

Equal Opportunities
for Women and Men



CENTER FOR EQUALITY
ADVANCEMENT

*Monitoring law and
practice in new member states
and accession countries of the
European Union*

2005

Equal Opportunities for
Women and Men

Monitoring law
and practice in

Lithuania

by Indre Mackeviciute

PARTICIPATING COUNTRIES:

Bulgaria
Czech Republic
Estonia
Hungary
Lithuania
Poland
Romania
Slovakia
Turkey

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Preface

BRINGING THE EU HOME

“Bringing the EU Home” is a three-year project (2004–2006) conceptualized as a follow up to the Program on Equal Opportunities for Women and Men in the European Accession Process (EOWM), which was a joint initiative of the Open Society Foundation Romania and the Network Women’s Program of the Open Society Institute*. The EOWM projects stemmed from the Open Society Institute project to monitor the progress of candidate countries as they prepared themselves for integration into the European Union and ensured that they met the Copenhagen political criteria, particularly in relation to the independence of the judiciary, minorities’ rights, and anti-corruption. Given the *acquis communautaire* in the field of equal opportunities for women and men, which accession countries are required to adopt and comply with, an independent programme, EUMAP, to evaluate the status of accession countries from this perspective was developed.

An assessment of the status of equal opportunities, *de jure* and *de facto*, was carried out in seven of the ten candidate countries: Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland and Romania. The EU Directives on equal opportunities provided the framework for monitoring and analyzing corresponding legislation, institutions and practices. The Directives related to the principle of equal pay for work of equal value; equal treatment as regards employment; protection of pregnant, and breastfeeding women, and women who recently gave birth; the burden of proof in cases of sex-based discrimination, and non-discrimination against part-time workers were analyzed in 2001. The remaining Directives on self-employed workers, parental leave, and social security schemes were assessed in 2002.

The final report, including an overview and executive summary for each country, was published in November 2002. Each country report and executive summary was translated into the national language and used as an advocacy/research tool. 2002 and 2003 were years of intensive outreach efforts, both nationally and at the EU level. Countries organized roundtables and meetings for NGOs, government officials, lawyers, and media to publicize the findings of the reports. The English version was used for advocacy at the EU level, and sent to members of Parliament from EU and candidate countries. Country information was presented twice at meetings in Brussels, and the final reports were launched at the European Parliament in November 2002.

* Monitoring the EU Accession Process: Equal Opportunities for Women and Men 2002, <www.eonet.ro>

The project “Bringing the EU Home” aims to promote awareness, advocacy and enforcement of equal opportunity legislation at the national level and to build the capacity of national actors in civil society to use EU-level mechanisms effectively. In this context, new, updated monitoring was carried out in 2004.

A detailed assessment of the legislative developments, institutional mechanisms, policies, programs and research at the national level was carried out in Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia* and Turkey.*

Each country report contains key recommendations related to legislation, institutional mechanisms, policies and programs, awareness raising and research initiatives and outlines specific areas of concern. On-going updates will be made to the reports and available online, in order to ensure different groups can access the most current information easily.

The project further aims to help raise the significance of equal opportunities on the European agenda within new member states and within the process of on-going and new accession negotiations, and create a unique platform for new member states and accession countries. It is therefore about “bringing the EU home.”

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1. LEGISLATIVE OVERVIEW

1.1 Act on Equal Opportunities for Women and Men

The Act on Equal Opportunities for Women and Men¹ was amended several times in the period 2002–2004 to include the missing provisions of the EU Directives, including the new Equal Treatment Directive.

In June 2002 the *Seimas* (Parliament) of the Republic of Lithuania adopted several supplementary provisions to the Act. Firstly, *indirect discrimination* on grounds of sex was prohibited and it was defined as “action or inaction, legal norm or evaluation criterion, which being formally equal to both men and women, when implanted or applied have different factual impact on one of the sexes in terms of restriction of rights or granting of privileges, preference or advantage.”

Secondly, the list of exceptions to the actions of *direct discrimination*² was supplemented to include the possibility of positive action. Special temporary measures foreseen in the laws – those being applied to accelerate the realization of *de facto* equality between women and men and which would be cancelled when equal opportunities among women and men become a reality – are not anymore considered to be discriminatory. Moreover, the amendment to the Act on Equal Opportunities for Women and Men has established that different rules and conditions applied to women and men when implementing specific punishments for criminal offences do not constitute gender discrimination.

¹ Act on Equal Opportunities for Women and Men, adopted on December 1, 1998, entered into force on March 1, 1999.

² Under the most recent amendments, direct gender discrimination means passive or active conduct expressing humiliation and contempt, also restriction of rights or granting of privileges by reason of the person’s sex, except when relating to:

- 1) special protection of women during pregnancy, childbirth and nursing;
- 2) compulsory military service prescribed by the law exclusively for men;
- 3) different retirement age for women and men;
- 4) requirements for safety at work applicable to women aimed at protecting the women’s health owing to their physiological properties;
- 5) specific work which can be performed only by a person of a particular sex;
- 6) temporary special measures, which applied according the laws to introduce factual women’s and men’s equality and which are terminated after the introduction of equal opportunities (positive discrimination);
- 7) different orders and conditions for the criminal sentences.

Thirdly, the obligation of salespersons, producers and service providers to implement equal opportunities for women and men was introduced in Article 5(1) of the Act. Guaranteeing gender equality in the field of protection of consumers' rights refers to the application of equal pay terms or guarantees and reinforcing public attitudes towards the superiority of one of the sexes when providing information on goods or services or advertising them.

Finally, a firm step has been made towards *tackling age discrimination* by prohibiting to request information from job seekers on their age as well as family plans (Article 8). And finally the list of decisions that the Ombudsperson can take upon the completion of investigation was extended (Article 3).

On July 13, 2004 the Act was complemented with Article 2(1), which introduced the concept of *reversal of the burden of proof*. The provision sets forth that when natural persons bring cases of discrimination on grounds of gender to court or competent institutions, it shall be presumed that direct or indirect discrimination has occurred. It shall be for the respondent to prove that there was no breach of the principle of equal treatment.

