. For example, at the end of the 10th century and the beginning of the 11th century, a powerful movement began to purify the church from feudal and local influences and the corruption inevitably associated with them. The importance of these changes was equal to their importance as the first movement for peace in Europe. In many synods that took place <...> at the end of the 10th century, not only the clergy, but also the secular rulers officially recognized the idea of the Peace of God, <...> [which] prohibited any act of war or revenge against the clergy, pilgrims, merchants, Jews, women, and peasants, as well as against church and village property. <...> asked the people to take a collective oath of peace" (Berman, 1999, p. 127).

The collective implementation of God's Oath of Peace had a positive effect - in the 12th and 13th centuries people's safety and life improved. Therefore, during this period, the population in Western Europe grew significantly, trade flourished, and modern cities were formed, i.e., non-agricultural towns. The formation of the modern city was determined by several types of factors: economic, social, political, religious, and legal. According to H.J. Berman, researchers usually emphasize the importance of economic and social factors, i.e., the importance of the development of the diversity of crafts and their associated guilds, without paying due attention to other types of factors. From his point of view, and this is proven by the abundant historiographical material collected, religious and legal factors, establishing security and peace, had no less impact than economic, social, or political factors (Berman, 1999, p. 473).

Unfortunately, this growth stopped in the 14th century, as Europe faced a deep crisis: a) a severe cooling of the climate at the beginning of this century (known as the Little Ice Age), which led to famines (What Was the Little Ice Age? | Britannica); b) In the first half of the century, plague (black death) broke out in China, which spread to India, Africa. 1347-51 the black death spread in Europe - 1/5 of the European population died from it (Marcinkutė, Maras - Visuotinė lietuvių enciklopedija (vle.lt); c) the crisis of the Catholic Church began: in 1378-1417 there was a split in the Western Church, 2 popes appeared, one of them was favorable to the King of France and resided in Avignon, the other in Rome. The reformation movement began to take shape, in the Czech Republic - the Hussite movement; later Protestantism arose. Both popes were deposed at the Council of Constance (1414–18). Martynas V was elected as the new pope. During this meeting, the reformers Jan Hus and Jeronimas Prahiškis were burned, but this did not stop the spread of the reformation (Aliulis, Katalikų Bažnyčia - Visuotinė lietuvių enciklopedija (vle.lt); d) the Hundred Years' War (1337-1453) began - an armed struggle between England and France for the inheritance of French lands and the throne (Kasperavičius, Šimtametis karas - Visuotinė lietuvių enciklopedija (vle.lt).

The Black Death had a significant negative social and economic impact on the development of Europe, as only a few countries, such as Poland, escaped it. The world had not seen such a general plague epidemic since the 6th century and did not see it again until the last decade of the 19th century. About 30 million Europeans died from the plague. People's reactions to the epidemic ranged from panic and wild frenzy to remarkable fortitude. Everyone thought it was God punishing people for their sins. The psychological trauma was very great. The people felt the need to soften God's wrath. Therefore, they were looking for scapegoats to turn the Jews into. Thousands of Jews were killed in mass pogroms. The surviving Jews fled Germany to Poland, where they have since found the main refuge in Europe (Davies, 2002, p. 418-420).

Thus, in the 14th and 15th centuries, security was very fragile and sometimes completely absent, so the growth of human life was at a standstill. Brief respites between wars were heralded as peace, which took different forms. Most of the time, peace between the warring parties was achieved through a truce - a temporary peace agreement, because the parties to the conflict did not have enough resources to achieve and consolidate their victory. A cease-fire could be formalized by a separate treaty, or by a verbal agreement of the warring parties at the line of armed conflict. In any case, they did not become a lasting peace.

The security situation in Europe began to improve in the 15th century at the end. The flourishing of Italian cities, the spread of science and innovation in the 15th and 16th centuries changed the relationship with the world: a) revived interest in the non-Christian past of Europe (Renaissance), b) encouraged a critical approach to the previous legacy of the Middle Ages, c) moved man to the center of the Universe (humanism). The Renaissance was a new way of thinking, the main result of which was the growing belief that mankind could master the world in which they lived. The great figures of the Renaissance were full of self-confidence. They felt that the mental abilities given by God can and should be used to reveal the secrets of God's universe, so the destiny of man on this earth can be controlled and changed ((Davies, 2002, p. 475-477).

The Renaissance spread throughout Europe, complemented by the formation of a heliocentric worldview based on M. Copernicus' heliocentric world system and the theory that the Universe is infinite. The preference for antiquity and the tendency to individualism were reflected in European art, architecture, and literature. The rich's interest in culture encouraged patronage and established the importance of education. The invention of the printing press (J. Gutenberg) accelerated the spread of the written word in Latin and the languages of nations and states. The ideas of centralized government strengthened, which encouraged the beginnings of political and state sciences, interest in geography, navigation, and warfare. At the end of the Middle Ages, European states gained military superiority in the seas and became the main center of world trade (Europos istorija - Visuotinė lietuvių enciklopedija (vle.lt).

In the context of the crisis of the Church, the Renaissance was part of a movement that culminated in religious reforms. In 1517, the monk M. Luther, involved in the discussion on the necessity of reforming the Church, published 95 theses, an updated religious doctrine that became the foundation of Protestantism, and gained the support of the laity. This destroyed the religious unity of Western and Central Europe and encouraged the creation of states of Protestant orientation. For example, in 1525 after the collapse of the state of the Teutonic Order, the secular Duchy of Prussia was formed on its territory, which existed until 1701. (Matulevičius, Prūsija - Visuotinė lietuvių enciklopedija (vle.lt). It became the first Protestant country in Europe to have a positive influence on the long-term adherence to the Melno Peace Treaty.

Security collapsed again in the first half of the 17th century as the Habsburgs of Austria and Spain fought a thirty-year (1618–48) war with an anti-Habsburg coalition. It was the last major religious war in Europe and the first to involve almost all its states and all sections of society. During this war, the importance of religion was greatly reduced; economic and geopolitical interests prevailed in state politics. Central European countries suffered the most (especially Germany, which lost 5-6 million people). The Thirty Years' War involved or was sometimes considered a part of almost all the wars that took place in Europe at the time: the Dutch War of Independence (1568–1648); Polish-Lithuanian and Turkish wars (1620-1621); War of the Mantua Succession (1628-1631); Spanish-French War (1635-1659) (Trisdešimties metų karas - Visuotinė lietuvių enciklopedija (vle.lt).

Therefore, the Peace of Westphalia - the peace treaties signed in 1648 - was particularly important for establishing security in Europe. They ended the Dutch War of Independence and the Thirty Years' War; approved the Augsburg religious peace of 1555, equalized the rights of Protestants and Catholics; The right of sovereignty was recognized for the German princes (they could not sign diplomatic agreements hostile to the Holy Roman Empire); recognized independence of the Dutch Republic and Switzerland. The Peace of Westphalia established the political division of Germany and a new order in Europe based on the concept of state sovereignty, the hegemony of France in Western Europe. These treaties were valid (with minor changes) until 1806 (Vestfalijos taika - Visuotinė lietuvių enciklopedija (vle.lt).

From a political point of view, the development of security must be understood as the maintenance of peaceful relations or peace. A peace agreement between the parties to the conflict is an important step towards restoring mutual trust, but it is not necessarily achievable in reality. Retrospective analysis of the content of historical peace allows us to distinguish at least two forms of peace - formally passive and formally active peace. Usually, they were and are now formalized by a written agreement between the warring parties, with the participation of peace mediators - third parties. Formally, passive peace is achieved when potential external and internal threats remain, but for various reasons they do not systematically manifest. The content of a passive peace can be determined by two situations: 1) the warring parties reached a truce without occupying the opponent's territory.

Through the efforts of the arbitrators, the weaker side of the war pays a one-time ransom for this kind of peace, because both sides of the war lack the resources for further warfare; 2) formalized occupation peace, which may manifest itself in periodic tributes paid by the losing country to the winner and/or even the establishment of occupation military crews. An occupation peace is one in which the aggressor or resisting party has occupied its opponent's territory and imposed its terms by treaty. Such a peace treaty, like a cease-fire, cannot guarantee lasting peace. There will always be foci of resistance to the occupier within the occupied social formation, i.e., sooner or later there is a struggle for freedom and liberation.

Active peace exists when it is concluded not only formally, but also when there are adequate political, legal, social and defense possibilities for the preservation of long-term peace. In other words, active peace is the result of the interaction of real political, legal, social and defense possibilities. A content analysis of active peace reveals:

1. When the attacked country resists and defeats the aggressor without occupying its territory, then a legal peace is made between the warring parties, with the active participation of interested third parties - mediators. The agreement concluded by both parties to the conflict defines the dividing line - the border - of the territories under their jurisdiction. Such a legal agreement enters into force after the third parties to the agreement - the mediators - officially agree to the agreement and its ratification in the countries of the conflict subjects. Such a legal peace treaty is a necessary precondition for active peace but does not in itself guarantee long-term security.

2. Therefore, it is very important that the concluded legal peace agreement meets the long-term security needs of both the parties to the conflict and the mediators of the agreement. This means that hostile coalitions will not be created outside the countries of the former conflict, which could negatively change the broader regional security situation. As a result, the parties to the conflict prudently seek to invite countries that can control the state of regional security to the mediators of the peace agreement.

3. The parties to the former conflict closely monitor each other and seek to increase their defense forces and control the integrity of their territory. Increasing the country's defense capabilities inevitably creates a security dilemma: it is a principle that affects the relations

between individuals, groups or states, and the factors that reduce the security of some side are both the power and the weakness of the individual, group, or state. Basically, in an anarchic relationship between states, when one side is too weak, this may encourage the more aggressive country to attack, but when the weaker country seeks to gain more power to ensure security, the feeling of insecurity of other countries increases, and they begin to strengthen their power (they arm themselves, create military alliances, etc.), an arms race arises, the general security situation deteriorates and this can lead to war, even if neither side initially had aggressive intentions (Saugumo dilema - Visuotinė lietuvių enciklopedija (vle.lt).

4. The inevitability of the security dilemma also means that countries must be ready to actively defend their security. Therefore, along with increasing the defensive capabilities of external security, the internal security of any social entity, such as the state and its regions, must be strengthened. As a result, the highest state authorities seek to involve as many different members of the community as possible in the process of creating the country's internal security through various means. The infrastructure of direct management of the state territory is usually expanded. The state can also support the development of traditional church activities, promote the establishment of new churches and schools.

The significance of the just war tradition

Changes in the recognition of the increasing importance of security and peace are reflected in the development of the concept of just war. In its broadest sense, the term "just war" describes an entire tradition of thought and practice in Western culture that attempts to determine in what cases the use of force is justified to achieve political goals, and to draw limits even to its justified use. At the end of the classical era - in the theory and practice of Roman law, the principles of justifiable reason, proper authority, and the need to consider the balance of benefits and harms of military actions (proportionality) were formulated. Christian theorists - St. Ambrose of Milan and St. Augustine took those ideas and supplemented them with the Hebrew idea of war commanded by God (Holy War) and provided mitigating clauses implied by Christian love (caritas). Both saints emphasized that innocents should not suffer from war. Abbot Odilon of Kliun (994-1049) formulated the idea of God's Truce, which required the prohibition of hostilities on certain days (Berman, 1999, p.127). However, a unified theory or doctrine of just war did not develop. Rather, it was a general mindset held by various theories and doctrines (Blackwell politinės minties enciklopedija, 1998, p. 564).

The understanding of the just war that prevailed at the end of the Middle Ages consisted of two components described by Latin terms - *ius ad bellum* and *ius in bello.* Then and now, these terms are used to address two questions: 1) whether the use of force is justified in a particular case, and 2) what requirements must be met if the use of force is justified. Both of these components are further classified according to various criteria. For example, *ius ad bellum* includes the following requirements: 1) there must be a justifiable reason for the use of force; 2) its use must be initiated by a proper authority, such as nobles not subject to a higher feudal authority; 3) the party using such force must be guided by the right intention. "Right intention" is a moral requirement that, according to St. Augustine, prevents "the desire to do harm, the cruelty of revenge, uncontrollable and unrepentant enmity, frenzy of rebellion, lust for dominion and the like"; 4) the use of force must be proportionate, i.e. must not cause more harm than good; 5) the use of force must be a last resort; 6) its purpose must be the restoration of peace; 7) the chances of success of the use of force must be sufficiently high. In the Middle Ages, three justified reasons for the use of force were recognized: to recover what was

wrongfully taken, to punish evil, and to defend against planned or actual aggression (Blackwell politinės minties enciklopedija, 1998, p. 565).

The term *ius in bello* is expressed by two main principles - the principle of proportionality of measures and the principle of discrimination or "inviolability of non-combatants". The principle of proportionality of measures requires that measures of force that cause unintended or otherwise unnecessary harm should not be resorted to. The adherence to this principle in the Middle Ages was partly due to the scarcity of resources available for war purposes. The medieval principle of "inviolability of non-combatants" requires that non-combatants should be protected as much as possible from the ravages of war. Such persons were defined based on two criteria - according to social function and capacity for military service. Churchmen, itinerant pilgrims, townsmen, and peasants in their lands were non-combatants according to the first criterion. According to the second criterion, non-combatants were women, children, the aged and the disabled. But both categories of persons could lose their immunity if they took up arms (Blackwell politinės minties enciklopedija, 1998, p. 565-566).

Psychological significance of security and peace

The psychological significance of security and peace is explained based on the satisfaction or lack of basic human needs. Human basic needs are the necessary needs of an individual without which continuous satisfaction or existence is impossible at all, for example, without the satisfaction of nutrition and other physiological needs, or the growth of his personality does not take place, for example, without security. The satisfaction of basic needs promotes the development of human growth towards self-realization. Their lack leads to human frustration and resistance, because a person cannot satisfy his basic needs based on his internal resources alone. "The needs for safety, belonging, love and respect can only be met by other people, and only from the outside." This means significant dependence on the environment. A man in such a position cannot really be considered to be in control of himself or in control of his destiny" (Maslow, 2011, p. 103-104). Thus, only the real functioning of peace (without violent conflicts) can ensure the satisfaction of the need for security, which opens other possibilities for personality growth. Therefore, the question is whether peace is psychologically possible? One or another answer to this question is determined by the attitude towards the biological and mental nature of man.

Before the Renaissance, "medieval people lived in a psychological environment full of fear and insecurity, which prevented them from thinking boldly and independently. Helplessness against the forces of nature, constant wars, widespread banditry, raids by Viking nomads and infidels, epidemics, famine, and anarchy - all this reinforced the belief that man is weak and God is powerful. Only in the shelter of a monastery could the mind of man follow the path of its genius" (Davies, p. 440). This constant lack of security in Europe has shaped a negative view of human nature. This view is summed up by Thomas Hobbes' statement that "*Homo homini lupus est*" (man is a wolf to man). In this view, only the strongest human groups survived. Since Hobbes lived in the 17th century, a period of civil wars and major political changes (1640-1660), which is called the English Revolution, in his greatest work "Leviathan" he emphasizes that deceit, deception, selfishness, and greed lie in man.

We now live in a period of moral relativism that emphasizes the freedom of everyone to pursue their own individual self-realization. Therefore, various trajectories of personality self-realization develop, which are explained by different theories of personality psychology. Most of them can be conditionally grouped into two parts according to the approach to human nature:

1. Theories related to the theory of psychoanalytic direction. The pioneer of the latter was Sigmund Freud. Based on long-term observations of people's external behavior, it is postulated that human nature is characterized by duality, i.e., the struggle of light and darkness, good and evil is constantly taking place in the human being. The spread of violence and wars in the development of humanity naturally guides researchers to emphasize the aggressive nature of man: only it could "help" human groups to survive in the biological competitive struggle and establish themselves in their ecological niche. This approach to human nature was explained and consolidated by Sigmund Freud through his research. He was the first in modern psychology to reveal the multidimensionality and dynamism of the human psyche, that behavior can be determined by unconscious mental phenomena. The theory of psychoanalysis is based on the point of view that a person's personality and his attitudes (thoughts, fantasies, and relationships) are shaped not only by genetic and physical factors, but also by early relationships with parents, sexuality, love, hatred, losses, or separations (Psichoanalizė - Visuotinė lietuvių enciklopedija (vle.lt).

