
PUBLIC SECURITY ASPECTS OF TOBACCO AND ALCOHOL USAGE AND IMPLICATIONS TO ENSURING CHILDRENS' RIGHTS IN LITHUANIA

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Summary: Tobacco and alcohol substance consumption and abuse among the children remain dismal and challenging issues in the modern day society as the statistical indicators continue to show increasingly alarming data, related to accessibility, spread of tobacco and alcohol items among children, and outcomes related to abuse of such substances (increasing crime against children, in family environment, crime committed by children, amongst children).

This article aims to present the issues of tobacco and alcohol and their abuse by members of the society (including children) in Lithuania as public threats having direct effect on children's rights violations; discusses the current factual situation in light of children's right violations; provides a brief overview of the main legal acts, as well as the institutional system, related to regulation of use substances and prevention of substance abuse; points out some of the shortcomings in the current legal and institutional system and legal framework.

Basic concepts: children's rights, violation of children's rights, tobacco, alcohol, substance abuse.

INTRODUCTION

While a motif of a post – soviet regime transition might be viewed as outdated and therefore unnecessary, yet is difficult to avoid when reflecting on socio – economical changes that a post – soviet state of Lithuania has undergone during the last twenty years. A regime transition has undoubtedly brought vast and extremely valuable positive political, economical, cultural and social changes in the life of Lithuanian society. Yet it has also introduced 'novelties' of the modern society life, that previously have been contained under strict constraint and hardly or not at all accessible, and which did not necessarily bring about positive outcomes to society as a whole or its groups. Issues related to substances such as tobacco and alcohol shall be discussed within the scope of this article, in light of possible violations of the rights of children.

The Constitution of Republic of Lithuania "protects and fosters family, motherhood, fatherhood and childhood"¹; provides that "minors² are protected by law"³. Governments of

¹ Article 38 of Constitution of Republic of Lithuania; Žinios, 1992, Nr. 33-1014 (1992-11-30);

every member state that has joined the Convention on the Rights of the Child (CRC)⁴ have taken on an imperative responsibility to “undertake all appropriate legislative, administrative, and other measures”⁵ to ensure that children’s rights are respected, protected and fulfilled. As of 1990, when Lithuania became a democratic state, a lot has been achieved in light of protection of the right of children. Lithuania has joined all major international conventions and treaties in the field of children’s rights protection, national laws have been passed concretizing the provisions of international law, an institutional system encompassing all levels of administrative governmental division has been created, etc.⁶ numerous initiatives, projects have been implemented in order to ensure an effective implementation of the rights of children in Lithuania, more importantly, the notion of *children’s rights* as such has been introduced to the society.

Article 6 of CRC provides that every child has an inherent right to life and that every state must, therefore, ensure to the maximum extent possible the survival and development of the child⁷. CRC provides further provision that deal with general protection of the child from harm. Among other basic rights, the Convention addresses such issues as kidnapping, protection from all forms of violence, harmful family environment, drug abuse, sexual exploitation, abduction, sale, trafficking, etc. Above mentioned threats encompass threats that children may suffer as a result of failure to provide proper public safety, since the latter deals with prevention of and protection from events that could endanger the safety of the general public (including children with in the scope of this article) from significant danger, injury, harm, or damage.

Increased use of substances such as tobacco and alcohol was triggered by an influx of a vast number of items of broad selection in the alcohol and tobacco sector of the Lithuanian market. The use of tobacco and alcohol is not illegal *per se*, and strict legal regulations are imposed related to their use, sale, re-sale, control, etc.. The law provides that tobacco and alcohol shall be sold to or purchased by individuals older than eighteen years of age, possession, distribution of narcotic and psychotropic substances are rated as criminal acts, yet such impositions by far do not completely eliminate the increasing problem of tobacco, alcohol, narcotic and psychotropic substance abuse among children, nor does it solve other children’s rights violation issues caused by substance abusers, other than children. Similar concerns in light

² Minors in Lithuania are considered all individuals younger than eighteen years of ages, with an exception of cases of emancipation;

³ Article 39 of Constitution of Republic of Lithuania;

⁴ <http://www2.ohchr.org/english/law/crc.htm> (March 31st, 2011);