1.2 Act on Equal Treatment and the Equal Opportunity Ombudsperson

In 2002, with the support of the United Nations Development Program and the Office of the Equal Opportunities Ombudsperson, the Lithuanian Government initiated the drafting of a new law on anti-discrimination, which would include a prohibition of violating one's rights on grounds of age, sexual orientation, disability, racial and ethnic origin, religion or belief. The new Act on Equal Treatment was passed on November 18, 2003 and will come into force on January 1, 2005.

The Act encompasses the expansion of the mandate of the Equal Opportunities Ombudsperson from only gender-based discrimination to the earlier referred grounds of discrimination. It renders the persons who feel wronged by direct or indirect discriminatory actions and well as harassment directed against them to file a complaint to the Ombudsperson. The Act provides for all of the main definitions outlined in the EU directives; it establishes a duty to implement equal rights for state institutions, educational institutions, employers, and in the sphere of the protection of consumers' rights; it defines the violations of equal rights by employers, educational institutions, goods or service producers or providers, discriminating advertisements. However, the Act does not foresee the possibility of compensation the same way as in the cases of gender discrimination.

Allocation of additional financial resources associated with the expansion of the Ombudsperson's mandate is still under consideration. The Office has already been

provided with extra financial resources from the state budget to start the employment and training of the new staff in the second half of 2004, but financial prospects for 2005 remain unclear. Extra staff is badly needed to enable effective tackling with the additional workload. The failure of the state to meet the financial needs of the Office of the Equal Opportunities Ombudsperson would aggravate effective implementation of new tasks.

The new Act was passed with a considerable majority in the Parliament. Nevertheless, women's rights activists have raised concerns about attributing its supervision to the Office of the Equal Opportunities Ombudsman. Referring to the experience of other EU countries, Dr. Giedrė Purvaneckienė, a sociologist and former MP, has warned of a considerable risk that the Office will be overwhelmed with complaints on other forms of discrimination, thus severely diminishing the attention paid to the gender problems.³ Other experts, however, view the expansion of the mandate as an undoubtedly positive development as this will allow combining investigations on several grounds of discrimination. It is often the case, as Equal Opportunities Ombudsperson Ms Aušrinė Burneikienė puts it, that women are treated unequally not only on grounds of gender, but are discriminated on other grounds at the same time, such as age and disability.

1.3 Labor Code

The new Labor Code⁴ came into effect on January 1, 2003 incorporating a number of employment legislation into one legal act. Section 2 of the Labor Code withholds the principle of equal treatment of women and men in regard to recruitment, dismissal, granting annual leave, negotiating the pay and other aspects of employment. When applying the work classification system for determining the wage, the same criteria shall be equally applied to both men and women, and the system must be developed in such way as to avoid discrimination on grounds of sex, as set in Section 188 of the Labor Code. The Labor Code considers the violation of equal opportunities or sexual harassment of colleagues, subordinates or customers to constitute a gross breach of work duties, which shall be sanctioned with a caution, reprimand or dismissal from work.

Under the amendments to the Penal Code,⁵ which came into force on May 1, 2003, *sexual harassment* of a person may invoke criminal liability. A range of penalties are

³ Giedrė Purvaneckienė, *Lyties dimensija socialinės kaitos procese (Gender Dimension in the Process of Social Change)*, 2003, available at <http://www.lygus.lt/ITC>.

⁴ Labor Code, adopted on June 4, 2002, entered into force on January 1, 2003.

⁵ Penal Code, adopted on September 26, 2000, amended version entered into force on May 1, 2003.

available under the Code, including imprisonment, fines and deprivation of the right to perform certain duties or to engage in certain activities. Moreover, a prohibition to sexually harass a person was laid down in Article 92 of the Statute of Military Discipline,⁶ which is applicable to the military servicemen of Lithuania.

A number of provisions in the Labor Code aim at improving the conditions for *reconciling family and working life* for both women and men. Providing an equal right to mothers and fathers to make use of the *childcare leave*, the new provisions also allow for *flexible forms of employment* upon the individual or collective agreement between the employers and the employees. In October 2003 the Minister of Social Protection and Labor issued new Recommendations for the Employers and Employees to Apply the Flexible Forms of Labor Organization upon their Agreement,⁷ explicitly referring to a need to implement the principle of reconciliation of family and working life and explaining the existing legal tools to do that. Despite the existence of beneficial legal acts, further efforts are needed to be done to inform employees of the rights they have in negotiating flexible forms of labor. This could be best done through social partners.

As regards *part-time work*, the Labor Code establishes that part-time work refers to work schedule of less than eight hours a day. Among others the following provisions of the Labor Code could be mentioned. Employees raising children under three years of age or those, who alone raise children under 14 years of age are given a priority in establishing flexible employment forms. An employer is obliged to establish a part-time working day or week upon request of an employee who is raising a child under three years of age, or who alone raises a child under 14 years of age or a child with disability under 16 years of age. These employees also have a right to longer annual holiday leave. Upon their request, men have a right to take their annual leave during the pregnancy and maternity leave of their wives.

The Labor Code has established a prohibition to the employers to force pregnant and breastfeeding women or those who have recently given birth to work in the conditions which may have a hazardous effect on the woman's or her child's health without their consent. In its March 2003 Decision the Government⁸ set a list of potentially hazardous working conditions and dangerous factors to pregnant, breastfeeding women or those who have recently given birth, obliging the employers to assess the possible impact of those factors on women's health and to undertake appropriate temporary

⁶ Statute of Military Discipline, adopted on May 20, 1999, entered into force on June 11, 1999.

⁷ Minister of Social Security and Labor Order on the Recommendations for the Employers and Employees to Apply the Flexible Forms of Labor Organization upon Their Agreement, of October 17, 2003, entered into force on October 30, 2003.

⁸ Government Decision on Potentially Hazardous Working Conditions and Dangerous Factors to Pregnant, Breastfeeding Women or Those Who Have Recently Given Birth, of March 19, 2003, entered into force on March 27, 2003.

actions to protect the employees from potential harm (changing the workplace, etc.) without worsening their employment terms. No data is available though on whether the employers inform their employees on the hazardous conditions they are working in and undertake certain measures to prevent potential damages to their health.