2. Theories related to the humanistic theory of personality. Its most famous creators are Abraham Maslow and Carl Rogers. Humanistic psychology is the opposite of psychoanalytic theory. Its emergence was caused by the upheavals in the development of civilization during the Second World War and a reaction to the peculiarities of the development of psychology - the analysis of mental processes without taking into account the whole person. Humanistic psychology studies the uniqueness of a person, his inner powers. Thanks to these powers, a person creates himself and the surrounding world, improves, solves responsibility, choice, love, faith, inspiration, suffering, joy, and other problems. Representatives of humanistic psychology seek to perceive a person as an indivisible whole, to appreciate his uniqueness and to reveal the origins of his self-expression and creativity. Concepts of humanistic psychology are based on Socrates, Plato, B. Pascal, J.-J. by the ideas of Rousseau, A. Schopenhauer, F. Nietzsche and other philosophers. They were greatly influenced by the Danish philosopher S. A. Kierkegaard, the pioneer of existentialism, and the French philosopher H. Bergson, who created the theory of the creative process and highlighted the importance of intuition, psychologists W. James, E. Spranger, A. Adler, C. G. Jung, E. Erikson, E. Fromm's ideas (Humanistinė psichologija - Visuotinė lietuvių enciklopedija (vle.lt). Next, we will examine the psychological role of security and peace based on the approach of humanistic psychology to human nature.

Examining the possibilities of coping with threats generated by the social environment is very important for understanding the duality of human nature - light and dark, good, and evil - and the psychological role of security. In the foreword to The Psychology of Being, Richard Lowery points out that this duality has usually been explained based on Sigmund Freud's central claim, "that the human capacity to act aggressively and destructively rests on exactly the same biological basis as the powerful human drives of self-preservation and sexual gratification [stimuli] - such is the "primary, independent and instinctive" disposition of human nature. <...> A. Maslow presented Freud's view of human nature as if it were inverted. Although people can be selfish, greedy, and aggressive, they are not fundamentally so. Beneath the surface, at the psychological and biological core of human nature, we find fundamental goodness and decency. When people seem to be behaving badly or improperly, it is only because they are responding to stress, pain, or the failure of basic human needs such as safety, love, and self-esteem" (Maslow, 2011, p. 10-11).

In other words, A. Maslow formulated a vision of primary human decency - a new theory of human motivation, which he developed into health psychology. The new theory of human motivation is based on the distinction between "scarcity needs" and "growth needs". "Growth is understood not only as the gradual satisfaction of basic needs to the point where they

"disappear", but also as specific motivators of growth higher than basic needs, such as talents, abilities, creative tendencies, and constitutional potentials. It also helps us to understand that basic needs and self-actualization do not contradict each other, just as childhood does not contradict maturity. One flows into and is a necessary condition of the other" (Maslow, 2011, p. 94-95).

The desire to protect oneself from threats and the possible consequences of their action forces people to organize their existence in one way or another and to create opportunities for its further development. In the process, they find themselves caught in an existential dilemma or conflict; "even the most human of personalities cannot escape the essential human predicament of being both ordinary and divine, strong and weak, limited and unlimited, mere animals and beyond animality, adults and children, cowardly and brave, progressing and the regressive, striving for perfection and fearing it, worms and heroes at the same time" (Maslow, 2011, p. 261).

The analysis of the possibilities of overcoming this dilemma enabled A. Maslow to reveal the basic human needs and their hierarchical relationship: "All these "oppositions" [named above] are actually hierarchically integrated, especially in healthier people, so one of the real goals of therapy is to move away from dichotomization and division [our 3,000-year-old habit of dichotomizing, dividing and distinguishing things in the style of Aristotelian logic] towards the integration of seemingly incompatible opposites. Our divine qualities are based on our animal qualities and need each other <...>. Higher values are hierarchically integrated with lower values" (Maslow, 2011, p. 261). "For example, safety is a more dominant, insistent, vital need than love, and food is stronger than either. Moreover, all these needs can be treated simply as steps on a general path leading to self-actualization [the pursuit of higher values], which includes all basic needs (Maslow, 2011, p. 235).

A. Maslow revealed that "every person has both groups of forces inside him. One group cling to security and defensiveness out of fear, tends to regress, does not escape from the past, is afraid to grow away from primitive communication with the mother's womb and breast, is afraid to take risks, is afraid to endanger what it already has, is afraid of independence, freedom, and separateness. Another group of forces pushes him forward towards the totality of the Personality, the uniqueness of the Personality, towards the full functioning of his full capacities, towards self-confidence in the face of the world around him, while at the same time being able to accept his deepest true, subconscious Personality. <. . .>. This basic dilemma or conflict between defensive forces and growth tendencies is existential, embedded in the deepest nature of man, now and forever" (Maslow, 2011, p. 118-119).

The satisfaction of human security and other basic needs is determined by other people and the external environment, so the basic conflict between defensive forces and growth tendencies inevitably determines the relationships between people in different ways. In order to satisfy his basic needs, the individual "must be sensitive to the approval, love and goodwill of other people. <...> He must adapt and adapt by being flexible and sensitive and changing according to the external situation. <...> Therefore, a person motivated by lack must be more afraid of the environment, because there is always the possibility that it can disappoint. We now know that such anxious dependence also breeds hostility. Depending on the individual's success or failure, all this leads to a greater or lesser lack of freedom" (Maslow, 2011, p. 104). Lack of freedom will motivate people's behavior in different ways: self-confident people will be motivated to fight, others to adapt to captivity. However, the functioning of peace probably reduces the tensions of the individual's basic conflict and encourages the unfolding of those forces that push him forward towards personal growth.

CONCLUSIONS

The study of the socio-cultural significance of security and peace revealed: a) in the process of satisfying the basic needs of human groups in the natural environment, a close evolution of the human mind and community took place in parallel; b) in the course of this evolution, norms of behavior guaranteeing a successful existence were formed; c) social control and social order, as well as the human community itself, were formed in the process of observing general norms of behavior; d) human community is characterized by collective consciousness and solidarity.

The study of the historical-political significance of security and peace in the European Middle Ages revealed:

(a) periods of security and peace are equal in duration to periods of war; (b) war-torn countries restored their functionality during longer periods of peace; c) however, only a long period of peace created conditions for the improvement of the lives of societies. For example, in the mature Middle Ages, especially in the 12th and 13th centuries, people's safety and life improved so much that the population in Western Europe grew significantly, trade flourished, and modern cities were formed; d) Another period of security and improvement of people's lives is associated with the conclusion of the Peace of Westphalia (1648). Its observance not only ended the religious wars in Europe, but also led to the internal and international prosperity of Western civilization.

Philosophical, religious, and legal reflection on the brutal effects of war in the classical and medieval times formed a tradition of understanding just war, which at the end of the Middle Ages limited the practice of war to the requirements of *ius ad bellum* and evaluated it according to the principles of *ius in bello.*

The psychological study of the significance of security and peace revealed: a) the satisfaction of human security and other basic needs is determined by other people and the external environment, b) the basic conflict within an individual between his defensive forces and growth tendencies inevitably determines interpersonal relationships in different ways. Not only the external, but also the internal successes or failures of a person lead to a greater or lesser lack of freedom. Lack of freedom will motivate people's behavior in different ways: self-confident people are motivated to fight, others to adapt to captivity.

Summarizing the results of the study of the aspects of the significance of security and peace, it can be stated that in the common parallel and mutually interacting evolution of the human mind and communities, three basic ideas of Western civilization were formed and realized: a) the idea of the necessary observance of general or now public behavior rules. It has evolved into international public civil, criminal, and humanitarian law; b) the idea of the legitimate power of the sovereign and the state to create general rules of public behavior, to organize and control their implementation. It evolved into the idea of the rule of law; (c) the idea of natural rights and liberties that evolved into legal status and are now called human rights. The pursuit of human security and peace in the UN is now based on the implementation of these three fundamental ideas of civilization. But the primary - biological nature of some people still competes with their secondary - cultural nature.

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IMPLEMENTATION OF VIOLENCE AND HARASSMENT PREVENTION AND PROBLEMS IN LABOR RELATIONS

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Abstract. *The prevention of violence and harassment in labor relations is important because it directly affects the well-being of employees, the functioning of organizations and the overall health of the labor market. Violence and harassment can have serious physical and psychological consequences for employees, causing stress, anxiety, affecting employees' dignity and productivity and other problems. Preventive measures, such as the violence and harassment prevention policy, prioritize creating a safe and healthy work environment, promoting a positive atmosphere where employees are more motivated, engaged and productive.*

This scientific article aim is to analyze the legal regulation of the prohibition of violence and harassment, including psychological violence, violence and harassment on the basis of gender, in labor relations, and identify problematical aspects with this legal regulation.

In order to achieve these goals, there will be analyzed international documents and national legal acts defining the concepts of violence and harassment and the legal regulation of the implementation of prevention. Based on survey data, United Nations and International Labor Organization recommendations, the scale of the problem and possible solutions are reviewed.

Keywords: *prevention of violence and harassment, psychological violence and harassment, sexual violence and harassment, economic violence, labor relations.*

Introduction

In November 1, 2022, new amendments to Article 30 of the Law on the Approval, Enforcement and Implementation of the Labor Code of the Republic of Lithuania (hereinafter - Labor Code of the Republic of Lithuania) entered into force, providing for the prohibition of violence and harassment, including psychological violence, gender-based violence and harassment (violence and harassment directed against persons because of their gender or disproportionately affecting persons of a certain gender, including sexual harassment) (State Labor Inspectorate, 2022). One year later, it is relevant to assess how the regulation on the prohibition of violence and harassment has changed, what changes have been introduced in the new legal regulation and what problems are encountered in this area of legal regulation today.

In addition to the obligations imposed on the employer by previous legal regulation, to provide workers with a work environment in which they do not suffer hostile, unethical, degrading, aggressive, abusive, offensive actions that encroach on the honor and dignity of an individual employee or their group, physical or psychological inviolability of a person, or that seek to intimidate, degrade or place the employee or their group in a defenseless and helpless position (Article 30, part 1 of the Labor Code of the Republic of Lithuania), amendments to the Labor Code, established the obligation for employers to take all necessary measures to ensure the prevention of violence and harassment and to provide active action to assist persons who have experienced violence or harassment (Article 30, part 3 of the Labor Code of the Republic of Lithuania). Also, employers with an average number of employees of more than fifty, after completing information and consultation procedures in accordance with the procedure established by the Labor Code, are required to approve the violence and harassment prevention policy, to publish and implement it in the usual ways in the (Article 30, part 4 of the Labor

Code of the Republic of Lithuania). It should be noted that this requirement does not limit the rights of other employers with a smaller number of employees to adopt and apply these and other measures to ensure the well-being of employees at work.

Prevention of violence and harassment is understood as one of the most effective ways to ensure that employees do not suffer hostile, unethical, degrading, aggressive, abusive, offensive actions that encroach on the honor and dignity, physical or psychological inviolability of an employee or group of employees, or that seek to intimidate, belittle or place an employee or group of employees in a defenseless and helpless position. Based on the recommendations of the State Labor Inspectorate, awareness of forms of violence and harassment, recognition, intolerance, prohibition, as well as timely investigation of reports of violence and harassment and the application of responsibility to the abuser allow not only to deter the abuser, but also contribute to creating an emotionally favorable working environment for employees (State Labor Inspectorate, 2022).

In the light of the above, this article analyzes the definitions of the prohibition of violence and harassment, including psychological violence, violence and gender-based harassment in employment relations, legal regulation and cases that are not classified as violence and harassment. The second part of the article analyzes the requirements for employers related to the implementation and enforcement of the requirements for the prohibition of violence and harassment, as well as the problematic aspects of this regulation.

The relevance of this scientific article is associated with ensuring the implementation of the requirements for the prohibition of violence and harassment and identifying the nature of the problematical aspects of this regulation.

The **purpose of this scientific article** is to analyze the legal regulation of the prohibition of violence and harassment, including psychological violence, violence and harassment on the basis of gender, in labor relations, and identify problematical aspects with this legal regulation. In order to achieve these goals, there will be analyzed international documents and national legal acts defining the concepts of violence and harassment and the legal regulation of the implementation of prevention. Based on survey data, United Nations and International Labor Organization recommendations, the scale of the problem and possible solutions are reviewed.

Subject of the scientific article is implementation of the prevention of violence and harassment in labor relations.

The following theoretical and empirical methods are used in the scientific article: the method of comparative analysis, logical - analytical and systematic analysis. The comparative analysis method was used to compare the concepts and forms of violence and harassment established by legal regulation. The logical-analytical method analyzes the requirements imposed on the employer when implementing the policy of violence and harassment, creating *suitable* work environment for employees and identifies problematical aspects in this legal regulation area. Logical-analytical and systematic analysis methods are used to reveal the relationship between legal acts and legal doctrine, different legal norms, summarize the scientific article, reveal the main problem, and formulate conclusions.

Identification and legal regulation of violence and harassment prevention

In order to identify violence and harassment as a phenomenon that has a negative impact on workers, this section will reveal the concepts and content of violence and harassment and discuss legal regulation.

Pursuant to Article 30, Part 2 of the Labor Code of the Republic of Lithuania, violence and harassment, including psychological violence, violence and gender-based harassment (violence and harassment directed against persons because of their gender or disproportionately affecting persons of a certain gender, including sexual harassment), are any unacceptable behavior or the threat of it, regardless of whether the unacceptable behavior is intended to cause a physical, psychological, sexual, or economic effect once or repeatedly, whether this effect is caused or may be caused by the unacceptable behavior, whether such behavior violates the dignity of a person or creates an intimidating, hostile, humiliating or offensive environment or/and physical, property and/or non-property damage has occurred or may occur. Thus, **violence** is understood as an intentional physical, mental, sexual, economic impact on another person by a person's action or inaction, related to work, as a result of which the employee suffers or may suffer non-pecuniary or material damage (State labor Inspectorate, 2023).

Article 7, Clause 6 of the Law on Equal Opportunities of the Republic of Lithuania establishes that when implementing equal opportunities, the employer, regardless of gender, race, nationality, citizenship, language, origin, social status, faith, beliefs or views, age, sexual orientation, disability, ethnic affiliation, religion, must ensure that persons seeking employment, employees or civil servants are not subjected to harassment, sexual harassment and no discrimination instructions are given at the workplace. Parts 5 and 6 of Article 2 of the Law on Equal Opportunities for Women and Men of the Republic of Lithuania define **harassment** as unwanted behavior when, due to a person's gender, it is intended to insult or offend a person's dignity and it is intended to create or creates an intimidating, hostile, humiliating or offensive environment; and **sexual harassment** - as unwanted insults, verbal, written or physical behavior of a sexual nature towards a person, when such behavior is determined by the purpose or its effect of harming the dignity of the person, especially by creating an intimidating, hostile, humiliating or offensive environment.

Harassment can occur both verbally and in writing, although less often, but also through physical actions. Harassment can include insulting comments, jokes, humiliation, not sharing important information, excluding a person from other colleagues, meetings or consultations, being ignored, assigning tasks unrelated to work functions, etc. Main **difference between violence and harassment** is that harassment is an ongoing process, i.e. – a repeated unacceptable behavior, and violence is usually one-time, sudden (acute) outburst of inappropriate behavior (State Labor Inspectorate, 2022). Harassment and violence can occur in any workplace and can affect an employee of any link, regardless of the size of the company, field of activity or form of employment relationship. However, it can be distinguished that in certain sectors (transport, health care, social care, education, catering, retail, leisure etc.) the risk of experiencing harassment and violence may be significantly higher. In the work environment, violence can occur horizontally - between colleagues at the same level and vertically - between managers and their subordinates and employees and other individuals, such as customers, consumers, etc. (Methodological recommendations of the State Labor Inspectorate, 2022).