⁵ Article 4 of Convention on the Rights of the Child;

⁶ In 1992 Lithuania has ratified the Universal Declaration of the Rights of the Child, the Convention of the Rights of the Child, in 1996 has passed the Law on the Basic of the Protection of the Rights of the Child on a national level; in 2000 the Institution of the Ombudsman of Protection of the Rights of the Child was established;

⁷ Article 6 of Convention on the Rights of the Child;

of violation of the rights of children apply to abuse of drugs, which is considered a criminal act. Main problems related to violation of children's rights related to abuse of addictive substances include: physical, sexual, psychological abuse against children by adults, among children by children, loss of health, life, harmful environment, development of bad habits, increased juvenile delinquency, human trafficking.

As mentioned above, national legal norms provide with rather clear and unambiguous legal provisions that regulate spheres of addictive substances, set penalties for violating these provisions, but the side – effect, nevertheless, carries an increasing complex of serious issues infringing the rights of children in society. Therefore, a more in depth approach remains at issue and must be applied in order to see what gaps in current legal regulation allow the issues related to violation of children rights related to substance abuse to arise. A state must provide within the existing legal framework related to prevention of substance abuse issues legal norms that would set common behavior rules for society, serve as guiding principles, provisions. This could be done by increasing administrative liability of adults, natural persons, juridical bodies, minors themselves. The current institutional system and legal framework lack effectiveness due to rather low public awareness and preconditioned general public opinion of substance abuse and its implications to ensuring the rights of children in Lithuania.

The aim of this article is discuss violations of the rights of children in Lithuania related to tobacco and alcohol substance abuse in light of providing public safety.

The objectives of this article is to present current factual situation related to violations of children's rights caused by abuse of tobacco and alcohol substances by supporting the relevance of the problematic discussed by this article; present an overview of institutional system and legal framework regulating spheres of tobacco and alcohol consumption; present conclusions.

Article is comprised of two main parts of content and conclusions.

I. OVERVIEW OF FACTUAL SITUATION, LEGAL REGULATION RELATED TO TOBACCO, ALCOHOL SUBSTANCE ABUSE IN LIGHT OF VIOLATING THE RIGHTS OF CHILDREN:

Spread of tobacco, alcohol, their use, illicit acts with such substances, legal, physical, social outcomes, liability, violation of rights, threat to health and life, social discomfort are notions most widely used while discussing issues and threats to the society related to substance abuse. This article aims to reflect on abuse of the above mentioned substances as a societal threat towards children by violating their rights by failing to provide proper public safety. Further a

short current situation overview of the issues of tobacco and alcohol abuse among children and legal regulation of violations related are presented.

Tobacco and smoking: Smoking is an extremely wide spread habit in Lithuania. Statistics show that two out of three people (66%) in Lithuania in age group of 15-64 years have smoked at least once in their life; one third of the same age group smoke on regular basis, half of the smokers have picked up the habit before turning eighteen years of age⁸. According to the data of EMSDDA, which reflect general situation in the European countries, majority of young people in the age group of 15 – 18 years old have smoked once in their life, one quarter of all the students start smoking when they are eleven years of age and younger⁹.

The Law on Control of Tobacco imposes a prohibition to sell tobacco products to and by individuals younger than eighteen years of age¹⁰; to buy or transfer in any other way tobacco items to individuals younger than 18 years of age¹¹; to sell, or transfer in any way any items that aid using of tobacco items to persons younger than 18 years of age¹²; visual promotion of tobacco items¹³; using persons younger than 18 years of age to aid sale or distribution of tobacco items¹⁴. Violation or repetitive violations of the above mentioned provisions prescribes liability to juridical persons to pay a monetary fine from 3000 litas (approx. 870 Euros) to 5000 litas (approx 1450 Euros), the fine increases up to 10000 litas (approx. 2900 Euros) for repetitive violations taking place within a period of one to three calendar year from the first violation. Since the sale of tobacco goods is a licensed activity, liability to natural persons for violations related to minors is not foreseen.

The Law on Tobacco Control of Republic of Lithuania also prescribes a right to municipal bodies to ban smoking in public places (squares, parks, etc.) that fall under their jurisdiction¹⁵, however municipalities are not active in exercising of such right.