The latter provisions are developed in the logic as not to prohibit certain activities of women of this category, but to restrain employers in obliging the women to execute certain tasks. Nevertheless, the list of dangerous factors passed upon the Government Decision fully prohibits a number of activities to women who are either pregnant, breastfeeding or have recently given birth.

Guarantees provided to the workers of the private and public sector by the newly amended Act on Safety and Health at Work⁹ are equally applicable to both men and women. For the first time, the legal act provides for the definitions of the terms 'worker who is breastfeeding', 'worker who has recently given birth', 'pregnant worker', ensuring that they are given special protection.

The amendments of 2003 to the Act on Social Insurance in Case of Sickness and Maternity Leave¹⁰ have provided with a possibility to receive maternity benefits those employees, who have been dismissed from their work because of company's bankruptcy or liquidation.

A number of amendments to the laws are made on the initiative of the Equal Opportunities Ombudsperson upon the completion of investigation of persons' complaints. In February 2003, the Ombudsperson has recommended to take account of the equal treatment principle when granting amnesty. The incentive to this decision was given by the Act on Amnesty of November 7, 2002, which declared amnesty exceptionally to women who alone raise children under 18 years of age, granting no amnesty to men in the same family situation.¹¹

Upon the recommendation of the Ombudsperson, the new Labor Code established a prohibition to terminate the employment contract with persons who raise children under three years of age, if the fault does not lie with the employee (Article 132). The previous Act on Employment Contracts, which expired on January 1, 2003, had only forbidden the termination of the employment contract with women.

⁹ Act on Safety and Health at Work, adopted on July 1, 2003, entered into force on July 16, 2003.

¹⁰ Act on Social Insurance in Case of Sickness and Maternity Leave, adopted on December 12, 2000, entered into force on January 1, 2001.

¹¹ Act on Amnesty, adopted on November 7, 2002, entered into force on November 22, 2002.

In May 2002 and in September 2003 the Minister of Health amended the Order concerning the Preventive Health Examination in Health Care Institutions,¹² which had contained discriminatory provisions, requesting women to pay a visit to gynecologists as a part of mandatory health examination when acquiring driving license and or willing to get employed in a position where regularly mandatory health examination is a necessary employment condition.

After an investigation, the Ombudsperson recommended to amend the Act on Construction¹³ as to include a provision which would set a requirement for every public building to have a room for breastfeeding of children. The recommendations have not been taken into account yet as they imply considerable financial costs.

In March 2003 the amendments to the Act on Organization of the National Defense System and Military Service¹⁴ were made, bringing the Act in greater conformity with the principle of equal treatment. The new provision provides both parents who are on professional military service with a right of a one-year maternal/paternal leave. Childcare was previously granted to mothers and to fathers only if the mother of the child had passed away, or if she was not able to look after the child due to the child's illness or disablement.

Upon the recommendation of the Equal Opportunities Ombudsperson the new Government's Decision concerning the Working Time in State, Municipal Undertakings, Institutions and Organizations¹⁵ was passed in August 2003. It sets the limits of start and end of the working day in the organizations and allows employees to negotiate an individual work schedule with an employer. This presents a positive development with regard to improving the conditions for reconciliation of family and work.

On October 14, 2003, upon the initiative of the Ministry of Interior the Act on Local Self-Government¹⁶ was amended to include gender equality principle among the basic principles of local self-government. Article 4 of the Act stipulates that the decisions taken by local institutions or civil servants shall not contradict the one's human dignity, rights or freedoms as well as equal opportunities for women and men.

¹² Minister of Health Ordinance on Preventive Health Examination in Health Care Institutions, of May 31, 2000.

¹³ Act on Construction, adopted on March 19, 1996, amended version entered into force on July 1, 2002.

¹⁴ Act on Organization of the National Defence System and Military Service, adopted on May 5, 1998, entered into force on May 27, 1998.

¹⁵ Government's Decision concerning the Working Time in State, Municipal Undertakings, Institutions and Organizations, of August 7, 2003.

¹⁶ Act on Local Self-Governments, adopted on March 26, 1995, amended version entered into force on October 17, 2000.

Some initiatives to raise the number of women in representative bodies have been undertaken, proposing amendments to legal acts. The first draft to the Act on Elections of Municipal Councils¹⁷ (December 2001) introduced a provision obliging the parties to make their party lists so as not to include more than two candidates of the same sex in a row. The second draft proposed amendments to the Act on *Seimas* Elections¹⁸ (2003): “the parties shall make their party lists as to include at least two-thirds of persons of one sex and not to put more than two candidates of the same sex in a row.” Moreover, both amendment proposals included a requirement to refer during the electoral campaign to the fact that a party list does not take account of the principle of equal representation of sexes.

Both drafts were met with skepticism by the Legal Department of *Seimas*, the authorized parliamentary committees, as well as some MPs. Doubts were raised whether the proposed provisions are in line with the gender equality principle set forth by the Constitution and were refused as insufficiently grounded. Referring to the process, the Equal Opportunities Ombudsperson recommended to the Parliamentary Human Rights Committee to initiate the meeting of parliamentary parties to discuss the need to make party lists in a way which pays regard to the principle of equal representation of women and men. As of October 2004, the writing of this report, the recommended meeting has not taken place yet.

Despite positive changes in field of legislation enshrining the principle of gender equality, the following shortcomings to the full alignment with the *acquis* can be observed:

The definitions still lack certain aspects of the principles set forth by the Directives. The term *equal opportunities* in the Act on Equal Opportunities for Women and Men is vaguely defined as the implementation of human rights guaranteed in international instruments of human and civil rights and in the legislation of the Republic of Lithuania. It does not include equal treatment in relation to conditions to self-employment and membership of, or involvement in, an organization of workers or employers or any organization whose members carry on a particular profession as required in the new Equal Treatment Directive. The term *direct discrimination on grounds of sex* fails to address situations where one person is treated less favorably than the other would be in a comparable situation.

Moreover, Lithuanian legislation does not provide for a definition of *harassment on grounds of sex*, limiting it only to the offensive conduct of the sexual nature, that is

¹⁷ Act on the Municipal Council Elections, adopted on July 17, 1994, amended version entered into force on November 4, 1999.