Economic violence could be understood as the humiliation of an employee due to economic dependence and economic damage experienced as a result of abuse by the abuser. This can manifest itself as the effect of dealing with the employee financially, threats not to award incentives or stop paying them, devaluing the employee according to his merits and qualifications, not allowing him to work, etc. (see Table 1.).

Table 1. Concepts and forms of violence and harassment

Source: Davulis, 2018; International Labor Organization Convention No. 190 on the elimination of violence and harassment in the world of work, 2019; Labor Code of the Republic of Lithuania, 2016; Law on Equal Opportunities of the Republic of Lithuania, 2003; Law on Equal Opportunities for Women and Men of the Republic of Lithuania, 1998; Methodological recommendations of the State Labor Inspectorate, 2023.

Concepts and forms of violence and harassment			
Violence can be manifested by a person's action or inaction causing an intentional **physical, mental, sexual, or economic** impact on another person, related to work, as a result of which the employee experiences or may experience non-pecuniary or material damage. **Violence is usually one-time,** sudden (acute) outburst of misconduct.		**Harassment** can be manifested both verbally and in writing, less often through physical actions: insulting comments, jokes, humiliation, not sharing important information, excluding a person from other colleagues, meetings or consultations, being ignored, assigned tasks unrelated to work functions, etc. **Harassment is a continuous process**, i.e. – a repeated unacceptable behavior.	
Psychological violence and harassment	**Physical violence**	**Economic violence**	**Sexual violence and harassment**
harassment: - repeated and deliberate abuse, insult; - bullying subordinates or co-workers, including family, sexuality, gender identity, race or culture, education, economic status; - insults; - threatening; - humiliating in work-related circumstances; - assignment of impossible goals and deadlines or meaningless tasks that have nothing to do with work; - deliberately changing working hours or schedules to cause inconvenience to specific employees; - deliberate failure to provide information necessary for effective work; - avoidance, exclusion, marginalization of a subordinate or co-worker in order to exclude from work activities violence: - one or more employees or managers are attacked in work-related circumstances (these actions may be carried out by one or a group of employees, customers, service users or other persons with the aim of violating the dignity of the manager or employee and creating a hostile work environment)	- assault; - pushing; - grabbing; - pushing; - slapping; biting; - scratching; - smacking; - kicking; - throwing things and other actions.	- humiliation of the employee due to economic dependence; - dealing with the employee financially; - threats not to award incentives or to stop paying them; - devaluation of the employee according to his merits and qualifications; - not allowing the employee to work	- sexual assault, rape, stalking or obscene communication; - unwanted physical contact, including stroking, pinching, tickling, hugging, touching, etc.; - asking intrusive questions about an employee's private life or body; - offensive comments or jokes about someone's gender identity or sexual orientation; - repeated dating requests, despite the fact that such requests have already been rejected; - request a service of a sexual nature in exchange for a promised job or promotion; - sharing or displaying sexually explicit photos, videos, etc.; - emails or text messages of a sexual nature

Amendments to the Labor Code of the Republic of Lithuania define and expand the places of prohibition of violence and harassment:

1) in workplaces, including public and private places, when the employee is at the disposal of the employer or performs duties according to the employment contract;

2) during breaks to rest and eat or when using household, sanitary and hygienic premises;

3) during work-related trips, trips, trainings, events or social activities;

4) during work-related communication, including communication using information and electronic communication technologies;

5) in housing provided by the employer;

6) on the way to or from work (Article 30, part 2 of the Labor Code of the Republic of Lithuania).

Naturally, the question is whether the new legal regulation is not too focused on preventing violence and harassment. However, "The survey on violence and harassment at work" conducted in 2021 (the survey conducted approximately 125,000 interviews in 121 countries and territories in 2021 to collect information about people's experiences of violence and harassment at work) revealed that violence and harassment at work is a widespread phenomenon worldwide. The study aimed to reveal the frequency of the main forms of violence and the prevalence of workplace harassment:

1) physical violence and harassment, such as hitting, restraining or spitting;

2) psychological violence and harassment, e.g., insults, threats, bullying or intimidation

3) sexual harassment and violence, e.g., unwanted sexual touching, comments, photos, emails or sexual requests.

It should be noted that not all actions of the employer, which, although they are not pleasant in relation to the employee, but are objective and reasonable and are carried out without the employer abusing his position as a stronger party in labor relations, are treated as violence or harassment. Employer's everyday decisions, legitimate comments, and advices related to job tasks, including negative feedback from managers and executives about job performance or work-related behavior, implementation of company policies, or warnings about breach of job duties, are not considered harassment, even if they involve unpleasant sensations (Saskatchewan, 2022).

Polite, respectful, consensual, non-violent communication that is appropriate in the workplace and acceptable to both parties is not considered violence or harassment. Other situations that are not violence and harassment may include physical contact necessary to perform a job according to accepted industry standards, or disagreements at work that are not based on race, gender, age, ethnicity, religion, sexuality, or personal characteristics. Cultural differences can sometimes lead to misunderstandings, but it may not necessarily be violence and harassment (ILO, Violence and harassment at work: A practical guide for employers, 2022) (see Table 2.).

There is no doubt that the well-being of workers is related to all aspects of working life, from physical quality and a safe environment, how employees feel in their work environment, what the working climate is and the organization of work. Employee well-being includes both physical and mental aspects.

Table 2. Cases that are not classified as violence and harassment

Source: ILO Violence and harassment at work: A practical guide for employers, 2022; Saskatchewan 2022; Recommendations of the State Labor Inspectorate, 2023.

Cases that are not classified as violence and harassment	
Constructive criticism of the employer, respectful comments	Constructive criticism of the employer, respectful expression of comments are not considered psychological violence, since it is part of the labor process and these actions are aimed at the quality of work. The employer has the right to assess the employee's professional qualities and work results.
Establishment of reasonable operational objectives, standards and deadlines	Subordination to the employer means the performance of a work function, when the employer has the right to control or direct both the entire work process and a part of it, and the employee obeys the employer's instructions or the procedure in force at the workplace (Article 30, parts 1 and 2 of the Labor Code of the Republic of Lithuania). Nevertheless, an unreasonably increased demand towards only one employee could be treated as psychological violence.
Distribution and planning of workloads	The employer is responsible for the procedure for organizing work, who may require the employee to perform the assigned tasks correctly, on time and with high quality. The employer's demands on the employee are not in themselves considered violence or harassment, if the determination and distribution of the workload is actually carried out.
Proposal to change the terms of the employment contract	Changing the necessary conditions of the employment contract, additional conditions of the employment contract, the established type of working time regime or transferring the employee to work in another location at the initiative of the employer is possible only with the written consent of the employee (Article 45, part 1 of the Labor Code of the Republic of Lithuania). The employee's consent or refusal to work under the proposed amended necessary or additional conditions of the employment contract, in another type of working time regime or in another locality must be expressed within the time limit set by the employer, which may not be less than five working days (Article 45, part 2 of the Labor Code of the Republic of Lithuania). The refusal of the employee to work under the proposed changed conditions can be considered as a reason for termination of the employment relationship at the initiative of the employer without the fault of the employee in accordance with the procedure laid down in Article 57 of the Labor Code of the Republic of Lithuania. Refusal of an employee to work for a reduced salary cannot be considered a legitimate reason for termination of the employment contract.
Decision not to select an employee for promotion, following a fair and documented process	The employer's position or comments, the decision not to select an employee for promotion, explaining the decision in a correct, non-offensive, non-humiliating and ethical manner cannot be considered psychological violence. It is the employer's right to make substantive comments related to the employee's proper performance of job duties or appointment to higher positions.
Informing the employee about unsatisfactory work results	The results of the employee's work may be the reason for termination of the employment contract if the employee has been indicated in writing about the shortcomings of his work and personal results have not been achieved, and a plan for improving results has been jointly drawn up, covering a period of at least two months, and the results of the implementation of this plan are unsatisfactory (Article 57, part 5 of the Labor Code of the Republic of Lithuania).
Termination of the employment contract due to a breach of duty caused by the employee's actions or omissions	The reason for termination of the employment contract may be a gross violation of the employee's labor duties or a second violation of the same labor duties committed by the employee in the last twelve months (Article 57, part 2 of the Labor Code of the Republic of Lithuania). An

	employment contract for a second violation of the same job duties committed by an employee may be terminated only if the first violation was also detected, the employee had the opportunity to explain himself about it and the employer warned the employee about the possible dismissal for a second such violation within one month from the date of disclosure of the violation (Article 58, part 4 of the Labor Code of the Republic of Lithuania).
Notice of anticipated dismissal on the grounds provided for in Labor Code	The organization of work, the reception and dismissal of employees is the responsibility of the employer. His right to terminate employment contracts with employees is regulated in the Labor Code Article 57 (termination of the employment contract at the initiative of the employer without the fault of the employee), Article 58 (termination of the employment contract at the initiative of the employer due to the fault of the employee), Article 59 (termination of the employment contract at the will of the employer), Article 36 (trial results) etc.
Proposal to terminate the employment contract by agreement of the parties	Pursuant to Article 54 of the Labor Code, any party to the employment contract may offer the other party to the employment contract to terminate the employment contract. The proposal to terminate the employment contract must be made in writing. It must state the terms of termination of the employment contract (from when the employment relationship ends, what is the amount of compensation, what is the procedure for granting unused leave, settlement procedure, etc.). If the other party to the employment contract agrees to the offer, it shall express its consent in writing. It should be emphasized that the employee is free to express his will on the termination of the employment contract and, if he does not agree with the employer's proposal to terminate the employment contract by agreement of the parties, has the right not to sign the agreement on the termination of the employment relationship.

The mental aspects of employee well-being include fear, depression, fatigue, self-esteem and anxiety, while the physical aspects include headache, muscle pain and discomfort, etc. The well-being of employees is important not only for ensuring the employee's own good physical and mental health, but also for the successful organization of work, the achievement and implementation of the goals of the organization itself, therefore it is necessary for employers to understand how the working environment and microclimate affect the well-being of employees (Zhou, Rasool, Ma, 2020). In view of this, the next section will discuss the employer's responsibilities for the implementation of the policy of violence and harassment.

Implementation and problematic aspects of violence and harassment prevention

Naturally, the question is whether the new legal regulation is not too focused on preventing violence and harassment. However, "The survey on violence and harassment at work" conducted in 2021 (the survey conducted approximately 125,000 interviews in 121 countries and territories in 2021 to collect information about people's experiences of violence and harassment at work) revealed that violence and harassment at work is a widespread phenomenon worldwide. The study aimed to reveal the frequency of the main forms of violence and the prevalence of workplace harassment:

1) physical violence and harassment, such as hitting, restraining or spitting;
2) psychological violence and harassment, e.g., insults, threats, bullying or intimidation
3) sexual harassment and violence, e.g., unwanted sexual touching, comments, photos, emails or sexual requests;

The research data revealed that more than one in five (22.8 percent or 743 million) working people experienced at least one form of violence and harassment (at work) during their working life. Among employees who experienced violence and harassment at work, about one-third (31.8 percent) said they experienced more than one form of violence and harassment, and 6.3 percent of employees experienced all three forms. Globally, women were 0.8 percentage points more likely to experience violence and harassment during their working age than men. When assessing gender differences in high – income countries, women were more likely to experience violence and harassment during their working lives, at 38.7%, compared to men - 26.3%. Worldwide, 8.5% or 277 million of employed persons have experienced **physical violence and harassment at work**. The distribution by gender shows that men face physical violence and harassment at work more often than women (9.0% and 7.7%, respectively) (Experiences of violence and harassment at work: A global first survey, 2022).

In the world, 17.9 percent of people, or approximately 583 million working people have experienced such unacceptable behavior in their working lives as insults, threats, bullying or intimidation. Almost 80 percent of victims, or approximately 463 million working people, regardless of gender, had their last incident in the past five years. In general, manifestations of **psychological violence and harassment** among women, although with a small difference, are more common among women than men (1.3 percentage points and 0.6 percentage points, respectively). More than three out of five working people who experienced psychological violence and harassment at work reported that this happened to them three or more times (63.2 percent). The study also revealed that 6.3 percent or approximately 205 million of employees had experienced **sexual violence and harassment** at work, of which more than two-thirds (71.4%) had encountered these incidents in the last five years. A total of 8.2 percent of working women have experienced sexual violence and harassment during their professional lives, compared to 5.0 percent of men. Of the three forms of violence and harassment, sexual harassment and violence make up the largest gender gap (Experiences of violence and harassment at work: A global first survey, 2022).

It is worth noting that during another empirical study, which was funded by the Icelandic Gender Equality Fund, the European Research Council, and the Icelandic Center for Research, over 30 thousand women living in Iceland, aged 18 to 69, participated in a survey, of which 15 799 women answered the item about exposure to workplace sexual harassment or violence. 5291 (33.5%) of the 15 799 participants reported experiencing sexual harassment or violence in the workplace during their lifetime, and 1178 (7.5%) in their current workplace. The study's findings revealed that sexual harassment and workplace violence was more common among women who worked shifts and irregular hours than among women who worked during the day. The reasons for this may have been due to the fact that women working evenings and nights often work alone and may meet third parties (e.g., patients, clients, etc.). While most jobs in Iceland and other Western countries in Europe and North America have implemented procedures to prevent sexual harassment and violence, train employees and take other actions to combat this phenomenon. However, the study found that sexual harassment and violence in the workplace were more common among young, single women, highly educated, sexual minorities, high earners, and those who worked long or irregular shifts, or in the tourism service, legal and security, manufacturing sectors, performed repair work, in health care or as a public figure (Jonsdottir, Hauksdottir, Aspelund ir kt., 2022).

Part 1 of the article 30 of the Labor Code of the Republic of Lithuania provides that the employer is not only obliged to create a safe working environment for employees among themselves, as well as with employers and third parties, in which the employee does not suffer

hostile, unethical, degrading, aggressive, abusive, offensive actions that encroach on the honor and dignity of the employee, physical or psychological inviolability or are intended to intimidate, degrade or put him in a defenseless and helpless position. However, parts 4 and 5 of the article 30 of the Labor Code of the Republic of Lithuania obliges the employer, whose average number of employees is more than fifty, after completing the information and consultation procedures in accordance with the procedure established by the Labor Code, to approve the violence and harassment prevention policy, to publish and implement it in the usual ways in the workplace. The policy for the prevention of violence and harassment must establish: methods of recognizing violence and harassment, possible forms of violence and harassment, the procedure for familiarization with violence and harassment prevention measures, the procedure for submitting and examining reports of violence and harassment, the protection of persons who reported violence and harassment and the victims measures and support provided to them, rules of employee behavior (work ethics) and other information related to the prevention of violence and harassment. The employer is also obliged to update the policy on the prevention of violence and harassment, taking into account the reports received about violence and harassment, the identified cases of violence and harassment, the change of their possible dangers or the emergence of new ones or at the request of the labor inspector of the State Labor Inspectorate of the Republic of Lithuania.

Many factors contribute to violence and harassment at work, including psychosocial hazards and occupational stress. In such a situation, Recommendation No. 206 Clause 8 recommends that factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks, be taken into account in occupational risk assessment. Particular attention should be paid to hazard and risk factors that:

- occur due to working conditions and agreements, work organization and human resource management;
- include third parties such as customers, customers, service providers, users, patients, etc.;
- occur as a result of discrimination, abuse of power relations, gender, cultural and social norms;

Psychosocial risks that cause occupational stress can also increase the risk of violence and harassment at work. Violence and harassment can be caused by many individual, social and organizational factors, for example, bullying can prevail in stressful work environments where employees face high levels of interpersonal conflict, harmful leadership style, cultural and linguistic differences, etc. For these reasons, Convention No. 190 and Recommendation no. 206 mandate workplace risk assessment and management to take into account any factors that may increase the likelihood of violence and harassment. Only after all the risks have been identified and the risks involved have been assessed, the next step is to adopt appropriate measures to prevent or control such risks in order to reduce their impact and prevent similar effects in the future (Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206, 2019).

