**24/02/2012**

**Reply of Lithuania to the questionnaire on elimination of discrimination against women**

**Introduction**

Detailed information on Lithuania’s legislation and practices in ensuring equality between women and men are presented in the periodic reports to UN CEDAW Committee. The most recent Fifth Report on the Implementation in the Republic of Lithuania of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, submitted to United Nations in June, 2011.

**1st answer**

Gender equality *de jure* is ensured in Lithuania by the Constitution and other legal acts. Legislation of the Republic of Lithuania has been harmonised with the European Union legislation and does not contain discriminatory provisions. Year 2008 marked the 10th anniversary of the adoption of the Law on Equal Opportunities for Women and Men prohibiting any form of discrimination on the grounds of sex. The principle of equality between women and men and the relevant provisions have been mainstreamed in legal acts in a variety of fields, particularly on employment and labour, social protection, education and science, culture, etc.; thus, increasingly much attention is given to *de facto* ensuring equal opportunities of women and men, through different programmes, measures, projects, etc.

The Programme of the Government of the Republic of Lithuania approved by Resolution No XI-52 of 9 December 2008 of the Seimas of the Republic of Lithuania sets that support shall be made available to programmes aimed at reducing discrimination on the grounds of sex, that equal opportunities policies shall be continued to make sure that nobody is discriminated on the grounds of sex, and that domestic violence shall be reduced by adopting, as a matter of urgency, a law that will clearly define violence prevention measures, powers and duties of professionals, responsibility to report violence, organisational measures to prevent violence, etc. Moreover, the Programme of the Government requires taking measures to guarantee non-discrimination in employment relations in the labour market on the grounds of sex, paternal or maternal duties and other important grounds and to facilitate work-life balance by developing the network of pre-school establishments and social services at home.

The Law on Equal Opportunities for Women and Men came into force in 1998. The Law prohibits discrimination on the grounds of sex in social security systems. Specifically, the Law prohibits discrimination on the grounds of sex in defining and applying social security provisions, including in systems substituting or supplementing the public social security system, also in defining participation and access conditions, setting contributions and their rates, setting benefits, including additional benefits for spouses and dependents, and establishing the duration and retention of the entitlement to benefits. The Law also prohibits discrimination in setting and applying social security provisions in the event of illness, disability, old age, including early retirement, accidents at work, occupational diseases and unemployment, as well as social security provisions entitling to any social benefits, including widowhood and orphanage pensions, other benefits and allowances. Prohibition of discrimination on the grounds of sex applies with respect to employees, including self-employed persons, persons whose careers were interrupted by illness, maternity, accident or forced unemployment, as well as job-seeking persons, pensioners, disabled employees and persons entitled to claim benefits on their behalf.

The Law specifies that any act or omission, legal norm, assessment criterion or practice that prevent from creating and preserving equal conditions in social security provisions shall be considered as violating equal rights for women and men, if, on the grounds of sex: compulsory or non-compulsory participation in social security systems is established for the person concerned; a person’s access to the systems is restricted; different conditions are applied in relation to the retention of deferred payments, where the employee withdraws from the systems; different rules concerning the minimum period of participation are applied; different rules concerning the reimbursement of contributions or the retention of the entitlement to a benefit, where the employee withdraws from the systems, are applied; different conditions for awarding benefits and restrictions concerning their receipt are set; different conditions are set to exercise (acquire) the right to the share of funds accumulated on behalf of participants for the periods of maternity/paternity leave or any other special-purpose leave for family reasons, when the leave was granted in accordance with laws or under the contract and the contributions during the above-mentioned period was paid by the employer; different rates of benefits are established, unless it is necessary to take into consideration the factors of actuarial calculation, which differ in the fixed contributions systems according to gender; different rates of contributions payable by the participants are set, except for contributions for biometrical risk insurance, in which case it is necessary to take into consideration the factors of actuarial calculation, which differ according to gender; different rates of contributions are set, with the exception of the fixed contributions system, when it is sought to make net payments as similar as possible for the participants of both genders, and the fixed benefits systems where the contributions are used to ensure adequacy of funds required to cover the costs of guaranteed benefits.

Law on protection against domestic violence was adopted by the Parliament on the 14th of June 2011 and entered into force on the 15th of December 2011. This important Law aims at protecting people against domestic violence, which, due to the damage caused to society, is attributable to the acts of public importance, promptly responding to arising threats, undertaking prevention measures, applying protection measures, such as removing of perpetrator, and providing appropriate assistance. By the implementation of prevention measures, provision of assistance in the case of domestic violence and application of protection measures to victims of violence this law should increase women’s safety and essentially contribute to women’s access to justice.