¹⁸ Act on the Seimas Elections, adopted on July 9, 1992, amended version entered into force on July 19, 2000.

sexual harassment. There are no sanctions foreseen for an instruction to discriminate against persons on grounds of sex, which clearly refers to a failure to implement the requirements of the EU Directives.

In December 2003 the draft law was registered in the Parliament introducing the concept of compensation for a victim of discrimination into the Act on Equal Opportunities for Women and Men. The new provision would permit persons who have sustained damage as a result of discriminatory actions or sexual harassment to demand compensation under the procedure set in the Civil Code. The Legal Department of the *Seimas* has described the proposed provision as potentially excessive since injured persons are in position to request compensation under the existing civil procedure. Other legal experts though refer to the fact that non-pecuniary damage can be recovered only in cases foreseen by the laws as set forth in the Civil Code (Section 6.250). Therefore, persons currently discriminated would experience difficulties if willing to sue the violator for damages. Currently, the draft law on the introduction of compensation into the Act on Equal Opportunities for Women and Men awaits further discussions in the parliamentary committees.

Lithuanian legal system does not ensure a legal right to organizations to engage either on behalf or in support of the complainants in judicial procedures as required by EU law. The list of persons authorized to represent a person before the court limits to lawyers, close relatives and trade unions. Nevertheless, in cases handled by the Equal Opportunities Ombudsperson, which can end up with an administrative procedure, latter organizations can act as legitimate representatives of the complainant.

Although the Act on Equal Opportunities for Women and Men obliges employers to implement equal rights of women and men in the workplace, no legal act encourages them to promote the principle of equal treatment in a planned and systematic way by having to produce equality plans or other pro-active means to improve gender equality situation in their workplace. It is apparently rare that the employers regularly provide appropriate information on equal treatment of women and men to their employees.

Discriminatory provisions are found in the Act on Organization of the National Defense System and Military Service. Under the Article 59 “a professional military serviceman granted maternity leave is relieved of duties and transferred into the temporary personnel reserve. If a serviceman does not return to his unit at the end of maternity leave, or there are no assignments available commensurate with his qualification, he is transferred to the reserve.” As the absolute majority of military servicemen who take the maternal leave are women (according to the data provided by the Ministry of National Defense, no male servicemen took maternity leave in 2003–2004 in comparison to 16 women), they can potentially be displaced from service after the return from the leave. The Ministry of National Defense has informed that currently there is a group set up to review the existing legislation including the mentioned discriminatory provision.

The latter legal act was already amended in March 2003 as to include the right of male servicemen to be granted a paternity leave on equal terms with female servicemen. Previously this was only possible in cases where a mother of the child had passed away or was unable to take care of the child due to disability or serious illness.

The principle of gender equality was implicitly referred to the new Act on Education.¹⁹ On June 28, 2003 equal opportunities were included among the principles of the educational system, stating that educational system is socially fair and available to individuals irrespective of their sex and other grounds (sexual orientation is not included). The system assures each individual access to education, opportunity to attain comprehensive education level, primary qualification and creates conditions for in-service education or gaining new qualifications.

Several international documents have been introduced into Lithuanian legal system during the reporting period. Aiming to adhere to the international principles for reconciliation of work and family life on March 30, 2004 Lithuania ratified the ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (1981). This could provide an additional incentive to pay more attention to workers with family responsibilities by developing appropriate policies and tools to improve their competitive ability in labor market. The ratification of the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women took place in June 2004.

1.4 Implementation of Legislation

Council of Europe Commissioner for Human Rights Mr. Alvaro Gil-Robles in the report on his visit to Lithuania was very positive towards gender equality policies in Lithuania. Having mentioned the new Act on Equal Treatment, he has noted that “Lithuania possesses the body of legislation which promotes gender equality, prohibits discrimination on the basis of gender and introduces the concept of indirect discrimination.”²⁰ He was especially positive towards the work of the Equal Opportunities Ombudsperson.

Although Lithuanian legislation is in line with the majority of the requirements of EU directives in the field of gender equality and is positively estimated by foreign experts, transposition of the legislation into practice seems to be a more demanding task.

¹⁹ Act on Education of June 25, 1991, entered into force on June 28, 2003.

²⁰ Report by Mr. Alvaro Gil-Robles Commissioner for Human Rights on his visit to Lithuania, November 23–26, 2003. <http://www.commissioner.coe.int>.

2. INSTITUTIONAL MECHANISMS

As set out in the Beijing Platform for Action (1995), effective functioning of the gender equality machinery is dependent upon the following conditions: (i) the positioning at the highest level, visibility, power and adequate logistical support (human and financial resources); (ii) NGO participation in planning and monitoring activities; (iii) gender mainstreaming. The latter conditions have only been partly met in Lithuania. Serious shortcomings still exist, hindering the factual improvement of gender equality in the country.

The first implies that a low threshold is set for the assistance to victims of discrimination and their access to justice. Moreover, the existing institutions have to be adequately staffed and work efficiently.

2.1 Parliamentary Commission for Family and Child Affairs

Parliamentary Commission for Family and Child Affairs functioning since 1996 has a status of a standing parliamentary committee. The Commission participates in the decision-making procedure by initiating and considering laws or their amendments, which concern the rights of women and child, family policy and others in that way contributing to gender equality initiatives within the Parliament.

2.2 Women's Forum

In 2003, Women's Forum was established under the auspices of the Commission, uniting non-governmental women's organizations and natural persons. The Forum serves as an advisory body on women's rights and equal opportunities; it has issued several addresses to the Parliament and the Government as well as provided a number of proposals for the work of the Commission. The activities of the Women's Forum are not visible to the public, though; no information on its work can be obtained from the mass media or internet.

2.3 Group of Women Members of Parliament

The Group of Women Members of Parliament is formed of all women parliamentarians representing each of the parliamentary factions. The aim of this informal group is to promote women's and gender equality issues in parliamentary activities and larger society. Despite its previous accomplishments, the group currently lacks publicity: it does not have a reference to its activities within the internet site and information on the

activities of the group can only be obtained through informal channels. Moreover, during the last parliamentary cycle, the activity of the group has decreased as the number of women elected to Parliament decreased to only 10.6 percent in 2000 and not all of them devote sufficient attention to gender issues.