Workplace harassment and violence are potential sources of post-traumatic stress at work. Post-traumatic stress can occur in any workplace and in any employee, regardless of the size of the company, field of activity, form of employment contract and interpersonal relationships. Stress at work is mainly caused by manifestations of violence and harassment. The State Labor Inspectorate notes in its recommendations that solving the problem of stress at work can increase labor productivity, improve the safety and health of workers, and, as a result, increase the economic and social benefits for employers, employees and society as a whole. The preparation and implementation of the policy in the workplace allows not only to identify and

punish the abuser, but also provides the conditions to eliminate the causes of the conflict at work, to resolve it, to provide assistance to the employee who has experienced violence and harassment, to anticipate and implement effective actions in the event of violence and harassment, and to protect employees from their threat. The policy of violence and harassment, approved by the internal local legislation of the company, applies to all employees of the company, institution, organization without exception, regardless of the position they hold or the type of employment contract concluded (State Labor Inspectorate, 2022).

The Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206), 2019 are the most recent and fundamental international standards for violence and harassment in the world of work, covering equality and non-discrimination, occupational safety and health and comprehensively covering all cases of violence and harassment to all employees and other persons at work. The convention requires the establishment of a common framework for the prevention, resolution and elimination of violence and harassment, which provides for actions related to prevention, protection, enforcement, remedies, guidelines, training and awareness raising, including requiring employers to take specific measures and take into account third parties (ILO Violence and harassment at work: A practical guide for employers).

Considering aspects of Convention No. 190, in recent years, special provisions have been added to the labor law to protect workers from various manifestations of violence and harassment, including specific categories of workers (remote workers, migrant workers or workers with disabilities). The provisions include definitions and prohibitions of violence and harassment, or forms of violence and harassment, e.g., sexual harassment or bullying in the workplace. Each party to the Convention shall adopt laws, regulations and administrative provisions requiring employers to take appropriate action appropriate to their level of control to prevent violence and harassment in the world of work, including violence and gender-based harassment, and in particular, to the extent reasonably practicable:

- to adopt and implement policies on workplace violence and harassment in consultation with employees and their representatives;
- to take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- identifying risks and assessing the risks of violence and harassment and taking measures to prevent and control them through the participation of employees and their representatives;
- to provide information and training to employees and other related persons in an accessible form, as appropriate, about the identified dangers and risks of violence and harassment and related prevention and protection measures, including the rights and responsibilities of employees and others (Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206).

Pursuant to Article 30, Part 3 of the Labor Code of the Republic of LithuaniaTaking into account the possible dangers of violence and harassment, the employer takes measures to eliminate and control them, establishes the procedure for reporting and examining reports of violence and harassment and familiarizes employees with it, organizes training for employees on the dangers of violence and harassment, prevention measures, the rights and responsibilities of employees in the field of violence and harassment. Article 42 of the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and part 4 of the article 42 of the Labor Code imperatively establishes the obligation of the employer to familiarize employees with the working conditions, the rules of labor law that determine the procedure at the workplace, the

requirements for the safety and health of workers. Thus, this provision also includes the requirement that the employer must also familiarize employees with the measures to prevent violence and harassment implemented in the company, institution, organization, for example, where the text of the prepared and published policy can be accessed, reports of violence and harassment must be submitted, how long they are examined, etc.

The State Labor Inspectorate states that in order to properly investigate reports of violence and harassment, it is recommended that the policy clearly declare that the investigation of reports is based on five principles:

1. immediacy - all persons involved (the victim, the complainant, the witness) are given every opportunity to provide explanations for their actions;

2. promptness - reports are processed in the shortest possible time;

3. assistance to the victim - upon receipt of a report of harassment and (or) violence, psychologically safe working conditions are created;

4. objectivity and impartiality - the investigation is carried out objectively, without prejudice to the assessment of circumstances;

5. innocence - the complainant is considered innocent until a decision is made on the violation or his misconduct (Methodological recommendations of the State Labor Inspectorate, 2022).

States that have ratified International Labor Organization Convention No. 190, should require employers to provide information and training to employees and other relevant persons, in an appropriately accessible format, about the identified dangers and risks of violence and harassment and related prevention and protection measures, including the relevant rights and responsibilities (International Labor Organization Convention No. 190). Providing information and training can contribute to a workplace culture that allows you to reduce the risk of violence and harassment. It also helps to ensure that in the event of violence or harassment, employees know how to act, to whom they must report, etc.

The State Labor Inspectorate also notes that the Violence and harassment prevention policy must specify the procedure for reporting violence and harassment, i.e. regulated, in what form, by what terms and in what order the said notification is submitted. All reports of violence and harassment submitted must be recorded and investigated. The report must contain detailed explanations about the situation of violence and harassment experienced, manifestations and circumstances of violence, indicate possible witnesses, available evidence added (for example, correspondence, etc.). The policy must determine to whom and in what way the employee must submit the notification. If a responsible person is appointed in the company, it must be discussed what action he must take after receiving such a notification, how long after receiving a notification of possible violence and harassment he must submit it directly to the head of the company, institution, organization and, in his absence, to his deputy. The head of the company, institution, organization is recommended to forward the received report to a pre-formed commission for investigation, which usually consists of 3-5 members, and one of the members of the commission is elected as its chairman. It is recommended to include employee representatives (for example, members of the works council, trade union, employee trustee, employee safety and health representative) and specialists from different fields (for example, a lawyer, a psychologist, etc.) in the commission. The policy must regulate the procedures and deadlines for handling reports of violence and harassment. The deadline for conducting the investigation and submitting conclusions should not exceed 1 month from the date of receipt of the notification. Its members shall ensure the confidentiality of the notifier during the investigation of reports (Methodological recommendations of the State Labor Inspectorate, 2022).

Depending on the specific case and the existing impact on the emotional health of employees, the protection measures and assistance of those affected can take various forms, for example, making it possible for employees who have experienced violence to use all the necessary specialists (psychologists, psychiatrists, etc.) services; paid for the services of those specialists; work rotation is carried out; transfer of an employee to another place of work; granting leave, etc. The policy on the prevention of violence and harassment recommends that specific measures be provided for employees who have been subjected to violence or harassment, including a provision on the obligation of the responsible person to inform the victim of these measures (Methodological recommendations of the State Labor Inspectorate, 2022).

Taking into account part 4 of the article 30 of the Labor Code, the Violence and harassment prevention policy must specify the rules of employee behavior. If there is an approved code of ethics at the workplace, then it makes sense to transfer its provisions to politics, that the rules of conduct can indicate the principles of not only proper behavior, but also unacceptable behavior. In accordance with article 58 of the Labor Code, violence or harassment, including psychological violence or gender-based harassment, shall be considered a gross violation of labor discipline, therefore companies, institutions and organizations must not tolerate harassment, violence, insult or humiliation of a person and encourage all employees not to be passive.

Jonsdottir, Hauksdottir, Aspelund, et al. (2022) argue that in certain work environments, more refined and targeted preventive and intervention efforts are needed to eliminate harassment and violence, including training for employees, the adoption of specific strategies to reduce the risk of harassment and violence. Given the high prevalence of harassment or violence, and the increased risk of jobs where employees interact with third parties, community interventions are needed to change public discourse, practices and norms related to this problem, both inside and outside the workplace.

It should be noted that some companies, institutions, organizations also apply other preventive measures in their practice, for example, a stress reduction procedure, a description of conflict solutions, and so on. In order to prevent violence and harassment, other measures can be applied and implemented, such as collective unification practices, such as joint meetings, trips, cultural events, etc. As well as improving the competencies of managers, the purpose of which is to notice undesirable behavior of employees; assess the possible consequences of a conflict at work and provide measures that would help prevent the manifestation of violence and harassment in the work environment, help employees affected by psychological violence at work, ensure the confidentiality of information about employees who have experienced violence in accordance with current legislation and promote a work environment based on mutual respect. Managers' conversations with employees, the purpose of which is self-development, are very significant. Internal communication of a company, institution, or organization is the provision of information to employees. It is recommended to periodically remind employees of possible situations of violence and harassment, their decisions, ways of communication and behavior that help to avoid or reduce conflicts at work and promote an emotionally safe work environment and opportunities for defense of violated rights, etc. It is also worth mentioning the extreme measure - the application of measures of impact by the employer to the violent employee, which can be applied when violence or harassment at work is objectively proven, all parties involved in the conflict have been heard, and the explanations, circumstances, and previous behavior of the abuser have been taken into account (Methodological recommendations of the State Labor Inspectorate, 2022).

Organizations that prioritize the prevention of violence and harassment demonstrate a commitment to ethical and responsible business practices. This can improve the organization's reputation both internally among employees and externally in the wider community. The prevention of violence and harassment in the workplace is essential to creating a positive and healthy workplace that respects the rights and well-being of employees. This contributes to regulatory compliance, risk management and the overall long-term success and sustainability of organizations.

Conclusions

In accordance with international and national legislation, violence manifests itself as a one-time, sudden act or inaction of a person, when there is an intentional physical, mental, sexual, economic impact on another person related to work, as a result of which the employee suffers or may suffer non-pecuniary or property damage. Harassment can be manifested both verbally and in writing, less often through physical actions: insulting comments, jokes, humiliation, not sharing important information, excluding a person from other colleagues, meetings or consultations, being ignored, assigned tasks unrelated to work functions, etc. Harassment is a continuous process, i.e., a repeated unacceptable behavior. There are distinguished such forms of violence and harassment as physical, psychological, economic and sexual.

Such actions of the employer as constructive criticism, respectful comments, establishment of reasonable performance goals, standards and deadlines, distribution and planning of workloads, decision not to select an employee for promotion, proposal to change the terms of the employment contract, informing the employee about unsatisfactory work results, termination of the employment contract due to violation of duties by the employee through guilty acts or inaction, warning about the expected dismissal and other cases ,- which, although they are not pleasant towards the employee, but are objective and reasonable and are carried out without the employer abusing his position as a stronger party in the employment relationship, are not treated as violence or harassment.

Although Western countries are complying with the International Labor Organization’s provisions and conventional obligations by transposing them into national law, the results of global research reveal that violence and harassment in labor relations is a sensitive issue on a global scale, with forms of physical violence and harassment, psychological violence, sexual harassment and violence being common.

In recent years, both in Lithuania and in other countries, that ratified the International Labor Organization Convention No. 190, special provisions were introduced into labor law to protect workers from various manifestations of violence and harassment, including Approval of policies to prevent violence and harassment in workplaces, indicating the procedure, form, deadlines for reporting violence and harassment, etc. Considering the fact that it is not enough, at the same time, it should be emphasized that, in addition to the statutory requirements, employers themselves must take action to improve the microclimate of the organization, the elimination of violence and harassment and strengthen the relationship and mutual trust between employees. Such actions of employers may include internal communication with employees, training of employees about possible situations of violence and harassment, their decisions, ways of communication and behavior in order to achieve an emotionally safe work environment, the application of measures of the employer's impact on the abusive employee, etc.

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THE LITHUANIAN LEGAL FRAMEWORK FOR GUARDIANSHIP (CURATORSHIP) OF CHILDREN WHO HAVE FLED UKRAINE

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Abstract *The article analyses the guardianship (curatorship) of unaccompanied Ukrainian children fleeing the war in Ukraine, in Lithuanian legislation. It explains the system of guardianship (curatorship) in Lithuania, the grounds for establishing temporary guardianship (curatorship) and presents the forms of guardianship (curatorship) applicable in Lithuania. Further, it briefly describes the process of becoming a guardian (curator). Further, the peculiarities of the establishment of guardianship (curatorship) for individual unaccompanied children and groups of children arriving from Ukrainian childcare institutions is discussed.*

Keywords: *unaccompanied children from Ukraine; guardianship (curatorship) in Lithuania; supervision of guardianship (curatorship)*

Introduction

The importance of the taking all possible measures to ensure the rights of the children fleeing the war in Ukraine is self-evident. It is especially important in case of children travelling to other countries unaccompanied or with persons other than their parents. The Council of Europe states have stressed the need "to intensify efforts, at all levels of governance, to guarantee the effective protection of all human rights and fundamental freedoms of children of Ukraine in the current context in full compliance with the applicable Council of Europe standards, as well as the highest possible standard of reception and care of children of Ukraine hosted in other member states." (Council of Europe, 2023).

Furthermore, the European Commission points out that "particular attention must be given to unaccompanied children. It is important that they are immediately registered upon arrival; they should receive full and safe support and a representative of child protection services should be present as quickly as possible. Family tracing must be a priority." (European Commission, 2023).

According to the Temporary Protection Directive, the term " 'unaccompanied minors' means third-country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States" (Council Directive 2001/55/EC, Art. 2 (f)). According to the EU Commission, within the group of the unaccompanied children, some are to be considered as 'separated'. "A 'separated child' is a child who arrives on the territory of the Member States accompanied by relatives or known (non-related) adults, whereby sometimes the latter have been provided by the parent(s) an authorisation to travel with the child and/or provide temporary care (example: Ukrainian mother traveling with her own children and those of another family)" (European Commission, 2023a, p.1).

In Lithuania, the unaccompanied minor foreigner is "a minor foreigner who arrived in the Republic of Lithuania without his/her parents or other legal representatives, or who, upon

arrival in the Republic of Lithuania, remained without them until those persons started to take care of him/her in an effective manner" (Seimas, 2004, Art. 2(16)).

There are two additional groups of children that do not strictly fit the categories of 'unaccompanied' or 'separated', yet require additional protection and assurances similar to those in the latter categories. These include:

- Children from Ukrainian institutions, frequently arriving in the EU in groups and accompanied by a guardian designated by the competent Ukrainian authorities.
- Children entering the EU territory with a guardian appointed by the competent Ukrainian authorities (European Commission, 2023a, p.1).

One of the first questions that arises if an unaccompanied child arrives is the question of legal representation and care – who will take care of the child and ensure his/her legal representation. The present article will aim to answer this question and introduce the system of guardianship (curatorship) in Lithuania, that is applicable to the Ukrainian children fleeing war and arriving to Lithuania unaccompanied. The article will analyse the system of guardianship (curatorship) in Lithuania in general, as well as its application in case of Ukrainian children, will illustrate the processes of arrival of individual children as well as groups of children. It will then close with the discussion of the supervision of guardianship (curatorship) in Lithuania.

The system of guardianship (curatorship) in Lithuania

According to the Civil Code of Lithuania (2000), Article 3.248, the aim of guardianship (curatorship) is to ensure that the child is brought up and cared for in an environment in which he or she can grow, develop and flourish in a safe and appropriate way. Guardianship (curatorship) of a child is aimed at appointing a guardian for the child to care for, educate, represent and protect the child's rights and legitimate interests; to provide the child with living conditions that are appropriate to the child's age, health and development; and to prepare the child for an independent life within the family and in the community.

The State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour of Lithuania (hereinafter – Service) is responsible for establishing whether a child needs guardianship (curatorship), registers these children and ensures the establishment of guardianship (curatorship) (Seimas, 2000, Art. 3.250 (3)). If it is established that a child is left without parental care, the Service addresses the mayor of municipality with a request to establish guardianship (curatorship) for that child within three working days. The Service is the legal representative of the child deprived of parental care until a guardian (curator) is appointed for the child (Seimas, 2000, Art. 3.250 (4)).

Guardianship is established for children under 14 years of age, and curatorship is established for children over 14 years of age (Seimas, 2000, Art. 3.251). There are two types of child guardianship (curatorship) in Lithuania: temporary guardianship (curatorship) and permanent guardianship (curatorship) (Seimas, 2000, Art. 3.252(1)).

Temporary guardianship (curatorship) for a child involves taking care of, raising, representing, and safeguarding the rights and lawful interests of a child who is temporarily without parental care, whether in a family, foster home, care centre, or childcare institution. The primary objective of temporary guardianship is the eventual reunification of the child with his/her family. The period of temporary guardianship (curatorship) for a child is limited to a maximum of twelve months. However, if it is determined that the parents (either the father or the mother), who are receiving social services and comprehensive assistance, are actively working to modify their behaviour, or if there are other valid grounds to believe that there is a realistic prospect of reuniting the child with their family, the government agency responsible

for safeguarding the child's rights may decide to extend the temporary guardianship (curatorship), but for no more than an additional six months. The total duration of temporary guardianship may not exceed eighteen months.