The Code of Administrative Violations of Law imposes a fine of 50 – 100 litas (approx. 14-29 Euros) for purchasing or delivering in any other way of products of tobacco to individuals under-age. The same Code imposes penalties for smoking in public where smoking is prohibited, i.e., a fine of 20 – 50 litas (approx. 7 – 14 Euros) or notifications for smoking in public places

⁸ <http://www.nkd.lt/bylos/dokumentai/leidiniai/narkotiku-paplitimas-2009-web.pdf> (2011-04-03);

⁹ http://www.nkd.lt/bylos/dokumentai/espada_summary_lt-2007.pdf (2011-04-03);

¹⁰ Articles 14.5.3, 15.5 of Law on Tobacco Control of Republic of Lithuania; Žin., 1996, Nr. 11-281;

¹¹ Article 14.6 of Law on Tobacco Control of Republic of Lithuania; Žin., 1996, Nr. 11-281;

¹² Article 16 of Law on Tobacco Control of Republic of Lithuania; Žin., 1996, Nr. 11-281;

¹³ Article 17 of Law on Tobacco Control of Republic of Lithuania; Žin., 1996, Nr. 11-281;

¹⁴ Article 18.1.10 of Law on Tobacco Control of Republic of Lithuania; Žin., 1996, Nr. 11-281;

¹⁵ Article 19.3 of Law on Tobacco Control of Republic of Lithuania; Žin., 1996, Nr. 11-281;

where smoking is prohibited¹⁶, as well as monetary penalties up to 1500 litas (approx. 435 Euros) to juridical persons for violating the rules of sales of tobacco items¹⁷. Therefore, it is obvious, that liability of natural persons for violating administrative provisions related to tobacco use and minors are quite small.

Alcohol: Alcohol abuse by minors remains one of the largest issues, especially in rural areas. As described above, children are also affected when adults in their family environment abuse alcohol. Such is, in most, cases applicable to families of high social risk, where children suffer extensive psychological, physical abuse, in some cases sexual abuse. For example, in 2006, there were 16,4 thousand registered families of social risk, 63% of these families were registered because of alcohol abuse. There were 36,5 thousand children being raised in these families.

Amount of criminal acts committed by minors continues to increase (in 2005 – 645 cases of criminal acts by minors under influence of alcohol were registered; in 2006 – 747 cases). In 2006 police officers have issued penalties to 5039 minors for violating Article 178 of the Code of Administrative Violations of Law (“use of alcoholic beverages in public places or appearing under influence of alcohol in public places”)¹⁸.

There are several legal acts regulating the sphere of alcohol consumption in Lithuania. Main purpose of the Law on Alcohol Control of Republic of Lithuania is to decrease alcohol consumption, access, especially by minors and its abuse¹⁹. Law on alcohol Control imposes a prohibition to sell alcohol to individuals and by individuals younger than eighteen years of age²⁰. Article 18.5 of the same Law prescribes a right to vendors of alcoholic beverages, in case of doubt, to ask an individual to provide a personal identification document, should an individual refuse to provide such an ID, a vendor must not sell alcoholic beverages. Individuals younger than eighteen years of age are prohibited from use or possession of alcohol²¹, it is unlawful to use help of minors in sale of alcohol items²².

Among other measures the Law on Alcohol Control foresees the following principles and courses of action in order to achieve its goals: decreasing access to alcoholic beverages by raising taxes; by means of state regulation to ensure alcohol control, fostering of health of the society, educating the youth; limiting sale and promotion of use of alcohol items; prohibiting

¹⁶ Articles 185(1), 185(4) of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

¹⁷ Article 185(2) of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

¹⁸ Article 178 of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

¹⁹ Article 1 of the Law on Alcohol Control of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

²⁰ Articles 18.3.5, 18.4.3 of the Law on Alcohol Control of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

²¹ Article 22.2 of the Law on Alcohol Control of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

²² Article 28.2 of the Law on Alcohol Control of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

means that encourage youth to buy and consume alcohol; encourage juridical person to take active part in alcohol control policy; increase public awareness of the society of social and economic consequences of use of alcohol²³; limiting of commercials related to alcohol²⁴; for example a Law obliges the national television and radio broadcaster to broadcast shows, no less than twice a week and no shorter than five minutes in length, that would propagate and inform of the harm done by use of alcohol²⁵.