2.4 Parliamentary Human Rights Committee

Parliamentary Human Rights Committee has been officially appointed to work on gender equality legislation in the process of its initiation and consideration. It has already registered amendments to the Law on Equal Opportunities as well as other legal acts which were successfully passed by the Parliament.

2.5 The Office of the Equal Opportunities Ombudsperson

The Office of the Equal Opportunities Ombudsperson, which is an independent state institution answerable to the Parliament, is a strong body with appropriate authority. Having been established in 1999, the Office is one of the key institutions within the gender equality machinery. It takes overall responsibility for supervision and implementation of the Act on Equal Opportunities for Women and Men in Lithuania. The Ombudsperson investigates individual complaints on gender discrimination and sexual harassment; submits recommendations and proposals to the Parliament, governmental institutions on the priorities of gender equality policy, including recommendations on amendments to relevant legislation. In cooperation with other office officials, the Ombudsperson supervises mass media so that it does not place discriminatory advertisements and does not treat one gender as in any way superior or better in regard to the other. Additionally, the Ombudsperson may participate at the interviews for a job and admission tests at educational institutions as an observer.

The decisions of the Ombudsperson in cases of discrimination on grounds of sex include the right to refer the material of the complaints to the pre-trial investigation bodies; to address the institutions with a recommendation to discontinue the violations of the Act on Equal Opportunities for Women and Men. The Ombudsperson was granted with a right to investigate administrative cases and impose administrative sanctions for the violations of the Act on Equal Opportunities for Women and Men, which is one of the most important effective tools of the Lithuanian gender equality policy.

The financial independence of the Office is due to independent annual allocations to the Office set forth in the Act on the State Budget. 520,000 Litass were allocated to this purpose in 2004, compared to 3,000,000 Litass in allocations to the Parliamentary Ombudsmen and 610,000 Litass to the Office of Children's Rights Protection

Ombudsperson. When actively participating in the projects it also receives additional financial resources to implement the planned project activities, which are usually aimed at raising public awareness.

The Equal Opportunities Ombudsperson is appointed by the Parliament for a four-year term. The number of employees (currently seven persons) will grow after the Act on Equal Treatment comes into force on January 1, 2005; therefore the Office has to seriously think of structuring its activities as to ensure effective implementation of the new tasks and remain sustainable in pursuing gender equality activities.

All natural and legal persons have a right to file complaints to the Ombudsman's Office by post, e-mail or fax. If the complaint is received by word of mouth or the indications of violating equal rights are found in the print or electronic media or other sources of information, the Equal Opportunities Ombudsman may initiate investigation on his or her own initiative.

The existence of the Ombudsperson's institution is of an undeniable importance since it provides victims of discriminations with an easily accessible and relatively speedy remedy. As set by the Act on Equal Opportunities for Women and Men, the complaint must be investigated and the complainant must be given a reply within one month of receipt of the complaint. If necessary, the Equal Opportunities Ombudsperson may extend the time limit of investigation for up to two months. The complainant must be duly notified about this.

Moreover, the Ombudsperson does not provide information on the investigation of a complaint to mass media or other sources without the consent of the complainant. This together with a right given to the Ombudsperson to investigate anonymous complaints if this is considered necessary, should encourage seeking for legal help those victims of discrimination, who fear publicity. It is worth mentioning, that a number of victims choose to turn to mass media themselves aiming to raise public discussions on the issue.

Until 2003, the Equal Opportunities Ombudsperson had investigated 218 complaints and conducted 53 investigations by its own initiative. Between January and August in 2004, the Ombudsperson received 34 complaints and started ten investigations on her own initiative. Statistics by gender vary each year. In average, more complaints are submitted by women, though men are active as well.

The Office provides no mediation services. Nevertheless, it forwards the complaints which are not in its competence to the competent institutions. The Office provides no legal representation for victims of discrimination, but it can give legal advice to persons who experience gender discrimination.

The recommendations of the Equal Opportunities Ombudsperson have a binding character, and persons obstructing the Ombudsperson to exercise his or her duties are

held liable under the law and face administrative sanctions. The majority of the decisions of the Ombudsperson were duly implemented by the public institutions as well as private companies so far. It was first in 2004 that the decision of the Ombudsperson was appealed at the court by the chief of a private company that was obliged to discontinue discriminatory commercial on TV and other public places and to pay administrative fine to the state budget. The court proceedings were still continuing at the time of compiling the report.

In 2003, the majority of decisions of the Ombudsperson concerned recommendations to repeal a legal act relating to that (29 percent of all the cases handled). In 22 percent of the cases the Ombudsperson gave a notice for the committed violation, recommended to discontinue the actions violating equal opportunities in nine percent, imposed administrative sanctions in six percent of the cases. Finally, 18 percent of complaints were dismissed because of not being well-grounded. In the first ten months of 2004, eleven violators of the principle of equal treatment as set in the Act on Equal Opportunities for Women and Men were sanctioned with administrative fines.

No funds from the state budget are allocated for awareness-raising activities of the Office. Funding from foreign donors (UNDP, UNESCO, EU, and other sources) allows the office officials to undertake informational action by means of organizing seminars for regional agents and local communities, round tables for social partners, conferences, publishing informational materials, disseminating information and raising discussions on radio and TV. The Office needs to pay more attention to its internet portal, so as to correspond with the new requirements of the developing informational community.

In 2002, an Advisor to the Prime Minister was appointed to deal with the issues of gender equality and non-governmental organizations. The person in this position has a long experience of working on gender issues and is actively involved in gender equality initiatives.

2.6 Minister of Social Security and Labor

In 2001 the Minister of Social Security and Labor was commissioned to coordinate gender equality issues in all spheres implying that this person is in fact acting as the Minister of Gender Equality. Moreover, all ministries in Lithuania are responsible for implementation of gender equality issues in the area of their particular competence through preparation and carrying out of national program on equal opportunities as well as international and local projects.