The Civil Code (Seimas, 2000, Art. 3.254) indicates that temporary custody (guardianship) of a child shall be established when:

1) the child's parents or only parent available are missing and are being sought (until the parents are declared missing or declared dead by a court);

2) the child's parents or the sole parent are temporarily unable to take care of the child because of the illness of both parents or one of them, arrest, imprisonment or any other important reason;

3) the child's parents or parent with sole responsibility for the child neglect the child, do not take interest in the child, ill-treat the child, use violence or abuse parental authority in other way, which endangers the child's physical, mental, spiritual, moral development and safety;

4) the child's parents are unknown (pending the establishment of paternity or close family relations);

5) the child's parents or the only parent available are minors who do not have the legal capacity or have limited legal capacity.

Speaking about the **establishment** of the temporary guardianship (curatorship), the Civil Code (Seimas, 2000, Art. 3.250) indicates that once the court ruling is received, which grants the authority to remove the child from their parents or other legal representatives, a specialist from the Service proceeds by sending a request to the municipality to appoint a guardian (curator) for the child. This request may include a suggested guardian (curator) recommended by the Service. The mayor will make the final decision regarding the appointment of the guardian (curator). In cases where the Service doesn't propose a candidate, the Foster Care Centre[1] may offer a recommendation. Temporary guardianship (curatorship) has a maximum duration of 12 months, with the potential for a 6-month extension.

Permanent guardianship (curatorship) is established for children without parental care who are unable to return to their family under the existing conditions and whose care, upbringing, representation and protection of their rights and legitimate interests is entrusted to another family, family home, foster care centre or a childcare institution.

Permanent guardianship (curatorship) of a child shall be established when:

(1) both parents or the sole parent of the child are deceased; declared dead or declared missing;

(2) the child is separated from his or her parents in accordance with the law;

3) the paternal or family relationship has not been established within three months of the date of the child's discovery;

4) the parents or the only parent available have been declared incapacitated in accordance with the established procedure;

5) both parents or the only parent available have been deprived of parental authority (Seimas, 2000, Art. 3.257).

Speaking about the **establishment** of permanent guardianship (curatorship), The Service submits an application to the court to formalize the establishment of permanent guardianship (curatorship), and it is established by a court decision.

[1] Foster Care Centres (Lith. *Globos centrai*), is one of the forms of child guardianship (curatorship). The centres are the legal representatives of the child, but the child is placed in the family of a guardian on-call, who is a professional foster parent taking care of the child in a family-based environment. Furthermore, they provide services to foster families, adoptive families, social families, guardians on-call and children placed in all these families.

Speaking about the forms of guardianship (curatorship), the Civil Code lists the following forms:

1) guardianship (curatorship) in the foster family;
2) guardianship (curatorship) in the social family;
3) guardianship (curatorship) in the foster care centre;
4) guardianship (curatorship) in the childcare institution (Seimas, 2000, Art. 3.257(2)).

Children can be placed under guardianship (curatorship) within a **foster family**. These guardians (curators) are individuals who have completed specific training to qualify as guardians (curators) and have been assessed as suitable for this role. The maximum number of children placed under guardianship (curatorship) in a single foster family is limited to three children, with a total of six when including the children of the guardians (curators).

Child guardianship (curatorship) in a **social family** represents a foster care arrangement where a legal entity, known as a social family, is responsible for the well-being of four or more children (with a maximum total of eight children, including the social family's own children) within a family-like setting. The primary objective of the social family is to provide a secure and nurturing environment for a child's growth, development, and overall well-being (Seimas, 2010, Art. 3).

Guardianship (curatorship) within a **Foster Care Centre** is a form of guardianship (curatorship) in which the legal guardian for the child is the Foster Care Centre itself. However, the child is placed in the care of an on-duty guardian, who provides for the child within a family-based environment. The Centre facilitates and coordinates social services and support for both the child and the on-duty guardian as required, as well as cooperates with professionals who assist the child's biological parents to return the child to the family (Ministry of Social Security and Labour, 2018).

In Lithuania, there are two primary types of residential institutional care: community-based children care homes and foster childcare institutions. Typically, this form of guardianship (curatorship) is considered an exceptional measure and is employed only when other forms of guardianship (curatorship) are not available.

For children under the age of 3, guardianship in an institution may be established under specific circumstances, such as when it is necessary for the child's health, when it is essential to keep the child with their siblings, when their parents are minors themselves and under institutional guardianship (curatorship), or in cases of urgent removal from the family when no other form of guardianship (foster family, social family, foster care centre) is immediately viable (Seimas, 2000, Art. 3.261).

Community-based children care homes serve as a vital alternative when a municipality lacks the ability to place a child in a foster family, foster care centre, or social family, or when the assistance and services provided to a child in their biological family have proven ineffective. In such cases, the municipality must ensure that the child has the opportunity to grow up in a family-like environment, and this is achieved through community-based children care homes. These homes are operated by social care institutions specializing in the provision of social services, which adhere to established social care standards and possess the required licensing. (Ministry of Social Security and Labour, 2021).

Foster childcare institutions are institutions authorized to provide foster childcare services. The Ministry of Social Security and Labour has established specific social care standards governing the care provided within these institutions (Ministry of Social Security and Labour, 2007). Approximately 30 percent of children under guardianship (curatorship) and in institutional care are placed in these childcare institutions.

The process of appointing guardians (curators)

The requirements for possible guardians (curators) or founders or participants of social families are enumerated in Article 3.269 of the Civil Code. The persons have to be of 21-65 years of age (with some exceptions), having full legal capacity in this field. Other requirements are related to the behaviour of the person – there should not be a previous history of separation of the possible guardian from his/her foster child, he/she should not be convicted of certain crimes; there are requirements regarding the health of person (Seimas, 2000, Art. 3.269). Furthermore, there are similar requirements for spouses and persons over the age of 16 years living in the same household.

The process of becoming a guardian starts with the preparation phase. The process consists of the initial assessment of the candidate; undergoing a training for future guardians (curators) and preparation of a suitability report of the natural person's suitability to be a child's guardian (curator) or the founder or member of a social family (Government, 2002, Art. 18.).

Potential guardianship candidates submit their applications to the Service. The territorial unit of the Service collects information about these candidates and their family members from different state registries, then assesses whether to provide positive or negative initial evaluation report (Government, 2002, Art. 9-13).

In case of positive initial evaluation, the next step in preparation for guardianship is the training for future guardians. The training of future guardians (curators) is mandatory to the guardian and his/her spouse (Government, 2002, Art. 18; Art. 21). The training is organized according to the programme established by the Service, and taught by persons certified by the Service (State Child Rights Protection and Adoption Service, 2018).

After the training the final conclusion on the ability of the candidates to become guardians (curators) is prepared by the Foster Care centre (Government, 2002, Art. 22). The information about the new guardian is submitted to SPIS system, which is a centralised system for the appointed guardians (curators).

The arrangements of guardianship (curatorship) for individual unaccompanied children from Ukraine

Every child fleeing the war in Ukraine has the right to receive temporary protection and is allowed entry into Lithuania. These children are not obligated to possess a travel document, health insurance, visa, residence permit, or any other documentation that would typically be required for entry and stay in Lithuania (Seimas, 2004, Art. 92).

After the start of the war in Ukraine, on 12 April 2022, the governments of Lithuania and Ukraine have signed an agreement between the Ministry of Social Security and Labour of the Republic of Lithuania and the Ministry of Social Policy of Ukraine on Cooperation in the Field of Protection of Children Affected by the War in Ukraine due to the Russian Federation's Armed Aggression (hereinafter – Cooperation Agreement) aimed at protecting children coming from Ukraine to Lithuania. The parties agreed to cooperate "on ensuring the protection of children's rights, who due to the hostilities were temporarily displaced from the territory of Ukraine to the Republic of Lithuania, and also on providing their return to Ukraine upon cessation of martial law on its territory or, if possible and necessary, prior to its termination or abolition." (Agreement on Cooperation, 2022, Art. 2).

Article 3 of the Cooperation Agreement (2022) foresees the obligation of registration of children. It indicates that all children entering from Ukraine to Lithuania shall be registered as soon as possible by authorized persons/bodies and organisations of Lithuania and Ukraine as

well as by the diplomatic missions or consular offices. Furthermore, it is indicated in Article 3 that children coming from Ukraine will not be placed for adoption for the duration of martial law in Ukraine without the approval of the Ukrainian Authorities (Agreement on Cooperation, 2022, Art. 3).

Speaking about the arrival of individual children who arrive to Lithuania without their parents, the Cooperation Agreement indicates that Ministry of Social Security and Labour ensures that children who arrived without their parents are appointed a temporary guardian (curator) as soon as possible according to the law of the Republic of Lithuania (Agreement on Cooperation, 2022, Art. 4). Here, two groups of children may be distinguished – children who had a guardian appointed according to Ukrainian law, and children who arrive without an appointed legal guardian.

For children who arrive with their legal guardian appointed according to Ukrainian law, in order to avoid the recognition procedure in Lithuania of such guardian, the Lithuanian State Child Rights Protection and Adoption Service (further – Service) urgently applies to the mayor of municipality with a request to reappoint such guardian as a temporary guardian (curator) under the law of Lithuania (European Union Agency for Fundamental Rights, 2023, p. 15).

For children who arrive without an appointed guardian, the Service starts the procedure of appointment of a temporary guardian (curator) according to the legal regulation of Lithuania, as indicated above – it addresses the mayor of municipality regarding the appointment of a guardian (curator) for the child. The representatives of the Service firstly search for a suitable candidate among the persons with whom the child arrived and who might be his/her relatives or persons with close emotional ties with the child. They also search for possible relatives who are in Lithuania who have arrived in Lithuania earlier (European Union Agency for Fundamental Rights, 2023, p. 35). Only if such persons are not found, the Service appoints a Lithuanian guardian (curator).

The Law on the Legal Status of Foreigners foresees that in cases of war, national emergency or extraordinary situation due to mass influx of foreigners the requirements set out in Civil Code are not applied for foreigners who are to become guardians (curators) of unaccompanied children, if those persons are not residents of Lithuania. The residents of Lithuania in this case do not have to provide health certificate in order to become guardians (curators), and may be provisionally appointed as legal representatives of unaccompanied children until their readiness to become guardians (curators) be fully approved, if this does not contradict the best interests of the child. (Seimas, 2004, Art. 140^{27}).

The arrangements of guardianship (curatorship) for groups of children arriving from Ukraine

The Cooperation Agreement details the responsibilities of Ministry of Social Security and Labour of the Republic of Lithuania and Ministry of Social Policy of Ukraine. Ministry of Social Policy of Ukraine is responsible for the organisation of movement of children from Ukraine to the Republic of Lithuania, officially informs the Republic of Lithuania about the movement of children and cooperates in coordinating the return of groups of children back to Ukraine in the agreed manner (Agreement on Cooperation, 2022, Art. 4 (2.1)). The Ministry of Social Security and Labour is responsible for the reception of children, ensuring full protection of their rights according to Lithuanian legal acts, furthermore, it also ensures that groups of children who arrive to Lithuania from Ukraine (for example, a group of children living together in one institution of guardianship (curatorship) etc.) would not be separated from each other,

unless it is contrary to the best interests of children. (Agreement on Cooperation, 2022, Art. 3.6).

The arrival of the groups from Ukrainian childcare institutions used to start by the transmission of information by the Ministry of Social Policy of Ukraine to the Ministry of Social Security and Labour of Lithuania about the groups of children who are arriving, indicating the number of children, their age and other characteristics (European Union Agency for Fundamental Rights, 2023, p. 20). Furthermore, the Ministry of Social Security of Lithuania consults with municipal administrations and searches for a municipal legal entity authorized to provide childcare services, which may accept the group of children from Lithuania. When the group arrives from Ukraine at the place of residence – the premises of municipal childcare, the representatives of the Service visit the children to monitor the situation. The Service then applies to municipal administration (of the territory where the childcare institution is established) with a request to establish guardianship (curatorship) for all children in the group and to nominate the legal entity that hosts the children from Ukraine as guardian (curator) for all children in the group. Temporary guardianship (curatorship) is established by the decree of mayor of municipality (European Union Agency for Fundamental Rights, 2023, p. 20).

The staff who have arrived from Ukrainian institutions may be employed by the Ukrainian childcare institutions that have been appointed the guardians (curators) of children. They do not have to undergo any accreditation or similar procedures if they have worked in such institutions in Ukraine, however, they have to adhere to the standards applicable in Lithuanian childcare institutions which are in force in Lithuania (European Union Agency for Fundamental Rights, 2023, p. 20).

Supervision of the guardianship (curatorship)

The Civil Code of Lithuania and other legal acts indicate an obligation of institutions to monitor all types and forms of childcare. The Service is responsible for this process. It carries out the supervision of guardianship (curatorship) in cooperation with the administrations of municipalities, foster care centres, childcare institutions, other state and municipal institutions and NGOs which work in the field of child protection (Seimas, 2000, Art. 3.267).

The regulations for the organisation of child guardianship (further – Regulations) foresee that the process of supervision may be carried out in the following forms:

1) Visits of a child who is in guardianship (curatorship);
2) Revisions of child temporary guardianship (curatorship);
3) Revisions of child permanent guardianship (curatorship) (Government, 2002, Art. 71).

The Regulations foresee that after the establishment of **temporary guardianship** (curatorship) of a child, the territorial department of the Service visits the fostered child for the first time not later than one month after the date of the adoption of the decision of the mayor of the municipality on the establishment of the temporary guardianship (curatorship) and the next time - according to the need, but at least once every six months, starting from the day of establishment of temporary guardianship (curatorship). If the territorial department of the Service, one year after the establishment of temporary guardianship, decides to continue temporary guardianship for a period not exceeding six months, the child shall be visited at least once during the extended period of temporary guardianship. (Government, 2002, Art. 73).

Once permanent guardianship (curatorship) of a child has been established, the child under guardianship (curatorship) is visited for the first time no later than one month after the date of the establishment of permanent guardianship (curatorship) by the court, and for the

subsequent visits - as needed, but at least twice during the first year of permanent guardianship (curatorship), and at least once a year during the second year and the subsequent years of permanent guardianship (curatorship).

Speaking about Ukrainian children, the revision process is carried out according to the abovementioned legal acts. It should only be noted that as the permanent guardianship (curatorship) is not established to Ukrainian children, the provisions of supervision of permanent guardianship (curatorship) do not apply.

During the supervision, the representatives of the territorial divisions of the Office meet with the child, talk to him/her without restrictions, listen to his/her opinion on the conditions of guardianship (curatorship), his/her relationship with the guardian (curator), his/her relationship with his/her parents or close relatives, other relatives and other persons with whom he/she has an emotional bond, listen to the views of the child's guardian (curator) on the implementation of the guardianship (curatorship), his/her relationship with the child and with his/her parents or close relatives, other relatives with whom the child has an emotional bond, and find out what help the guardian (curator) needs; an assessment of how the guardian (curator) takes care of the child's physical and mental safety, health and education, educates the child, cooperates with the foster care centre, the territorial department of the Office and other interested State and municipal institutions, how he/she uses the funds allocated for the maintenance of the fostered child, and manages the child's property, whether he/she does not hinder the child's contact with his/her parents, provided that this is not detrimental to the child's interests, maintains contact with the child's parents, informs the child's parents or close relatives, if they so wish, about the child's development, health, education and other important matters, takes care of the child's leisure time, taking into account the child's age, health, growth and aptitudes, prepares the child for an independent life; assess the relationship of other persons living with the child's guardian to the child in care (Government, 2002, Art. 76).