Liability for violations of the Law on Alcohol Control to natural person applies by provision prescribes by the Code of Administrative Violations of Law, juridical persons, however, suffer economic sanctions for violating its provisions. There are two economic sanctions that could be applied in cases of: 1) sale of alcohol to individuals younger than eighteen years of age (Article 18.4.3), an economic penalty ranges from 1000 – 3000 litas (approx. 290 – 870 Euros); and 2) using minors in aiding the sale or distribution of alcohol (Article 28.2), an economic penalty ranges from 1000 – 10000 litas (870 – 2900 Euros), and consequently from 10000 – 20000 litas (approx. 2900 – 5800 Euros) for repetitive violations.

The Code of Administrative Violations of Law imposes penalties for violating the rules of sale of alcohol in amount of 1000 – 2000 litas (approx. 870 – 1740 Euros) with confiscation of goods²⁶, purchasing or delivering in any other way of items of alcohol to minors, intoxicating minors (monetary fine of 100 – 250 litas)²⁷; consuming alcohol on the streets and other public places (monetary fine of 30 – 50 litas, an increased fine of 100 litas for repetitive violations, a fine of 300 litas and detention if violations are repeated more than twice with an year of the first violation). The Code also imposes monetary fines of 50 – 100 litas (approx. 14 – 28 Euros) for parents or legal guardians for allowing presence of intoxicated teenagers in the streets and also consuming of alcohol by the teenagers.²⁸ Purchase of alcohol or other delivery of alcohol to minors, also intoxicating minors with alcohol raises liability of monetary fine from 250 – 500 litas (approx. 72 – 144 Euros)²⁹

The Code foresees a monetary fine for natural person as one of the penalties for violating its provisions, and sets a maximum limit of 1000 litas (approx. 870 Euros) per violation. However, the Code also foresees a possibility to set higher fines for natural person in certain cases. The monetary fines imposed for violation provisions related to distribution, use of alcohol

²³ Article 3 of the Law on Alcohol Control of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

²⁴ Article 29 of the Law on Alcohol Control of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

²⁵ Article 23.3 of the Law on Control of Alcohol of Republic of Lithuania; Žin., 1995, Nr. 44-1073;

²⁶ Article 164 of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

²⁷ Article 180 of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

²⁸ Articles 178, 178(1) of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

²⁹ Article 180 of the Code of Administrative Violations of Law; Žin., 1985, Nr. 1-1;

in light of minors appear to be rather low if put in perspective of short or long term harm potential.

II. PREVENTING SUBSTANCE ABUSE INFLECTED VIOLATIONS OF CHILDREN RIGHTS IN PRIVATE AND PUBLIC SPHERES:

There are two spheres where adults by acting or sustaining from action may influence occurrence of violations related to substance abuse against children: private and public. Both spheres are discussed in light of violating the rights of children by use of tobacco and alcohol. While private sphere is difficult to intervene, because legal provisions allow parents or guardians individually, however, some measures by public means can be taken to prevent violations of children's rights related to substance abuse. As well as the public sphere could boost effectiveness of legal norms regulating distribution and use of tobacco and alcohol by increasing its awareness, which, as it is argued could be done by increasing some administrative norms, at least temporarily.

Prevention of substance abuse in private environment: Children are exposed to risk in private family environment, when one or both of the parents (or guardians) have problems of substance abuse: children may suffer physical, sexual, psychological abuse, develop harmful habits of substance abuse, other rights of children maybe violated (rights to proper childhood, education, occupation, etc.). The latter is usually the case in families of higher social risk. However, in other cases children pick up bad habits of substance abuse due to the fact that they get exposed to risk and possibilities of substance abuse in public. This increases the risk of the child to be involved in acts of delinquency, loose health, decrease development potential, continue to develop additional bad habits, increase chances of a more intense substance abuse, etc.