The Ministry of Social Security and Labor is responsible for the implementation of equal opportunities for women and men in the areas of employment and social

security. Main activities of the Ministry in the field of gender equality include drafting of legislation, implementation of relevant laws and other legal acts, aimed at ensuring equal opportunities for women and men. It is also answerable for the overall coordination of the activities carried out on the governmental level, preparation of national reports to a number of international organizations as well as raising public awareness on the issue. Social partnership is of particular importance to the Ministry and has been facilitated throughout the last years, although it may still be lagging behind the expected level. The Division of Labor Market and Equal Opportunities within the Ministry was authorized to coordinate the gender equality activities of the Ministry. One has to mention here that by employing only one person working on gender equality, the Division is well off the necessary human resources.

2.7 Inter-Ministerial Commission on Equal Opportunities for Women and Men

Inter-Ministerial Commission on Equal Opportunities for Women and Men consists of representatives of all ministries and the Department of Statistics. The Commission is accountable to the Minister of Social Security and Labor and its activities can be monitored by the Equal Opportunities Ombudsman. It coordinates the implementation of the National Program on Equal Opportunities for Women and Men as well as other gender-related measures on the ministerial level. Within its competence the Commission can submit proposals, recommendations concerning gender equality to the Government. It works in cooperation with the Office of the Equal Opportunities Ombudsman, the Advisor to the Prime Minister, as well as various non-governmental organizations.

Although positioned on a high administrative level, the Commission often fails to make its activities visible. It also lacks sufficient expertise, since equal opportunities of women and men is not the primary responsibility of the Commission members within their respective ministries. Therefore the possibility of providing the Commission with a considerable administrative service consisting of the professionals and technical personnel is well worth considering. This would enable the Commission to implement its functions more effectively and to expand the scope of its current activities.

To be more efficient in its policies the Commission needs to ensure a proper dialogue with the social partners and NGOs, the level of which is currently insufficient. The latter actors are only in advisory position and are only invited occasionally to the meetings of the Commission.

2.8 Department of Statistics

Since 1997 the Department of Statistics of the Government has been compiling, analyzing and publishing data on gender statistics. The annual publication *Women and Men in Lithuania* has been published since 1997. Gender-segregated statistical data provided to all the state institutions and made known to the public, grants a possibility to identify gender equality problems in different fields and to take appropriate measures to combat inequalities. In 2004, the Department started to prepare a list of statistical indices that would explicitly reflect the problematic gender areas in Lithuania.

The structure of the Department includes ten County Statistical Boards, which collect statistical data on the county level and send these to the central agency. County Boards are given funding to collect the data according to the indices provided by the Department; therefore they would find it difficult to collect data on specific indices relevant specifically to their county. All the extra surveys are done when ordered and financed. This leads to a lack of municipality-specific gender segregated data and would make it difficult for the municipalities to target gender-biased problems (unfortunately, municipalities are not too active in implementing gender policies).

2.9 Gender Equality at the Municipal Level

The gender equality work on the municipal level has only been started. The Vilnius municipality has already appointed one of its employees to execute tasks in the field of gender equality. This has not proven to be very effective yet, since the duties of the employee in the field of equal opportunities for women and men are only additional to the main responsibility he has. Although a number of municipalities have taken part in the projects in the field of equal opportunities, they have to be facilitated to engage more in this field of activity, undertaking the actions of gender mainstreaming in the future.

As the municipalities are by all means closest to the needs of the local population, gender sensitivity of its employees has to be particularly strengthened. Raising awareness of municipal clerks has already been targeted by a number of projects executed by the Office of the Equal Opportunities Ombudsperson as well as non-governmental women's organizations. It would no doubt be a good recommendation for every municipality to employ at least one person responsible for gender equality policies within the field of municipal activities, as this has been done in a number of Nordic countries.

2.10 Civil Society

Currently there are more than 100 non-governmental organizations, which tackle gender equality issues in their activities. Among them there is the Center for Men's Information and Crises, which was established in 2002. Although not all of them equally active NGOs play an important role in awareness raising activities, organizing seminars, providing social services, training and education activities. A number of women's organizations are united into an Informal Coalition for the Protection of Women's Rights, established in 2001. The Coalition aims at improving women's position by influencing public processes and monitoring gender equality situation in Lithuania.

As a rule NGOs have to rely on the funding received for the implementation of projects. The vast majority of the financial resources they receive come from international and European donors. As NGOs themselves claim their funding from the national or local government constituted around 5–7 percent of the required annual budget.²¹ Although relatively limited, for the implementation of certain activities the financial resources can be obtained from the budgets of national programs, like the one on Equal Opportunities for Women and Men. Starting from 2004 women's organizations can expect their budgets to be complemented by the two percent of the income tax of natural persons, who are by law allowed to support public organizations of their choice.

Under the Article 3 of the Act on Equal Opportunities for Women and Men, within the limits of their competence government and administration institutions are obliged to provide assistance to the programs of public organizations which would assist in the implementation of equal opportunities for women and men. It is rare though that the institutions were allocated with the line from the state budget enabling them to fund public initiatives. Therefore legal acts have to be passed to explicitly regulate the scope of the Article 3 as referred to.

One could notice a certain lack of coordination among the existing branches of gender equality machinery. A more active exchange of information would considerably increase sustainability of the policies and activities that are implemented by the different units of machinery. Non-governmental sector has to be more often consulted and effectively involved into the process of policy planning, as it has better knowledge of and access to the actual needs of the vulnerable groups.

²¹ Liudmila Mecajeva and Jūratė Šeduikienė, *Women's Economic, Social and Cultural Rights in the Republic of Lithuania*, An Independent Report for the Thirty-Second Session of the Committee on the Economic, Social and Cultural Rights (CESCR), prepared in April 2004, p. 2., available at <http://www.moterukoalicija.webinfo.lt/doc/Report2.doc>.

In 2003, the Government has approved the Action Plan on the Development of Social Partnership of the Government, the Trade Unions and Employers' Organizations, which indicates that the state began to understand the importance of the social dialogue and will intensify it through the cooperation in Tripartite Council. However, the problem is that social partners still lack sufficient knowledge in gender equality field and this certainly hinders the successful implementation of gender mainstreaming strategies throughout various fields of within institutional competence.