Conclusions

The aim of guardianship (curatorship) is to ensure that the child is brought up and cared for in an environment in which he or she can grow, develop and flourish in a safe and appropriate way. Guardianship is established for children under 14 years of age, and curatorship is established for children over 14 years of age (Seimas, 2000, Art. 3.251). There are two types of child guardianship (curatorship) in Lithuania: temporary guardianship (curatorship) and permanent guardianship (curatorship). The forms of guardianship (curatorship) are in foster family, in social family, in foster care centre and in the childcare institution.

The requirements for possible guardians (curators) or founders or participants of social families are enumerated in Article 3.269 of the Civil Code. The preparation phase of becoming a guardian (curator) consists of the initial assessment of the candidate; undergoing a training for future guardians (curators) and preparation of a suitability report of the natural person's suitability to be a child's guardian (curator) or the founder or member of a social family.

The agreement between the Ministry of Social Security and Labour of the Republic of Lithuania and the Ministry of Social Policy of Ukraine on Cooperation in the Field of Protection of Children Affected by the War in Ukraine due to the Russian Federation’s Armed Aggression regulates the questions of protecting children coming from Ukraine to Lithuania, including their guardianship (curatorship) arrangements, in addition to the legal acts applicable in Lithuania. The agreement indicates the obligation of registration of children, and indicates that the Ministry of Social Security and Labour is responsible for the arrangements regarding guardianship (curatorship) of such children. The guardians (curators) were appointed according to Lithuanian legal regulation as soon as possible after the arrival of Ukrainian children in

Lithuania. Most appointed guardians were from Ukraine, persons travelling with unaccompanied children or their relatives in Lithuania.

The arrival of the groups from Ukrainian childcare institutions started by the transmission of information by the Ministry of Social Policy of Ukraine to the Ministry of Social Security and Labour of Lithuania about the groups of children who are arriving. The Ministry of Social Security and Labour of Lithuania contacted municipal administrations in order to find suitable institution for hosting the group of children arriving. The legal entity authorized to provide childcare services was appointed as the guardian (curator) of all children in the group, by the request of State Child Rights Protection and Adoption Service, and by the decision of mayor of municipality.

Both individual unaccompanied children who were placed under guardianship (curatorship) in Lithuania as well as groups of children were visited regularly by the representatives of State Child Rights Protection and Adoption Service carrying out the supervision of guardianship (curatorship) according to the same rules as applied in case of guardianship (curatorship) of Lithuanian children.

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LINKING THE SUSTAINABLE DEVELOPMENT GOALS TO CLIMATE CHANGE ISSUES

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Abstract. *Industrial development is being squeezed to achieve higher economic growth rates worldwide and in Lithuania, causing increasing environmental problems and, in particular, affecting climate change. Climate change is one of the most worrying environmental problems worldwide. In recent decades, it has become increasingly evident in its negative impact on the environment and on economic and social development. Human economic activities are leading to an increase in the concentration of greenhouse gases in the atmosphere, leading to rising temperatures throughout the global temperatures. Greenhouse gases are emitted from industrial production processes, agricultural activities, the burning of fossil fuels and improper waste management. Industrial growth is often associated with legal entities whose main objective is to maximise profits at the lowest possible cost, which becomes a major threat to the environment. In this context, legal instruments are crucial in addressing climate change, as they set common goals and objectives and create legal mechanisms. Therefore, the author of the article has set herself the goal of exposing the legal regulation of climate change in the context of the ideology of sustainable development, with the exception of the Lithuanian waste management sector. The article focuses on the ideology of sustainable development, its development and objectives, the implementation of the objectives in the context of the compatibility of economic, social and environmental interests, and the actualization of climate change. It reviews the 2015 United Nations General Assembly Resolution "Changing our world: an agenda for sustainable development by 2030". It brings up to date the basis of the concept of sustainable development, which is the constructive interaction of the three main components: environment, economy and society. It concludes that the absence of, or failure to adhere to, clear and focused national policies to implement international agreements on climate change is a global threat. Moreover, the legal measures identified to mitigate climate change need to be assessed comprehensively in order to avoid further damaging climate change and to ensure the realisation of the concept of sustainable development.*

Keywords: *sustainable development, climate change, waste management*.

Introduction

Environmental protection is one of the most pressing issues facing society today, although it only became more important in the 1970s and 1980s. It was in 1972 that the leaders of the Member States of the European Community stressed that special attention should be paid to environmental protection. In the summary of the case law of the Supreme Administrative Court of Lithuania noted that ensuring environmental protection is a prerequisite for the exercise of human rights. It is agreed that the well-being, survival and development of modern society is determined not only by economic progress, but also the environment in which it is safe to live, and which must be preserved for the present and future for the future and for the future generations (Supreme Administrative Court Bulletin No. 28, 2015).

The development of industry, energy and other sectors of the economy, population growth and the shrinking of residential areas, migration processes, the reduction of biocapacity, mobile and stationary pollution are just some of the socio-economic factors that lead to ozone depletion, the greenhouse effect, pollution of environmental facilities and other negative environmental impacts (Juknys R., 2005). Growing industry and other economic activities are

causing significant environmental damage. Environmental threat or damage is caused by long-term harmful human activities or as a result of individual activities.

Climate change is one of the key, vital issues. This is a global problem, as all countries contribute to the increase in greenhouse gas emissions and all suffer the consequences. It is therefore essential that the parties act in unison to implement the 25-27 September 2015 agreement. The objectives of the United Nations (UN) General Assembly session in New York, 27 September 2015, must be met. It was this session that was dedicated to sustainable development. The UN General Assembly adopted and signed the resolution "Transforming Our World: the 2030 Agenda for Sustainable Development" (A/RES/70/1). The absence of a clear and focused policy, or failure to implement international agreements on climate change in a country, is a threat on a large scale. Climate change is directly linked to sustainable consumption and production and the efficient use of raw materials in production processes, reducing waste and air pollution. The legal measures put in place to mitigate climate change need to be assessed in a comprehensive way to avoid further damaging climate change. Climate change has a negative impact on the environment and on economic and social development. The greenhouse effect is caused by human economic activities and production processes of businesses (burning of fossil fuels, improper waste management), which leads to an increase in the concentration of gases in the atmosphere, resulting in a rise in the temperature of the air throughout global warming. "Technological and scientific progress, population growth, urban and rural development, and aggressive environmental pollution are creating very complex human-environment relationships. Often, they need to be regulated not only by economic or technical measures, but also by legal ones" (Natural Heritage Foundation, 2015). In summary, it must be stressed that regulation and related measures are essential for analysing and tackling climate change. It should be stressed that strategic legal documents and laws set objectives and targets and establish legal mechanisms for administrative supervision and control, and systems for their application and monitoring. Therefore, in today's developing societies, legal instruments are the key tools for tackling climate change.

The processes affecting climate change are more likely to be linked to environmentally damaging economic activities, with a corresponding increase in the number and severity of environmental problems. Therefore, economic, industrial and other development must be based on the objectives of sustainable development, environmental principles and comply with the requirements of legal regulation. Meanwhile, the State, through its authorized entities, must exercise administrative supervision and control and monitor compliance with these requirements.

Thus, when analysing the ongoing social changes in the world and in Lithuania, one of the most pressing areas is climate change. Therefore, this article is discusses the legal instruments addressing climate change and reveals the practical aspects of climate change in the waste management sector in the Republic of Lithuania.

The above situation clearly determines the need for effective legal regulation, and the priority area of the state is environmental protection (with an emphasis on climate change issues). At the same time, strategic actions must ensure the compatibility of economic, social and environmental interests.

Thus, the environmental legal regime as a tool for addressing environmental problems is becoming increasingly important. The identification of environmental needs by the Lithuanian legislative authorities and their transformation into environmental requirements expressed in legal acts, as well as the implementation and enforcement of European Union standards related to environmental protection in the national environmental legal system of Lithuania, are of

utmost importance. In the context of the concept of sustainable development, which is seen as the long-term, continuous development of society to meet the needs of humanity now and in the future, rationally using and replenishing natural resources and preserving the Earth for future generations, the concept and purpose of legal liability as a means of protecting the environment must take on new dimensions. So far, legal liability has been treated more as a coercive application of the state, while the emphasis should be on indicators of sustainable development and the protection of the interests of man, society and the state that arise in the context of environmental, economic and social development.

*The **article focuses*** on the legal instruments regulating climate change, and the legal mechanisms that have been put in place and implemented, the legal frameworks that have been developed and implemented in relation to addressing climate change issues implementation of the legal and regulatory measures related to climate change in the context of sustainable development.

*The **aim** of the article* is to present the legal regulation of climate change in the context of the ideology of sustainable development, with a focus on the Lithuanian waste management sector.

*In order to achieve its **objective**, the paper sets out the following objectives:*

- present the evolution of the ideology of sustainable development and its links to climate change;
- to analyze the legal framework for climate change and the links between climate change and waste management.

The paper presents the concept of sustainable development using a descriptive approach, while the legal regulation of climate change and its links to waste management issues are presented using an analytical approach. A systematic approach has helped to show the interaction between the compatibility of environmental, social and economic objectives and climate change legislation.

The evolution of the ideology of sustainable development, the concept

Economic development and its impact on the environment is a pressing issue worldwide. Measures are needed to protect the environment. One of these is to move away from the expansion of economic development, which is no longer possible in this phase of globalization and rapid development. Other ways must therefore be found to tackle the rapidly growing environmental problems without abandoning further economic growth.

In 1992, at the United Nations World Conference on Environment and Development in Rio de Janeiro, where Lithuania also participated, the Basic Principles of Sustainable Development were finally formulated, which at the highest level legitimized sustainable development as the main ideology of long-term development of society. It was based on 3 equal components: environmental protection and social and economic development. The Rio Declaration formulated the basic principles of sustainable development and the Johannesburg Summit in 2002 proclaimed the motto "from plans to action" and asked all countries to develop national sustainable development strategies within 2002 and to set up effective mechanisms for the implementation of these strategies.

The European Union has been and continues to be the undisputed leader in sustainable development. The European Union's general approach to sustainable development was formalized in the review of the European Community's programme of policies and actions relating to the environment and sustainable development, "Towards Sustainable Development",

carried out and endorsed by the European Parliament and the European Council in 1998. The European Union's Sustainable Development Strategy was endorsed by the Council of Europe Summit in Gothenburg (Sweden) in 2001. The implementation of this strategy requires economic growth to accelerate social progress and improve the environment, social policies to promote economic growth and environmental policies to be cost-effective. A particular focus of this strategy has been to decouple economic growth from resource use and environmental impacts, i.e., to aim for natural resource use and environmental pollution to grow much more slowly than the economy. The concept of sustainable development thus did not regard the environment as an absolute, inviolable and sacrosanct value. The European Bank for Reconstruction and Development (EBRD) has pointed out that balanced development, i.e., sustainable development, is a key feature of good business management and that economic growth and a healthy environment must go hand in hand (EBRD Environmental Policy, 2003).

The ideology of sustainable development has gone through several phases of development and reformation, influencing different countries around the world, but the most recent international strategic document, and the one that is currently in place, was adopted in 2015. The 70th anniversary session of the United Nations (UN) General Assembly on sustainable development was held in New York on 25 and 25 September 2015. The UN General Assembly adopted and signed the resolution "Transforming Our World: the 2030 Agenda for Sustainable Development, A/RES/70/1, which replaced the Millennium Goals announced in 2000. The new 2030 Agenda for Sustainable Development was adopted and signed by 193 Heads of State and Government, including Lithuania.

The Preamble to the 2030 Agenda refers to the five key elements of the new development agenda that will be the focus of action - people, planet, prosperity, peace, partnership (5Ps). The main objective of this agenda is to eradicate extreme poverty and hunger in the world by 2030 and to ensure sustainable economic and social development. The Sustainable development goals are not only a broad vision for a more sustainable future for the world and all its people, but also a concrete framework of targets and indicators. This latter insight makes the integration of the Sustainable development goals into national and local policy and planning a particularly valuable tool for effectively promoting more sustainable development, by clearly defining what this means, both in concrete terms and in a systemic way, and how to measure progress already made. One of the most important features of the Goals is the strong link between all 17 Goals. These links become more apparent as the tasks to achieve the objectives become more in-depth. It is evident from this that all the Objectives depend on each other, either directly or as a prerequisite for each other's progress. Several elements of the Goals are horizontal and, in order to ensure full progress, are reflected in each Goal: equality (ensuring the well-being of all people, including future generations); education (formal and non-formal, or education as a prerequisite for other areas of development); inclusion (access to information and participation in decision-making processes); protection of the environment and the sustainable use of resources The SDGs are not legally binding, but are a commitment made by the consensus of the international community (Klimavičienė I, Vaičiulėnaitė J., 2019).

In analysing Lithuania's sustainable development goals, the National Strategy for Sustainable Development, the results of the study "Sustainable Development Goals and the Planning System in Lithuania: an Analysis of the Existing Situation" (Punytė I, Simonaitytė K, 2018), the Report on the Implementation of the 2030 Agenda for Sustainable Development in Lithuania in 2018 were examined. The documents emphasise that most of the UN Sustainable Development Goals and targets are largely transposed into Lithuania's strategic planning documents. Out of the 17 Sustainable development goals and 169 targets presented in the 2030

Agenda, Lithuania has identified 43 priority targets, which are grouped into four priority areas: (1) reducing social exclusion and poverty, (2) healthy lifestyles, (3) energy efficiency, and (4) *climate change and sustainable consumption and production*. (Lithuanian Sustainable Development Strategy). Development cooperation is included in Goal 17 of the 2030 Agenda - "Strengthen implementation tools and revitalise the global partnership for sustainable development". Lithuania has made this a priority and has pledged to provide official development assistance. In 2017, support amounted to €52.5 million, equivalent to 0.13% of gross national income. Given its financial resources and experience in cooperation, Lithuania aims to contribute to the implementation of the SDGs in recipient countries but prioritizes 6 of the 17 SDGs: poverty reduction, quality education, gender equality, climate change mitigation, peace and justice, strong institutions, and partnership in the implementation of the Goals (Sustainable Development and Lithuania, 2018).

The thirteenth Sustainable Development Goal (SDG) is the fight against climate change. It aims to implement the commitments made under the United Nations Framework Convention on Climate Change (UNFCCC) and to continue the work of the Green Climate Fund (GCF). Countries are encouraged to strengthen their capacity to adapt to climate change hazards and natural disasters by integrating climate change mitigation into national strategies, policies and planning (State Data Agency, 2023). In addition to SDG 13 of the Sustainable Development Agenda, it is worth mentioning another international commitment of major importance: the Paris Climate Change Agreement (Paris Climate Change Agreement, 2015). Adopted in December 2015 after almost two decades of negotiations, the Paris Climate Change Agreement represents a significant step forward for the international community in the fight against climate change. The Agreement is a commitment by the ratifying countries to keep the Earth's temperature no more than 2 degrees Celsius above the temperature before the Industrial Revolution. Each country that ratified the Agreement also committed to setting its own greenhouse gas emission reduction targets (Intended Nationally Determined Contributions), which are expected to become more ambitious with each renewal of commitments. As required by the Agreement, the European Union has submitted a long-term emission reduction strategy and updated climate action plans by the end of 2020, committing to reduce EU emissions by at least 55% below 1990 levels by 2030. However, it must be stressed that the Agreement is not legally binding, i.e. compliance with the commitments is voluntary and good faith. Only national governments were formally involved in the climate change negotiations and have committed themselves to the targets. On the other hand, the various city alliances (e.g. the Covenant of Mayors on Climate and Energy) are among the most active supporters and implementers of the Agreement - cities are responsible for the vast majority of global greenhouse gas emissions, and therefore have the most scope for introducing innovative and effective solutions to mitigate climate change.