Behavioral habits of children are formed and mirrored from their family. Children are prone to repeat what they observe in their closest surroundings, therefore adults in their private, family lives carry an individual responsibility to portray and teach their children correct habits related to the use of addictive substances. Provisions of the Civil Code of Republic of Lithuania³⁰ reserve the right of the parents to individually raise their children until they reach adulthood (this encompasses proper care for their health, support, proper physical and mental development). However, the Code of Administrative Violations of Law provides that parents have a right to "parental authority" and can use it or restrain from using it if it is done in order to

³⁰ Article 3.155 of Civil Code of Republic of Lithuania; žin., 2000, Nr. [74-2262](#);

ensure the best interest of the child. Failure to do so imposes a monetary penalty of 400 litas (approx. 115 euros)³¹. The issue here is observing and determining whether a child is exposed to risk in his or her private environment.

Institutional structure of protection of children rights provides for some effective measures in order to prevent to some extent the use of substances by minors by observing their private environment. Institutional system of protection of the rights of the child encompasses governmental, municipal and local (ward) levels. When discussing issues of violation of the right of the child related to substance abuse in family environment municipal and local levels should be emphasized because these levels are locally nearest to the object, i.e., the child in potential danger. Law of Local Municipal Government prescribes clear functions for the municipal sector (functions carried out by municipalities are divided into independent and government assigned functions). Both individual and government assigned functions involve an extensive array of public services that are provided on municipal level (all public services related to providing, ensuring, coordinating of pre school and secondary school education in the territory of a certain municipality; ensuring accessibility to school for children living in distant rural areas; organization of informal education for children; organization and provision of social services; participation, cooperation in ensuring public order, creating an implementing programs of preventive measures against violations; controlling and overseeing the means marketing of alcohol and tobacco items and their limitations; protection of the rights of the child and youth)³². Every municipality has certain departments, institutions that were formed and that are involved in planning, overseeing, controlling issues related to children (education, social welfare, children rights protection services, etc.), which are eligible to act within their scope of interest in the best interest of the child. Teachers, social workers at schools, social workers at the local warden institution can observe children and draw to the attention of certain institutions any concerns related to any child at issue (for example, a teacher of a student could draw to the attention of the social worker or school psychologist of any disturbing changes, habits of any student that might be related to substance abuse, who may further communicate with that minor of any possible changes, threats in his or her private environment; a situation which could, in turn be stopped or prevented by interruption of children rights protection service or police, or joint effort).

However, an important factor that should be pointed out is that in most cases the facts of substance abuse (and the outcomes of such) are determined post fact, i.e., when a minor has committed an actual violation under substance influence or if such violation is committed by

³¹ Article 181 of the Code of Administrative Violations of Republic of Lithuania; Žin., 1985, Nr. 1-1;

³² Articles 6,7 of the Law on Local Municipal Government of Republic of Lithuania; Žin., 1994, Nr. 55-1049;

adults against minors in private. Such act is registered by the police and later reported to the local office of children rights protection or social services, which, in turn, continue to investigate the situations related to the minor further. Therefore, the institutional system at a local municipal level lacks effectiveness in preventing any violations of the rights of the child related to substance abuse in the private environment of the child. Private environment of the child could be observed more effectively and preventive measures could be taken in order to prevent possible violations of children's rights related to substance abuse. Closer observation by local institutions, e.g., social services, school staff, social workers.

Prevention of substance abuse in public: However, children spend most of their time outside of their private family or living environment – they attend school, get involved in extracurricular activities, get involved in spare time activities, i.e., their scope of activity is largely carried out in public, not in private surroundings. Public, therefore, could play an increasingly active role in preventing the growing use of addictive substances among minors. For instance, based on statistics provided in the Annual Report on Activity of the Ombudsman on Protection of Children Rights³³, the largest number of violations of the rights of the child are carried out in private environment by parents who fail to properly implement their power (204 out of 788, which is 24% total, were children's rights violations of improper implementation of power by parents). It is pointed out that a role of community and the surrounding environment obtains an extremely valuable role in ensuring the rights of the child by way of observation and active participation. The role and participation of society in order to ensure more effective and timely public security for the children has not been emphasized enough up to this day. Despite the fact that Lithuania has adopted international and national legal provisions in order to ensure the rights of children in Lithuania as it is so provided by global standards, the concept of the rights of the child remains very vague in light of society, due to the fact that society as whole lack awareness of the issue *per se*.