**2nd answer**

National machinery in Lithuania is established starting from 1994 and successfully developed further, after Beijing Platform for Action has been adopted. Today it covers broad range of active players. Head of National machinery - Minister of Social Security and Labour, in charge of Equality between Women and Men and Equal Opportunities. Relevant unit in the Ministry of Social Security and Labour deals with gender equality issues. Interinstitutional Commission on Equal opportunities for Women and Men coordinates gender equality and gender mainstreaming activities of all Ministries and cooperates with the rest active players: Human Rights Committee of the Parliament, Equal Opportunities Ombudspersons Office, Women’s NGO’s, Women’s centres of the trade unions, gender scientists and researchers. Focal points in every Ministry are established. Every Ministry nominated 1-2 persons in charge of Gender equality issues. Responsibilities of all governmental institutions and municipalities to implement gender equality and gender mainstreaming activities in the area of their competences are established by the Law on Equal Opportunities for Women and Men. Independent Equal Opportunities Ombudsperson ensures supervision and monitoring of the implementation of the Law. Women‘s centres in the biggest trade unions ensure mainstreaming of women‘s issues into social dialogue. Gender studies centres, established at the biggest Universities ensure scientific research, gender studies, serve as competence and excelence centres.

As part of implementing the provisions of the Law on Equal Opportunities for Women and Men, the Government of the Republic of Lithuania approved already third National Programme of Equal Opportunities of Women and Men 2010-2014. The Programme sets the aim of enforcing, in a consistent, integrated and systematic manner, equal opportunities of women and men in all spheres of life and of ensuring implementation of EU and international commitments in the area of gender equality. The Programme seeks to address problems in relation to equal opportunities of women and men in the following areas of priority: employment, education and science, health-care, environmental protection, national defence, decision-making, and implementation of EU and international commitments for gender equality. A special section in the Programme is dedicated to the development of mechanisms and methods of implementation of equal opportunities for women and men with a view to ensuring better management and efficiency.

The first National Programme of Equal Opportunities of Women and Men was implemented in 2003-2004, the second – in 2005-2009 and the third is implemented in 2010-2014 period.

To evaluate the impact of the National Programme of Equal Opportunities of Women and Men 2005–2009 and other programmes contributing to its goals and objectives, the Women’s Issues Information Centre conducted, in 2009, an external evaluation of the developments in the situation of women and men in all spheres. Detailed information on the results of implementation of the National Programme of Equal Opportunities of Women and Men 2005–2009 and on the objectives and actions envisaged in the new National Programme of Equal Opportunities of Women and Men 2010–2014 is presented in the Fifth Report on the Implementation in the Republic of Lithuania of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, submitted to the UN in May, 2011.

The National Strategy for Combating Violence against Women approved by the Government of the Republic of Lithuania by Resolution No 1330 of 22 December 2006[[1]](#footnote-1) defines the concept of violence against women (paragraphs 6 and 7) as all intentional physical, psychological, economical, sexual acts by one family member, usually a man, against another family member, usually a woman, violating the woman’s constitutional rights and liberties as a citizen and a human being and causing her economical, physical, psychological or moral harm. Domestic violence can affect both sexes, but the absolute majority of victims are women. Paragraph 14 of the Strategy describes violence against women as a serious violation of human rights inflicting both physical and psychological harm on the victim. This definition is principle in line with the definition of gender-based violence proposed by the UN Committee on the Elimination of Discrimination against Women in its General Recommendation No 19 (1992).

**3rd answer**

The Article 2(4)(c) of the Law on Equal Opportunities for Women and Men provides for an opportunity for specific temporary measures to be laid down in the relevant legislation. Legislation related to political decision making do not contain quotas, however some political parties apply quotas voluntary. We seek for balanced participation in decision making systematically and consistently implementing measures, aimed at promoting of women’s participation and removing obstacles.

By the data of the United Nations as of 1 January 2010, Lithuania is among the 15 UN Member States whose presidents or heads of state are women, and among the 32 UN Member States whose heads of parliaments are women, and among the 11 UN Member States whose ministers of national defence are women, and is slightly above the UN average by the number of women members of parliament.

Decision-making remains one of the priority areas of the new National Programme of Equal Opportunities of Women and Men 2010–2014. The Programme explicitly acknowledges that in a democratic society all citizens, both women and men, must take part in decision-making and interests of both genders must be equally represented. Balanced participation of women and men in policymaking and in political decision-making ensures a better response to the diverse needs of the society. Engagement in political, economic, societal and public life is not only a tool to pursue both women’s and men’s goals and interests, but also an indicator of the level of achievement of the principle of equality between women and men and non-discrimination on the grounds of sex. The Programme also states that women’s participation in political and economic decision-making is inadequate and that rural women and men are not engaged actively enough in the process of making decisions relevant to the local community. To boost participation of women and men in decision-making, a number of awareness-raising campaigns are conducted in 2011 and 2012 to inform the society of the benefits of participation. Throughout the period of the Programme, the network of women politicians’ clubs is supported in all regions and awareness-raising campaigns are organized to promote participation of rural population in societal life.