Lithuania, which has been involved in the sustainable development process since 1992 and is working towards the 2015 Sustainable Development Goals, is still struggling, because although it has a legal framework for environmental protection in place, it does not always achieve its practical objectives. In the area of social exclusion and poverty reduction, the poverty risk rate has not changed much, and there has been no major breakthrough: in 2020 it was 20.9%, and increased by 0.3% compared to 2019.Lithuania has been ranked last among the European Union countries for the last 10 years (the average in 2020 is 17.1%).The State Agency for National Data provides indicators of the poverty risk rate by age groups, household composition, economic activity status, etc. An analysis of the evolution of these indicators (2017-2022) shows that the groups with the highest risk of poverty are: pensioners, children

under 18, single parents, unemployed, persons with disabilities (Poverty Reduction Progress Assessment). It can be concluded that Lithuania still does not have a poverty reduction target and therefore poverty rates are not changing significantly. There is a lack of inter-institutional cooperation, a lack of awareness that social issues and poverty reduction are not the sole responsibility of the Ministry of Social Security and Labour. It covers a lot of areas - the Ministry of Education, the Ministry of Economy, the Ministry of Finance. Since poverty itself is a very complex problem, it requires complex measures. The role of municipalities is very important. If municipalities do not set themselves the goal of reducing poverty through their social measures, it is unlikely that anything will change.

The goal of good health and well-being requires the pursuit of healthy lifestyle goals across age groups. Daily stress and anxiety have a negative impact on our physical and psychological health, and the state needs to find the motivation and incentives to take better care of it.

The principle of prioritisation of energy efficiency improvements must be formalised in Lithuania. This principle would allow an assessment to be made as to whether improving energy efficiency at the level of end-users is more cost-effective than securing energy supply. This would lead to a reduction in the volume of energy production and supply, an increase in the reliability of networks and a reduction in environmental pollution. The issues at stake must be addressed through the obligation to save energy. This issue must be addressed in the Ministries of the Environment, Energy, Transport, Economic Affairs and Innovation, and Agriculture. Energy consumption and savings targets must be set by ministerial legislation. The obligation for public authorities to prioritise energy efficiency policy measures in vulnerable households and social housing is still ineffective. This amendment would reduce energy costs, ensure comfortable living conditions and allow consumers to use the savings on energy bills to meet other essential needs.

In the context of climate change, what the future climate will be like on a global or Lithuanian scale will largely depend on how the world develops: how much greenhouse gases will be emitted into the atmosphere, how many people will be living in the world, how forest areas will change, what type of energy will be used, etc. But the key to reducing climate change is the measures we take to reduce greenhouse gas emissions into the atmosphere. To achieve climate neutrality, Lithuania needs to decouple greenhouse gas emissions from economic growth, i.e. reduce emissions while maintaining economic growth. Thus, the climate and energy objectives require a reduction in greenhouse gas emissions and the development of renewable energies, which will create energy efficiency.

Causes and regulation of climate change

The Earth's climate has changed throughout its history. With a history dating back some 4,600 million years, the Earth has had many ice ages and warm spells in the past. Research since the 1960s has shown that the last two million years have seen the emergence of several phases of cold weather, which have led to significant glacial expansion. The most recent cooling, 21,000 years ago, was one of the most severe, with large areas of northern Europe and North America, as well as mountainous regions, covered in glaciers. Dry highland regions, such as Tibet, were unevenly covered by ice (J. Dodson, 2008). "Throughout the geological history of the Earth, climate has changed as a result of natural processes such as changes in the composition of the atmosphere, changes in the planet's orbital parameters, volcanic eruptions, tectonic plate drift, and solar activity cycles. The last 200 years of recorded climate change are

notable for the fact that human activities are the main cause of change" ("Causes and consequences of climate change", 2023).

Climate change is a change in the state of the climate that can be detected (e.g. by statistical tests) by changes in the mean and variability of its properties and that persists over a long period of time, typically decades or longer. As mentioned above, climate change can be caused by natural internal processes or external forces, such as modulation of solar cycles, volcanic eruptions, permanent anthropogenic changes in atmospheric composition or land use (IPPC, Climate Change 2014 Impacts, Adaptation, and Vulnerability, 2014). Article 1 of the United Nations Framework Convention on Climate Change defines climate change as "changes in climate resulting directly or indirectly from human activities that alter the composition of the Earth's atmosphere and that do not fall within the natural climate fluctuations observed at regular intervals" ("Causes and consequences of climate change", 2023). The United Nations Framework Convention on Climate Change thus distinguishes between climate change associated with human activities altering the composition of the atmosphere and climate change attributable to natural causes. Human activities have been increasing significantly since the mid-18th century and in recent decades have become a major contributor to current warming. It is therefore necessary to take this into account when assessing the impact of the causes of climate change. A pre-industrial (also known as natural) climate system existed until the mid-18th century, followed by a period of industrial (anthropogenic) climate system (Bukantis A., 2017). Since the industrial revolution, man has begun to change the chemical composition of the atmosphere, thereby amplifying the greenhouse effect in the Earth's atmosphere. Various gases emitted by industry, transport and agriculture accumulate in the atmosphere. The accumulated anthropogenic gases (gases caused by human activity - greenhouse gases) transmit the sun's rays but then trap heat coming from the Earth's surface. Under natural conditions, this heat would be radiated back into space. The increase in greenhouse gases is the result of reckless actions by mankind: urbanisation, deforestation, intensive and extensive agricultural development. Deforestation and land cover change are disrupting the balance of carbon dioxide and oxygen in the atmosphere and changing the albedo of the Earth's surface (“Causes and consequences of climate change”, 2023).

The impact of human activities on the climate system is undeniable, with current anthropogenic greenhouse gas concentrations higher than ever before. The increase in greenhouse gas concentrations compared to the pre-industrial period is mainly driven by human population growth and economic growth (Bukantis A., 2017). The United Nations Framework Convention on Climate Change (UNFCCC) stresses that climate change is a concern for all of humanity, as it is the increasing concentration of GHGs in the atmosphere due to human activities that is amplifying the greenhouse effect and could adversely affect natural ecosystems and all of mankind (United Nations Framework Convention on Climate Change, 1995).

The main greenhouse gas emitted by human activities is carbon dioxide (CO2), which accounts for the vast majority of greenhouse gas emissions. CO2 stays in the atmosphere for an average of 50-200 years, so today's effects will be felt for decades and even centuries to come. They are emitted along with vapours, fumes and gaseous metals from tailpipes, chimneys, fires and other sources. Carbon dioxide is mainly produced when fossil fuels such as oil, coal and natural gas are burned. Fossil fuels are still the main source of energy. It is burned to generate electricity and heat, and is used as fuel for cars, planes and ships (Jarimavičiūtė N., 2008).

The Intergovernmental Panel on Climate Change (IPCC) was established in 1988 by the World Meteorological Organisation and the United Nations Environment Programme (UNEP). It is a scientific body whose aim is to assess the threat of human-induced climate change. The

main activities of the body include issuing reports related to the implementation of the United Nations Framework Convention on Climate Change. The Commission's reports are used by governments to develop climate change management policies. The reports are used as a basis for international negotiations on climate change. The IPCC is made up of governments that are members of the United Nations or the World Meteorological Organisation (Bukantis A., 2023).

In the context of climate change, it is important to look beyond the causes to the consequences, and it is therefore crucial to find ways of correcting the human activities that create the threats. The legal mechanism has been used for this purpose, with the adoption of conventions, protocols and various pieces of legislation in which countries have made commitments to climate change. Joint agreements were reached in Rio de Janeiro in 1992, Kyoto in 1997 and Paris in 2015. In 2015, world leaders agreed on ambitious new targets to combat climate change. The Paris Agreement sets out an action plan to limit global warming.

he EU and all its Member States have signed and ratified the Paris Agreement and are strongly committed to its implementation. As part of this commitment, EU countries have agreed to make the EU the first climate-neutral economy and society by 2050. As required by the agreement, the EU has submitted a long-term emission reduction strategy and updated climate action plans by the end of 2020, committing to reduce EU emissions by at least 55% below 1990 levels by 2030. (Paris Climate Agreement, 2015).

Climate change impacts and risks are also relevant in Lithuania. Therefore, the mitigation and adaptation objectives set out in international and EU legislation are important for Lithuania. Lithuania has ratified all major climate change-related instruments:

- The United Nations Framework Convention on Climate Change, signed in May 1992.

Lithuania ratified the Climate Change Agreement on 9 May 1992 and ratified by the Seimas of the Republic of Lithuania on 23 February 1995.

- the Kyoto Protocol to the United Nations Framework Convention on Climate Change, which was signed by 11 December 1997 and ratified by the Seimas of the Republic of Lithuania on 19 November 2002.

The Kyoto Protocol entered into force in Lithuania on 16 February 2005 and the Doha Amendment was ratified by the Seimas of the Republic of Lithuania on 15 October 2015.

- the Paris Climate Change Agreement, adopted on 12 December 2015 and ratified by the Seimas of the Republic of Lithuania ratified on 22 December 2016.

In the Paris Agreement, Parties recognised that adaptation to climate change is a global challenge that needs to be addressed at local, sub-national, national, regional and international scales, and that adaptation is an essential component of a long-term global response to climate change and a contribution to the protection of people, livelihoods and ecosystems, while taking into account the need to respond urgently to the needs of the developing country Parties, the Parties to the Agreement, which are particularly vulnerable to the adverse effects of climate change.

Each Party shall undertake adaptation planning processes and implement actions, as appropriate, including the development or improvement of necessary plans, policies and/or action documents. This may include: adaptation actions, commitments and/or efforts; the process of developing and implementing national adaptation plans; assessment of climate change impacts and vulnerability with a view to developing nationally prioritised binding actions, taking into account vulnerable people, places and ecosystems; monitoring, evaluation and knowledge generation of adaptation plans, policies, programmes and actions; building resilience of social, economic and ecological systems through economic diversification,

sustainable management of natural resources, etc. measures (Guidelines on mitigation and adaptation to climate change for municipalities, 2017).

Key climate change-related documents in the Lithuanian legal framework:

- Law on Climate Change Management of the Republic of Lithuania (7 July 2009, No XI-329).This Law establishes the rights, duties and responsibilities of persons carrying out economic activities which result in the emission of greenhouse gases into the atmosphere, as well as the competences of state institutions and bodies, and the essential requirements for the issuance of certificates for the management of fluorinated greenhouse gases, their suspension, revocation of suspension and cancellation of the validity of the certificates.

- The National Policy Strategy on Climate Change Management approved in 2012 (No XI-2375 of 06.11.2012) has been replaced by the National Agenda on Climate Change Management adopted by Resolution No XIV-490 of 30.06.2021. In the Agenda, Lithuania, together with other EU Member States, aims to increase its ambition for the next decade and its long-term climate and energy policy objectives, in order to meet the objectives of the Paris Agreement and to preserve the EU's international leadership in the fight against climate change. In line with these, the European Council on 12 December 2019 endorsed the EU's 2050 greenhouse gas neutralisation target.

On 11 December 2019, the European Commission presented its Communication "A European Green Deal", which proposes a new growth strategy to transform the EU economy into a modern, competitive, climate-neutral economy by decoupling growth from resource use. The Green Europe Communication points out that a transformation to neutralise climate impacts requires changes in all policy areas and a concerted effort from all sectors of the economy and society. It also sets out a framework for sustainable and inclusive growth in the areas of energy, smart and sustainable mobility, industry, the circular economy, production and consumption, sustainable agriculture, retrofitting of buildings, protection of ecosystems and biodiversity, environmental sustainability, taxation, and social well-being, where progress towards an environmentally friendly and climate-neutral economy by 2050 is to be achieved. (National Climate Change Management Agenda, 2021).

Strengths in climate change mitigation: In the energy sector, Lithuania has successfully implemented the measures envisaged, shifting to a greater use of renewable energy sources, which has led to a reduction of greenhouse gas emissions in the energy sector (except transport). Lithuania has a well-developed solar energy technology and biomass industry and has acquired competences in the use of technology for energy production. A system of modernisation and renovation of buildings has been established and is being developed to increase energy efficiency, reduce energy poverty and move steadily towards the renovation of housing estates. According to the National Greenhouse Gas Inventory Report, emissions from the waste sector are relatively low and are decreasing through the promotion of waste prevention, the expansion of separate collection and sorting systems, and the implementation of technological solutions for reuse and recycling. The Law on Alternative Fuels of the Republic of Lithuania creates the preconditions for promoting the use of fuels from renewable energy sources by imposing obligations on fuel suppliers to supply fuels from renewable energy sources and increasing the use of advanced biofuels. This law establishes the development of the use of alternative fuels in the transport sector in the Republic of Lithuania in order to implement the strategic objectives of the national transport, energy and climate change policy. The objective of this Law is to reduce the impact of the transport sector on climate change and air pollution, with the aim of achieving a share of renewable energy sources in the transport sector of at least 15 per cent of total final energy consumption in the transport sector by 2030 (Law on Alternative Fuels of the

Republic of Lithuania, 2021). The Law on Alternative Fuels aims to promote the use of electricity in road transport, the development of infrastructure for the production, purification and supply of biogas for transport, and to support the acquisition of alternative fuel vehicles and the development of infrastructure for them. This will allow for a consistent diversification of energy sources in the transport sector, the use of local resources, and a reduction in the dependence of the transport sector on fossil fuels, while reducing the impact of the transport sector on climate change (National Climate Change Management Agenda, 2021).

Climate change mitigation vulnerabilities: According to the National Greenhouse Gas Inventory Report, the transport sector is the largest contributor to greenhouse gas emissions, accounting for almost 96% of transport greenhouse gas emissions, or 30% of the country's total greenhouse gas emissions, and has been increasing over the last 7 years in the road transport sub-sector. The reason for this is that Lithuania's tax policy is not sufficiently oriented towards environmental and climate change objectives and behavioural change. According to the National Greenhouse Gas Inventory Report, agriculture is the third largest source of greenhouse gas emissions in Lithuania. Farmers often lack the expertise, knowledge, motivation and incentives to switch to new technologies and implement environmentally friendly production practices that would reduce greenhouse gas emissions. In the agricultural sector, there is no system of accounting for emissions and removals at farm level that provides an economic incentive to reduce greenhouse gas emissions by comparing greenhouse gas emissions between operators. Around 66% of Lithuanian buildings are classified as below energy performance class C. These buildings are very inefficient in their energy use. According to the National Air Pollutant Inventory, emissions of pollutants of particular concern to health from household (dwelling) heating installations are increasing in Lithuania due to the production of heat energy from solid biofuels and other solid fuels, inefficiently operating heat production installations, and the inefficient use of heat. Moreover, there may be insufficient cooperation between research institutions and business to conduct research, promote experimental development and innovation and deploy the latest low greenhouse gas emission technologies in individual sectors of the economy (National Climate Change Management Agenda, 2021).

After assessing the strengths and weaknesses of climate change mitigation, the National Climate Change Management Agenda set national mitigation targets for 2030:

- Reduce greenhouse gas emissions by 30% compared to 2005, including - absorption by the land use, land-use change and forestry sectors, by shifting the economy towards innovative, low-emission and environmentally friendly technologies and renewable energy sources;
- In sectors participating in the EU Emissions Trading Scheme (energy production and supply, industrial processes), a reduction of at least 50% compared to 2005.
- in sectors not participating in the EU ETS (transport, industry, agriculture, waste, small energy), a reduction of at least 25% compared to 2005, including absorption by the Land Use, Land Use Change and Forestry sector, and within the set annual GHG quotas for the period 2021-2030.

National mitigation targets to 2040:

- Reduce greenhouse gas emissions by 85% compared to 1990 levels, with up to 15% absorption by the land use, land-use change and forestry sectors, by shifting to innovative, low-emission and environmentally friendly technologies and the use of renewable energy sources in all economic sectors.

National mitigation targets for 2050:

- Reduce greenhouse gas emissions by 100% compared to 1990 levels by shifting to innovative, low-emission, environmentally friendly technologies and renewable energy sources

in all economic sectors. Up to 20% covered by natural sinks from the land use, land-use change and forestry sectors, using environmentally sound carbon capture and use technologies. This is to offset greenhouse gas emissions in sectors where technological options for zero emissions will not be found.

Linking climate change issues to the waste sector.