Public awareness of the issue of use of addictive substances in light of protection of children's rights could play a vital role of prevention by observation. Responsibility and liability of failure to act in order to protect the best interest of the child is presumed to mainly be applicable in a private sphere, i.e., parents or legal guardians are considered to be those mainly responsible for the child. Which is correct and logical to some extent. However, it is argued that the scope of responsibility and liability for the societal group of minors, i.e., all individual younger than eighteen years of age should expand to all of the society. For example, reporting

³³ Report of Ombudsman of Protection of Children's Rights 2008; <http://www3.lrs.lt/docs2/WRPAQGTU.PDF> (March 29th, 2011);

bad cases of treatment under substance abuse with children, by children, potential threat to children of such matter that is observed by public, should be encouraged and enforced.

Another reason why public, in general, is reluctant to take a more active part in trying to take preventive means of protecting the rights of the child while being an observer, is its reliance on an institutional system of protection of the rights of the child. When talking of public safety of the child, or public safety in general, one assumes functions prescribed to certain institutions whose direct responsibility is public safety and protection, for example, police office, juvenile detention centres, agencies of protection of the rights of children, etc.. Yet the institutional system cannot function by itself. Why is that? There are numerous measures taken on national, municipal, local level taken, in order to protect children's right by preventing spread of substance abuse. However, in case of ensuring the rights of children the issue acting in the best interest of the child becomes a very complex one, because it cannot solely rely on an institutional system or legal framework of protection of the rights of the child. The system and legal framework have to be applied and function in an issue oriented and aware society. If society is unaware of the issue, then the institutional system and legal framework that was created loses its purpose and has to rely upon itself. That means, the level of protection of the rights of the children shall only be as effective as the institutional system and legal framework make it to be, and the rights of the child are dependent of certain supranational provisions, that are imperatively adopted by means of national legal acts.

However, the national institutional system and legal framework for protection of the rights of children related to violations under substance abuse could be emphasized and made more effective if the issue of the rights of the child were pressed more persistently on to society as such. International institutional bodies have been increasingly pointing out the importance of such measures as setting obstacles that would prevent use and spread of substances, their accessibility. As one of the main obstacles for ineffectiveness of national institutional systems and legal frameworks for prevention of substance abuse related issues is lack of knowledge and oriented opinion.

Public awareness and involvement is crucial due to the reason, that legal norms cannot function effectively if their purpose is denied by social behavior. As it was pointed out earlier, legal norms impose administrative and criminal liability in form of penalties for adults for failure to act or acting against the best interest of the child in light of use, consumption, providing, encouraging use of addictive substances. Social behavior indicates, however, that public is inclined to ignore the issue of possible substance abuse among minors, a continuously

reoccurring factor remains to be cases when adults voluntarily choose to buy alcohol and tobacco products for minors, or use those substances together. Therefore, administrative liability is rather small if compared to the harm potential in light of health, life, development of a child. Increasing administrative liability (for example, by increasing the monetary fine) for adults, could in turn raise better awareness and make administrative legal norms aimed at controlling and decreasing the issue of alcohol and tobacco consumption more effective.

CONCLUSIONS

Use of tobacco and alcohol as public security violations remain apparent threats to rights of children. Children are exposed to behavioral habits, distribution, use, accessibility to tobacco and alcohol both in private and public spheres of life. Administrative measures could be taken to better observe private environment, and therefore, enable more preventive measures to be taken; while norms regulating public security in light of preventing negative outcomes to minors by use, distribution, etc. of tobacco and alcohol, could be made more effective by increasing issue related public awareness by increased administrative liability of violators. Therefore, following suggestions are proposed:

- increasing fines to natural persons for violating provisions related to minors, tobacco and alcohol of the Code of Administrative Violations of Law. Fines for violating of laws and regulations related to alcohol consumption are relatively small and should be revised and raised considerably. This would help raise public awareness and therefore increase public safety in order to protect the best interest of children;
- officers of public order should exercise their discretionary right to punish the wrongdoers (including minors, for example, in cases of smoking in public);
- the law should set very clear and unambiguous provisions banning smoking by minors in all public places (while now smoking in public is an administrative violation only when smoking is done in public areas where smoking);
- it is in general assumed that legal norms sufficiently impose prohibition on sale of alcohol substances to minors, however, institutions responsible should carry out a stricter control of implementation of the legal norms;
- providing of a personal identification when buying alcohol should be mandatory;
- access to places where strong alcohol can be purchased should be limited, for example, to separate alcohol stores, where entrance for minors would be restricted;

- eligible age for purchasing and or selling of alcohol should be raised to 21 years of age.
- increasing awareness and concretizing the liability of minors themselves should be revised. To this day there is a very low understanding among minors of their own liability, especially administrative;
- The institutional system at a local municipal level lacks effectiveness in preventing any violations of the rights of the child related to substance abuse in private surroundings;
- Municipalities should exercise their right of banning tobacco usage in public places under their jurisdiction.

LITERATURE

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TABAKO IR ALKOHOLIO VARTOJIMO IMPLIKACIJOS VAIKO TEISIŲ UŽTIKRINIMUI LIETUVOJE VIEŠOJO SAUGUMO ASPEKTU

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Santrauka

Tabako ir alkoholio paplitimas ir vartojimas vaikų (asmenų jaunesnių nei 18 metų amžiaus) tarpe išlieka opi šių dienų visuomenės problema. Santvarkos kaita Lietuvos valstybei atnešė daug pozityvių socialinių, ekonominių, politinių ir kultūrinių pokyčių, tačiau laisvosios rinkos ekonomikos naujovės taip pat įnešė išlaisvėjimą vietinėje rinkoje tais aspektais, kurie totalitarinio režimo santvarkos metu buvo griežtai kontroliuojami. Tabako ir alkoholio gaminių gausa lėmė nebūtinai teigiamų vartotojų pokyčių išsivystymą, kurie neigiamai įtakojo vaiko statusą visuomenėje, kadangi suponavo vaiko teisių pažeidimus sąlygotus piktnaudžiavimu tabaku ir alholio gaminiais. Ypač dažnai dėl alkoholio paveikto suaugusiųjų, o kartais ir pačių nepilnamečių, elgesio vaikai patiria smurtą, psichologinę, seksualinę prievartą, kitus nusizengimus vaiko teisėms tiek privačioje, tiek viešojoje erdvėje.

Šio straipsnio tikslas atskleisti tabako ir alkoholio vartojimo paplitimą visuomenėje kaip grėsmę vaiko statusui, kadangi įvairūs reiškiniai, susiję su piktnaudžiavimu tabaku, o ypač alkohliu, sudaro prielaidas vaiko teisių pažeidimams.

Lietuvoje yra sukurta pakankama teisinė bazė, kurios pagrindu yra sukurta vaiko teisių apsaugos institucinė sistema. Tačiau dėl tam tikrų priežasčių sistema nevisiškai efektyviai išpildo vaiko teisių pažeidimų prevenciją, pvz., glaudesnio bendradarbiavimo tarp įvairių institucijų pasekoje, būtų įmanoma efektyvesnė vaiko teisių pažeidimų privačioje erdvėje prevencija.

Viešojoje erdvėje vaiko saugumą tabako ir alkoholio piktnaudžiavimo aspektu saugo įstatymai, administraciniai teisės aktai. Tačiau menkas visuomenės sąmoningumas vaiko tabako ir alkoholio žalingo

poveikio vaiko ir suponuojamų vaiko teisių pažeidimų atžvilgiu. Yra numatyta pakankamai adekvati juridinių asmenų atsakomybė už teisės aktų, susijusių su tabako ir alkoholio kontrole, tačiau numatyta pakankamai maža materialinė suaugusiųjų fizinių asmenų atsakomybė už pažeidimus, susijusius su tabako ir alkoholio varotjimu ir nepilnamečiais asmenimis.

Pagrindinės sąvokos: vaiko teisės, vaiko teisių pažeidimai, tabakas, alkoholis, piktnaudžiavimas.

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