The Action Plan of the National Programme of Equal Opportunities of Women and Men 2010–2014 envisages measure *To Develop Recommendations for the Application of Temporary Special Measures*. Implementation of the measure is planned in 2012 by the Office of the Equal Opportunities Ombudsman. As part of implementation of this measure, the concept of temporary special measures will be defined and explained and recommendations for possible applications of these measures will be developed.

Once these recommendations for the application of temporary special measures are developed, a number of seminars and trainings on the application of temporary special measures will be organized in cooperation with the Office of the Equal Opportunities Ombudsman in 2012–2014 both on the national level and in individual regions of Lithuania, as part of another measure under the Action Plan of the National Programme of Equal Opportunities of Women and Men 2010–2014.

**4th answer**

The Office of the Ombudsman for Equal Opportunities conducts independent investigations of cases of discrimination the grounds covered in the Law on Equal Opportunities for Women and Men. According to Article 21(1) of this Law the Equal Opportunities Ombudsperson shall investigate the complaints related to direct and indirect discrimination, harassment and sexual harassment and shall provide objective and unbiased consultations related therewith.

Article 24 of the Law on Equal Opportunities for Women and Men gives the power to the Equal Opportunities Ombudsman to adopt the following decisions.

– to refer the investigation dossier to a pre-trial investigation institution or a prosecutor if features of a criminal act have been identified;

– to address the person or institution concerned with a recommendation to discontinue actions that violate equal rights and to amend or repeal the legal act related thereto;

– to initiate administrative proceedings and impose administrative sanctions;

– to dismiss the complaint if the alleged violation has not been corroborated;

– to terminate the investigation if the complainant withdraws his/her complaint or when there is a lack of objective evidence about the committed violation or when the complainant and the offender have reconciled or when actions that violate equal rights have been ceased or when legal acts that violate equal rights have been amended or repealed;

– to admonish for committing the violation;

– to suspend the investigation if the person who has filed the complaint or whose actions are complained about is ill or away;

– to ban temporarily, pending the final decision, the display of an advertisement if there is sufficient evidence that the advertisement already displayed or still to be displayed can be qualified as inciting ethnic, racial, religious hatred or hatred on the grounds of sex, sexual orientation, disability, beliefs or age, and would seriously harm public interests, would humiliate human honour and dignity and pose a threat to public moral principles;

– to impose an obligation on the advertisers to remove such prohibited advertisements, and to establish the deadlines and the conditions for the discharge of this obligation.

According to provisions of this Law each natural and legal person shall have the right to file a complaint with the Equal Opportunities Ombudsperson concerning the violation of equal rights. The complaints shall be submitted in writing. The procedure of registration and assignment of complaints shall be laid down by the regulations of the Office of Equal Opportunities Ombudsperson approved by the Equal Opportunities Ombudsperson. If a complaint has been received orally or by telephone, or if the Equal Opportunities Ombudsperson has found indications of violation of equal rights in the press, other media or other sources of information, the Equal Opportunities Ombudsperson may initiate investigation on his own initiative. Anonymous complaints shall not be investigated, unless the Equal Opportunities Ombudsperson decides otherwise.

Taking into account the above, Equal Opportunities Ombudsman has a strong power to conduct independent investigations, to provide objective and unbiased consultations and to adopt various decisions, including imposition of administrative sanctions in cases of discrimination on any of the grounds. The procedure of the acceptance of complaints is quite simple and flexible for people who believe he/she suffered from discrimination.The principle provided in the Article 2(1) of the Law on Equal Opportunities for Women and Men thata person or institution against which a complaint was filed must prove that the principle of equal rights has not been violated also undoubtedly helps strengthening access to justice.

Discrimination on grounds of nationality, race, sex, descent, religion or belonging to other groups is criminalized in Criminal Code of Lithuania since the 19th of July 1994. According to the statistics on criminal cases heard in Lithuanian courts that were collected by the National Courts Administration (NCA) (from 2002 till the end of 2011), there were no criminal cases related to the discrimination against women, in the sense as it is treated by the Law on Equal Opportunities for Women and Men, heard in Lithuanian courts.

1. *Valstybės žinios* (Official Gazette) No 144-5474, 2006. [↑](#footnote-ref-1)