

Committee on the Elimination of All Forms of Discrimination against Women
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

30 September 2019

Re: Information for the periodic review of Lithuania by the Committee on the Elimination of All Forms of Discrimination against Women at its 74th session

Distinguished Committee members,

In Lithuania undocumented migrant women face legal, policy and financial barriers in access to maternal health care throughout pregnancy, as outlined in detail in the Center for Reproductive Rights' recent report entitled *Perilous Pregnancies: Barriers in Access to Affordable Maternal Health Care for Undocumented Migrant Women in the European Union* (enclosed).

As detailed in the report (p. 43), under Lithuanian law everyone has the right to receive emergency care,¹ however this is not interpreted as including maternal health care for women during labour and childbirth. Although necessary maternal health care during childbirth is not a form of emergency care, the law stipulates that medical providers are obliged to provide it.² As a result, undocumented migrant women in Lithuania are entitled to access maternal health care during labour and childbirth.

However, under Lithuanian law, because most undocumented migrants will be ineligible for compulsory health insurance, they will usually be required to pay the costs of health care themselves.³ As a result, undocumented migrant women will be billed for the costs of all maternal health care during pregnancy and childbirth.⁴ It should be noted that legal provisions stipulating that persons without insurance can obtain free emergency care only apply to legal permanent residents.⁵

These legal, policy and financial barriers prevent undocumented migrant women from accessing adequate and quality maternal health care throughout pregnancy and thereby expose these pregnant women to serious risks to their health and lives, including increased risk of maternal mortality and morbidity. The World Health Organization has emphasised that access to maternal health care, including antenatal care, is critical for reducing maternal morbidity and mortality and detecting risks of pregnancy-related complications and ensuring appropriate care.⁶

Lithuania's laws and policies regarding undocumented migrant women's access to maternal health care clearly fail to ensure that undocumented migrant women can enjoy the right to health without discrimination under Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women.

As this Committee has repeatedly affirmed Article 12 requires States parties to eliminate discrimination against women in access to health care, and in particular maternal health care. The Committee has recognized that certain groups of marginalized women are particularly exposed to multiple and intersecting forms of discrimination and that special attention should be given to their health needs.⁷ It has acknowledged that migrant women may be unable to access reproductive health care due to their exclusion from national health schemes and unaffordable fees.⁸ The Committee has underlined that States parties have an obligation to provide free antenatal, maternity and post-natal services where necessary to ensure safe pregnancies, childbirth and post-partum periods for women.⁹ As a result, States parties are required to ensure that all undocumented migrant women can access affordable and quality maternal health care throughout pregnancy.

We hope that the Committee will take this information into consideration when examining Lithuania's compliance with its obligations under the Convention to guarantee enjoyment of the right to health without discrimination, including by undocumented migrant women. In particular we hope that the Committee will consider making the following recommendations to the State party:

- Adopt laws and policies that provide for undocumented migrant women's access to affordable maternal health care throughout pregnancy, including antenatal care, and guarantee their access to maternal health care free of charge, or at a minimum, at subsidized rates.

- Take effective steps to ensure that entitlements to affordable maternal health care are accessible in practice by removing any legal, administrative, language, and cultural barriers that impede undocumented migrant women's access to affordable maternal health care throughout pregnancy and delivery.

We hope this information is useful to the Committee's examination of Lithuania's compliance with the Convention.

Sincerely,

Katrine Thomasen
Senior Legal Adviser for Europe

¹ Sveikatos apsaugos ministro įsakymas dėl būtinosios medicinos pagalbos ir būtinosios medicinos pagalbos paslaugų teikimo tvarkos bei masto patvirtinimo [Order of the Minister of Health on the Approval of the Order and Scope of Providing Basic Health Care and Basic Health Care Services] of April 2004, para. 7, available at <https://bit.ly/2NxdWz5>.

² *Id.*, para. 4.

³ Lietuvos Respublikos sveikatos draudimo įstatymas [Law on Health Insurance of the Republic of Lithuania] of 21 May 1996 (last amended on 21 December 2017), art. 8(5), available at <https://bit.ly/2PjPr8W>.

⁴ Sveikatos apsaugos ministro įsakymas Nr. V-794 dėl pakeitimo Sveikatos apsaugos ministro įsakymo Nr. 357 dėl mokamų asmens sveikatos priežiūros paslaugų sąrašo, kainų nustatymo ir jų indeksavimo tvarkos bei šių paslaugų teikimo ir apmokėjimo tvarkos [Order of the Minister of Health No. V-794 on Amendment to the Order of the Minister of Health No. 357 on Approval of the List of Paid Health Care Services, Determination of Prices and the Order for their Indexation, Provision and Payment of these Services] of 11 July 2014, para. 5, available at <https://bit.ly/2LG86tk>.

⁵ Lietuvos Respublikos sveikatos draudimo įstatymas [Law on Health Insurance of the Republic of Lithuania] of 21 May 1996 (last amended on 21 December 2017), art. 8(5).

⁶ WHO, RECOMMENDATIONS ON ANTENATAL CARE FOR A POSITIVE PREGNANCY EXPERIENCE, 105 (2016).

⁷ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 24: Article 12 of the Convention (women and health)*, (20th Sess., 1999), para. 6, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008).

⁸ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 26: Women Migrant Workers, para. 17*, U.N. Doc. CEDAW/C/2009/WP.1/R (2008).

⁹ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 24: Article 12 of the Convention (women and health)*, (20th Sess., 1999), para. 27, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008).