2.11 Judicial Authorities

At this point it would make sense to consider judicial authorities as a part of the gender equality machinery, since Lithuanian Constitution guarantees to everybody whose rights have been violated a right of appeal to the court. No specific judicial procedures apart from the newly introduced reversal of the burden of proof provision exist for cases of discrimination. Therefore persons whose equal rights have been violated have to rely on the general procedures established by the Constitution and the procedural codes. Although the Supreme Court has competence to develop case law by adopting recommendations for judicial practice, it has been reluctant to interpret legal provisions regarding gender equality and cases of discrimination. There is no doubt that the assistance of the Supreme Court will be needed to effectively apply the provision on the burden of proof – which is totally new to the Lithuanian legal system that has always been based on the principle of competitiveness in the judiciary procedures.

No civil cases have been reported yet concerning the violation of the principle of equal treatment for women and men regarding access to employment, vocational training and promotion and working conditions. People who feel that discriminatory actions have been directed against them hesitate to bring their cases to the courts. This may suggest that the enforcement of the existing legal norms is not effective enough and various legislative barriers hinder victim's access to justice. Moreover, the victims are not well informed about the existing legal remedies to defend their rights, do not get proper advice and support or they fear that it would be nearly impossible to prove their case. As a result even the existing tools are not effective enough since in the absence of discrimination cases being heard by courts even available sanctions are not being applied.

A certain reluctance of the prosecutors may be observed in taking discrimination cases seriously. As an example of this one could provide the case on sexual harassment, which was investigated by the Equal Opportunities Ombudsperson in 2004. The case where a student was sexually harassed by her professor at a university gained a lot of public attention; for the first time it was widely discussed in the media and the wider society. Upon the decision of the Ombudsperson, the investigation materials were referred to criminal prosecutors since the indications of criminal offence in the case had been

established. In this case the persecutors can start a pre-trial investigation without an official appeal of the victim if the case is of big public importance, as established by the Article 409 of Criminal Procedure Code. Nevertheless, they refused to go into the pre-trial investigation without the official application of the victim, grounding this on the assumption that the case did not satisfy necessary conditions to start the investigation. The Equal Opportunities Ombudsperson had nothing but to appeal against the latter decision of the prosecutors to the court. The latter case had not been resolved at the time when a similar case investigated by the Ombudsperson was followed by a refusal of the prosecutors to start a pre-trial investigation in October 2004.

The latter case could serve as an explanation why so little cases on sexual harassment as well as discrimination on grounds of gender are being brought to the courts in Lithuania. This may well be the case that the victims are discouraged from bringing their cases forward as they do not expect the end result to be satisfactory.

3. POLICIES, PROGRAMS AND AWARENESS-RAISING

Although the principle of equal treatment is not new to Lithuanian society, its effective application seems not yet to be part of a tradition. Although it has long been enshrined in general as well as specialized legal norms, both the state policies are often insufficient. One though has to admit that the process gets ever more pace.

3.1 Policies

3.1.1 State Strategy of Long-Term Development²²

In November 2002 the *Seimas* of the Republic of Lithuania approved the State Strategy of Long-Term Development. The principle of gender equality is referred to throughout the strategy, stressing the importance of strengthening gender equality policy in the labor market as to increase economic activity and employment and other spheres of social life. Equal opportunities for women and men are to be established in developing administrative skills of civil servants in terms of access to education, improving qualifications, recruitment, promotion, proving pay. Women and men should be able to engage in political and public activities on equal terms, to be employed in leading positions in state and municipal governance. The National Program on Equal

²² Parliament Decision of November 12, 2002 on the Approval of the Strategy of Long-Term Development of the State, entered into force on November 28, 2002.

Opportunities is referred to as an important tool for improving employment prospects and fighting unemployment.

3.1.2 National Education Strategy for 2003–2012

The National Education Strategy for 2003–2012,²³ although it refers to a need to ensure equal access of everyone to the education system and claiming respect to human rights, does not explicitly include the principle of gender equality as the priority.

3.1.3 Methodology for Impact Assessment of Draft Decisions

As of August 1, 2003, all draft provisions submitted to the Government shall undergo basic assessment according to the guidelines set in the Methodology for Impact Assessment of Draft Decisions, adopted by the Government in February 2003.²⁴ This Methodology includes a requirement to assess the impact of decision to equal opportunities for women and men in the employment market. Despite the existing guidelines to estimate the potential effect of certain decisions, adequate methods have not been developed for assessing progress and the shortcomings of the gender equality policies in place. Gender equality indicators should be explicitly applied throughout the process of the policies.

3.1.4 National Action Plan for the Promotion and Protection of Human Rights in the Republic of Lithuania

Five actions in the field of improving gender equality situation in Lithuania were foreseen in the National Action Plan for the Promotion and Protection of Human Rights in the Republic of Lithuania²⁵ developed and approved by the Parliament in November 2002 within the framework of the world HURIST program. The actions were planned after a thorough investigation of the situation of women in the

²³ Parliament Decision of July 4, 2003 on the Approval of the Provisions for the National Education Strategy for 2003–2012, entered into force on July 4, 2003.

²⁴ Government Decision No. 276 of February 26, 2003 on the Approval and Implementation of the Methodology for Impact Assessment of Draft Decisions.

²⁵ Parliament Decision of November 7, 2002 on the Approval of the National Action Plan for the Promotion and Protection of Human Rights in the Republic of Lithuania, entered into force on November 7, 2002.

employment market, in the family, as well as the problems of violence against women in 2002 (Report on Human Rights in Lithuania).

First, the Government was assigned to assess the need for Lithuania to join the Optional Protocol of CEDAW (1999) and in case of a positive decision to undergo the necessary procedure. The Protocol was ratified on June 29, 2004.

Second, the Office of the Equal Opportunities Ombudsperson successfully managed to prepare the draft Act on Equal Treatment, expanding the mandate of the Ombudsperson to discrimination on grounds other than gender. The new Act was passed in November 2003 and will come into force in January 2005.

The Office of the Equal Opportunities Ombudsman was a partner in preparing a study on a broader explanation of the definition of sexual harassment and developed the methodology for the investigation of cases on sexual harassment, which has provided proper guidelines for due protection of rights of the sexually harassed people. The study was adapted to the wider public by including advices for potential victims of sexual harassment as well as for those who are or have already been sexually harassed at work or in education.