The consumption of various products and irresponsible waste management contribute directly to climate change by releasing greenhouse gases into the air, which are produced during the various stages of waste generation and management. It is therefore important to stress that the changes and decisions taken in the waste management sector are not only a factor in the development of the sector, but also in the extent of its impact on climate change. This paper therefore attempts to show that waste management is directly linked to climate change, and furthermore that decisions taken in the waste management sector have a direct impact on climate change management.

In Lithuania, waste management is organised in accordance with the Waste Management Act, the State Waste Management Plan 2014-2020, the State Waste Prevention Programme, and other legislation for specific types of waste, such as the Packaging and Packaging Waste Management Act.

In general terms, waste is a wide range of materials that are no longer usable, left over after use or unwanted, whether from economic activities or households. The Waste Management Act lays down general requirements for the prevention and management of waste in order to avoid adverse effects of waste on public health and the environment; the conditions under which a substance or object may not be considered waste; and the state regulation of waste management; the basic principles of organisation and planning of waste management systems; requirements for waste holders and waste managers; economic and financial measures for waste management; the rights and obligations of producers, importers and distributors of oils, electrical and electronic equipment, vehicles, taxable products, aerobically degradable plastics, single-use plastics, plastic-containing fishing gear and packaging (the Law of the Republic of Lithuania on Waste Management 1998).

The general organisation of waste management is laid down in the Waste Management Act. It requires waste holders to manage their own waste or to transfer it to waste managers in accordance with a set procedure. Waste must be sorted at source and waste collectors must carry out sorted waste collection. Undertakings collecting, transporting and treating waste must register with the State Register of Waste Managers. Only waste management facilities of national significance recognised by the Government may use or plan to use municipal waste as fuel for energy production. Municipalities are responsible for municipal waste management. Municipal waste management is organised on the territory of the municipality in accordance with the waste management rules drawn up and approved by the municipal council, which lay down the conditions for the provision of the municipal waste management service (Law on Waste Management of the Republic of Lithuania, 1998).

Section 5 of the Waste Management Act sets out the roles of authorities in waste management:

-The Ministry of the Environment regulates and administers the management of all waste, monitors the implementation of established requirements and tasks, coordinates the activities of other state and municipal authorities in the field of waste management, and seeks additional sources of funding for waste management projects developed by state and municipal authorities;

-Ministry of Economy and Innovation develops and approves measures to promote waste prevention, as well as the reduction of production waste, the introduction of low-waste

technologies, and the creation of markets for products made from secondary raw materials; coordinates the implementation of these measures; and coordinates the actions of health care institutions in the setting up of capacities for the management of medical waste, as well as the initiation of projects for the establishment of such waste management capacities.

-The Ministry of Economy and Innovation develops and approves measures to promote waste prevention, as well as the reduction of production waste, the introduction of low-waste technologies, and the creation of markets for products made from secondary raw materials; it coordinates the implementation of these measures, and also coordinates the actions of industrial enterprises in the development of waste management capacity for their production.

-The Ministry of Agriculture coordinates the efforts of the agri-food industry to build up capacity to manage the waste generated by their production.

-The State Food and Veterinary Service shall lay down requirements for the on-site segregation, collection, packaging, labelling, pre-treatment, temporary storage and accounting of animal health and related research waste for the generators of such waste and shall supervise the management of biodegradable waste (except biodegradable waste from gardens and parks) generated by food business operators at the sites where such waste is generated.

-Municipalities organise the municipal waste management systems necessary for the management of municipal waste generated on their territory, ensure the functioning of those systems, organise the management of garbage and waste for which the holder cannot be identified or does not exist, and administer the municipal waste management service.

-The State Energy Regulatory Council shall approve the methodology for setting regional prices for municipal waste management and supervise their application; shall set regional prices and supervise their application; shall approve the methodology for setting the price cap for incineration of one tonne of municipal waste of energy value (hereinafter referred to as "incineration of one tonne of municipal waste per tonne of municipal waste") left over from sorting, not suitable for recycling and reuse, and supervise their application; set a cap on the rate per tonne for the incineration of municipal waste with an energy content unsuitable for recycling and reuse remaining after sorting by the incineration plant and/or the operator of the incineration plant, and supervise its application; [...] coordinate investments related to municipal waste management and municipal waste incineration made by the regional waste management centres and the operators of the co-incineration plant and/or the incineration plant; settle disputes arising between the operators of the co-incineration plant and/or the incineration plant and the regional waste management centres concerning the per-tonne rates applied by the operators of the co-incineration plant and/or incineration plant to the incineration of municipal waste by the dispute settlement procedure; [...] performs other functions prescribed by this Law and other legal acts (Waste Management Law of the Republic of Lithuania, 1998). The functions of the authorities, as laid down in the Law on Waste Management, are transposed into the regulations and activities of these authorities.

The Law on Environmental Protection of the Republic of Lithuania regulates social relations in the field of environmental protection, establishes the basic rights and obligations of legal and natural persons in preserving the biodiversity, ecological systems and landscape characteristic of the Republic of Lithuania, ensuring a healthy and clean environment, and rational use of natural resources in the Republic of Lithuania, the territorial waters, continental shelf and economic zone of the Republic of Lithuania, liability, economic sanctions for violations of legal acts regulating the protection of the environment and the use of natural resources by legal persons in order to effectively prevent such violations, and the provisions on the proceedings for the imposition of economic sanctions. (Law on Environmental Protection,

1992). The law also stipulates that "persons must comply with the laws and regulations that lay down the requirements for waste management and that the polluter pays for waste management".

Article 247 of the Code of Administrative Offences establishes the liability for non-compliance with the requirements of waste management legislation. The provisions of the Code stipulate that contamination of the environment with waste, storage, collection, transport or treatment of waste in breach of the requirements shall be punishable by appropriate sanctions.

The Šiauliai Regional Court in administrative offence case No AN2-99-744/2019 examined the case of O. J. complaint. O. J. appealed to the court, requesting to annul the resolution of the Šiauliai District Court Chamber of 27 March 2019 and to terminate the administrative offence proceedings. The appellant was punished under Article 247(13) of the Administrative Code for not ensuring the sorting of construction waste at the construction site and for allowing the employees to remove 5,25 m3 of non-hazardous wood waste on the land owned by the State, in violation of Article 4(1) of the Law on Waste Management and point 7 of the Waste Management Rules, while being the director of the Closed Joint-Stock Company ("…"), on 20 April 2017. O. J. submits in its appeal that the court, in imposing the administrative penalty, failed to take into account the fact that the waste was spilled for only a short period of time, that it was immediately collected and dealt with in accordance with the law, and that the short spillage of the decayed non-hazardous wood waste on the ground did not cause any significant damage to the environment [...].The Court pointed out that the wording of Article 247 of the Code of Administrative Offences of the Republic of Lithuania indicates that the Article contains a blanket norm, which means that the participants in a certain legal relationship are obliged to observe rules of conduct that are not set out in the legal norm of the Code of Administrative Offences, nor in other articles or parts of the Code of Administrative Offences. Having assessed the case-file, the Court of Appeal finds that the District Court was justified in finding that O. J.'s actions were found by the district court to be within the scope of Article 247(13) of the Code of Administrative Offences (Article 247(13) of the Code of Administrative Offences provides for the administrative liability for environmental pollution with 5 m3 or more of non-hazardous waste) and cannot accept the appellant's argument that the court failed to take into account the mitigating circumstances as it is evident from the judgment of the court of first instance that, in accordance with Article 35(2) of the Code of Administrative Offences, the court considered the fact that the O. J. had made efforts to remedy the infringements committed and, when imposing the penalty, assessed the offender's conduct throughout the proceedings. Therefore, the Court upheld the contested decision of the District Court (Resolution of the Šiauliai Regional Court of 13 June 2019 in administrative offence case No AN2-99-744/2019).

In another administrative offence case No AN2-457-593/2018 concerning an offence under Article 247(30) of the Code of Administrative Offences, the Court also noted that a person may be exempted from administrative liability only in certain specific cases, and that Article 247 of the Code of Administrative Offences does not provide for such a possibility, and that, therefore, even if we take into account the positive characterisation circumstances indicated by the offender, the application of the institution of the exemption of the offender from the administrative liability is not possible, and a fine has been imposed on the basis of reasonable grounds (Kaunas District Court, Kaunas Chamber, 27 June 2018, Resolution No A11.-1432-668/2018). Similar decisions, where administrative penalties are imposed on persons for offences provided for in Article 247 of the ANC, are repeated in the case No A11.-1432-668/2018, as well as in the cases No II-51-899/2018 and No A11.-1129-416/2019. In

administrative offence case No AN2-22-317/2020, the Kaunas Regional Court heard a complaint by S. Š. Mr S. Š. disagreed with the commission of the offences provided for in Article 247(25) and (34) of the Code of Administrative Offences and requested their annulment. The applicant argued that the administrative offence against him was minor. The Regional Court noted that according to the provisions of the Administrative Offence Code, an offence may be recognised as less serious and not as minor, and there is not even a formal basis to consider the administrative offence provided for in Article 247 of the Administrative Offence Code to be of minor seriousness, therefore, the appeal of S.Š. is not upheld (ruling of 6 January 2020 of the Kaunas Regional Court in administrative offence case No AN2-22-317/2020).

Summarising these cases, it is necessary to underline that offences under the provisions of the Code of Administrative Offences, such as contamination of the environment with waste, storage, collection, transport or treatment of waste in breach of the requirements, cannot be considered as minor or low risk, Moreover, the wording of Article 247 of the Code of Administrative Offences indicates that the Article contains a blanket norm, which means that the participants in a given legal relationship are obliged to comply with rules of conduct which are not set out in the legal norm of the Code of Administrative Offences or in other articles or parts of the Code of Administrative Offences.

Waste management can be managed in two ways, i.e. by means of enforcement and control measures implemented by the authorities discussed above and by means of administrative penalties for offences under the Code of Administrative Offences, as well as economic measures. Economic measures include the Environmental Pollution Tax Act, which establishes the object of the environmental pollution tax, the payers, the rights and obligations of the payers, the benefits, the procedure for setting and indexing the rates, the tax period, the rates, the procedure for calculating, declaring and paying the tax, the procedure for conducting a tax inspection, and the allocation and targeting of the revenue. The purpose of this law is to reduce environmental pollution by economic means, to limit the production and sale of polluting substances, to encourage the use of new environmentally friendly technologies, to support sustainable economic development, to carry out waste prevention and management, to encourage the reusable use of products, to ensure that the norms of pollutant emissions are not exceeded, and to enable the accumulation of funds to be used from the environmental pollution tax for the implementation of measures for the protection of the environment (Environmental pollution tax law, 1999).

The Supreme Administrative Court of Lithuania has noted that "the purpose of the environmental pollution tax is to provide economic incentives to polluters to reduce environmental pollution, to prevent and manage waste, and to raise funds from the tax for the implementation of environmental protection measures. The declaration of the tax in the prescribed manner and within the prescribed time limits under the Environmental Pollution Tax Act is a sufficient legal basis for the application of the established tax assessment procedure, whereas the failure to declare the tax constitutes a concealment of the amount of the harmful activity and the related obligations to the State, which poses a greater risk to the interests protected by the law and results in greater monetary obligations to the State." (Summary of the practice of the Supreme Administrative Court of Lithuania in environmental cases). The decision of 11 April 2019 in Administrative Case No I-189-189/2019 recognises non-compliance with the obligation to declare as concealment of taxable products and packaging. The same decision applies in administrative cases No I-2433-644/2016 and No EI-2055-739/2018. In the latter case, the applicant appealed against the decision to pay the higher rate of tax on undeclared quantities of taxable packaging. The Court dismissed the complaint as

unfounded because the failure to submit the declaration and the failure to pay the tax amounted to concealment of the taxable packaging, which led to an increase in the pecuniary obligations of the State. (Decision of 7 December 2016 of Kaunas Chamber (Regional Administrative Court) No. I-2433-644/2016, Decision of 10 April 2018 of Panevėžys Chamber (Regional Administrative Court) No. eI-2055-739/2018). Climate change and waste management processes operate over a similar time period, suggesting that these processes are closely correlated. In most developed and developing countries with growing populations, affluence and urbanisation, municipalities in developed and developing countries continue to face a major challenge in collecting, recycling, treating and disposing of increasing quantities of solid waste, especially in the face of climate change. Before a material or product becomes waste, it goes through a series of stages, from the preparation of raw materials to the production of the product, to the transport of materials and products to markets, and the consumption of energy to transform the product. Each of these activities can lead to greenhouse gas emissions.

Waste management activities and different types of waste have different impacts on energy consumption, methane emissions and carbon storage. Waste prevention and recycling, together known as waste minimisation, help to better manage the waste generated. However, waste prevention and recycling are also effective greenhouse gas reduction strategies. They also reduce energy consumption. Recycling saves energy because the production of products from recycled materials generally requires less energy than the production of products from virgin raw materials. Prevention is even more effective because waste is simply avoided, i.e. less energy is needed to extract, transport and recycle raw materials and to produce products when people reuse things or avoid unnecessary items in their household. Reduced energy demand means less fossil fuels are burned and less carbon dioxide is emitted into the atmosphere (Climate Change and Municipal Solid Waste (MSW), 2023).

Conclusions

- Sustainable development is the long-term, continuous development of society to meet humanity's needs now and in the future, through the rational use and replenishment of natural resources and the preservation of the earth for future generations. Sustainable development is a strategy to ensure a clean and healthy environment and an improved quality of life for present and future generations. The United Nations 2030 Agenda for Sustainable Development, as well as Lithuania's strategic documents, identify the vast majority of the UN Sustainable Development Goals and targets relevant to Lithuania and Europe. Moreover, the implementation of the SDGs is covered by an identical EU framework of indicators.

- A sustainable development strategy requires economic growth to accelerate social progress and improve the environment, social policies to promote economic growth and environmental policies to be cost-effective. However, employment and economic indicators show that income inequality and poverty have not decreased in recent years, despite good economic performance. Thus, in Lithuania, the implementation of Agenda 2030 has not been entirely successful and is still an aspiration. In order to achieve the sustainable development goals, the state must first of all establish an appropriate legal and institutional framework in the environmental and other fields, and effective administrative supervision and control.

- The increased intensity of the industrial sector in recent decades and changes in the human population are actively influencing climate change around the world, faster than expected. Europe has taken a leading role in promoting sustainable development and combating climate change by adopting the first strategic legislation and involving all sectors: agriculture,

industry, energy, forestry, etc. Meanwhile, Lithuania has ratified the most important international instruments on climate change, thereby assuming the relevant obligations set out in these instruments. As climate change processes continue to intensify, green technologies in the energy sector, circular economy and sustainable technology solutions need to be developed rapidly. Adequate legal regulation, changing public attitudes towards the environment, the development of the knowledge economy - and the abundance of a relatively unspoilt and attractive natural environment in Lithuania - make it likely that such an ambition can be realised.

- The waste management sector has direct links to the Sustainable Development Goals and climate change. Different waste management practices have different impacts on climate change. It should be stressed that greenhouse gases are emitted to the atmosphere at different stages of the transformation of a product into waste. Therefore, every country, including Lithuania, must concentrate on the proper management and recycling of waste, creating an effective legal mechanism for natural and legal persons, depending on the field of activity. In line with EU legislation and the Lithuanian Waste Management Law, waste management should prioritise the further development of separate collection systems and recycling infrastructure, rather than encouraging landfilling or incineration.

- Article 247 of the Code of Administrative Offences of the Republic of Lithuania provides for liability for non-compliance with the requirements of legal acts regulating waste management. This Article does not provide for the possibility of exempting a person from administrative liability, and infringements cannot be considered as minor or low risk, as is also confirmed by the analysed case law, even in cases where the infringements are eliminated by the offenders. This demonstrates the strong political and legal will of the State. The provisions of the Environmental Pollution Tax Law and administrative cases illustrate the economic means of waste management, which influences producers/importers/potential polluters not to pollute the environment with waste and to carry out waste management efficiently.

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