To facilitate the setting of gender equal pay in the private sector, in 2004, the Ministry of Social Security and Labor commissioned a research on the causes and factors having an impact on wage differentials.

As the fifth activity under the Action Plan in March 2003 the Government has passed the list of hazardous working conditions and dangerous factors to pregnant, breastfeeding women and those who have recently given birth. In the light of EU legislation it is still arguable whether the list should prohibit certain activities of women having contact with the dangerous factors as it does now, instead of only recommending them not to be undertaken as having potential impact on women's or child's health.

3.2 Programs

3.2.1 National Program for the Mother and Child

In June 2004 the Government approved the National Program for the Mother and Child.²⁶ The Program aims at improving the health of pregnant women and newborn children and decreasing the rate of their mortality by establishing a well-developed system of health care. Under the Program a number of tasks for the years 2004–2006

²⁶ Government Decision of June 16, 2004 on the Approval of the National Program for the Mother and Child, entered into force on June 20, 2004.

have been assigned to different health care institutions by supporting them with the financial resources from the state budget. Its implementation will be monitored by the Ministry of Health Protection.

3.2.2 National Program on Equal Opportunities for Women and Men

In June 2003 the Government approved the National Program on Equal Opportunities for Women and Men²⁷ for 2003–2004. This document was developed within the framework of the Government's Program for 2001–2003 (approved in 2001), which withheld the provision to ensure equal opportunities for men and women in seeking education, in improving their qualifications, in employment, promotion, providing pay; to enable women to participate on equal conditions in all areas of political and public life and prestigious activities, to occupy leading positions in public administration institutions. The Document also took into account the provisions of international and EU legal acts. Priority was given to the recommendations from the UN Committee on the Elimination of Discrimination against Women to the Government of the Republic of Lithuania on implementation of the provisions of CEDAW.²⁸

The Program is the main legal tool for setting equal opportunities of women and men in practice, that is, for transposing the legal framework into an appropriate National Action Plan. The document can be considered to be the first serious attempt to develop and apply gender mainstreaming strategy as a tool to monitor and improve the *de facto* situation of women in different fields of societal activity. It was the first legal document in Lithuania to provide a definition of gender mainstreaming. The latter concept refers to organization, reorganization, improvement, development and evaluation of political processes so as to incorporate the perspective of gender equality into all areas of politics, into all levels, into all stages and of all actors, normally participating in political activity, evaluation of any planned activity, legislation, strategies and programs in all areas and levels taking into consideration the impact of both women and men.

The implementation of measures in the following activity areas – employment, education, politics and decision-making, human rights, violence against and trafficking in women, health, environmental protection – as well as improving institutional capacity, legal basis and consolidating the implementation methods is financed from general allocations from the state budget approved for the ministries and other

²⁷ Government Decision of June 3, 2003 on the Approval of the National Program on Equal Opportunities for Women and Men, entered into force on June 7, 2003.

²⁸ Lithuania provided the Committee with its first periodic report in 2000. The Government approved the latest report to the Committee on November 3, 2004.

institutions which have been assigned to set measures in practice. When the Program was signed, financial support from international donors by means of co-financed projects as well as funding from the Structural Funds was also expected. The total allocations from the state budget for the implementation of the measures foreseen amounts to 727,000 Litas (about 211,000 Euros) for the years 2003–2004, which makes about 0.0013 percent of the GDP in 2003.

The Commission on Equal Opportunities for Women and Men was charged with the task to coordinate the implementation of the program. Responsibility for the measures was delegated to ministries in the field of their competence. The Ministries of National Defense and Transport were not appointed to implement any of the measures. The Commission has already presented the first progress report for the year 2003 in April 2004. The proposal is drafted to prolong the Program for 2005–2006 introducing some new activities and involving new actors, such as the Ministry of Defense. One may argue though whether the scope of activities planned is sufficient to make substantial difference.

Under the program, the following activities were already implemented in 2003 and 2004 by the responsible ministries:

3.2.2.1 Actions by the Ministry of Environment

The measures for which the Ministry of Environment is responsible are exclusively aimed at encouraging women's activists on the non-governmental level to undertake action in environmental protection, and be more visible in the processes of policy and decision-making. The Ministry has started to create the network of women's organizations willing to be involved in environmental projects. A round of seminars on environmental protection is being organized to women's NGOs in the counties. The publication of the methodological recommendations for women's organizations' action in environmental protection is under preparation. Once published, it shall be distributed mostly to women's rights activists on the regional and local level.

3.2.2.2 Actions by the Ministry of Foreign Affairs

The Ministry of Foreign Affairs was entrusted to initiate the ratification of the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and to amend Article 20(1) thereof. The ratification took place in June 2004. Apart from the National Program on Equal Opportunities the Ministry puts a priority on tackling the problem of trafficking in human being having taken part in a number of international activities on the question, providing support to victims of trafficking through channels of diplomatic and consular representation in foreign countries. The Ministry has financially supported the

mentoring project initiative of Lithuanian women's NGOs aimed at improving the entrepreneurship skills of Kaliningrad women.

3.2.2.3 Actions by the Ministry of Economic Affairs

In August 2003, the Ministry of Economic Affairs has organized a roundtable discussion for women entrepreneurs and women willing to engage in business, where existing obstacles to women's engagement were discussed. It is not clear whether the meeting has resulted in any sufficient outcomes. In general the vast majority of measures assigned to the Ministry were directed towards facilitating women's engagement in small and medium business. Lithuanian Agency of Small and Medium Businesses, instituted upon the initiative of the Ministry, places informational tips for women willing to start up their own business on Agency's website. Since 2003 the latter website publishes good practices of at least two women per month, having placed more than 30 experiences of women entrepreneurs on the web up to the date as well as regular statistical surveys on the situation of women in the business sphere. The Ministry has requested the business organizations and institutions providing support to small and medium businesses (in June 2004 there were 33 business information centers and seven business incubators in Lithuania) to record gender and age of their customers to facilitate the monitoring of equal opportunities for women and men. The forecasts made by the Ministry of Economy suggest that in 2004 seminars and trainings organized by the latter agencies will be attended by 15,500 women entrepreneurs.²⁹

The representatives of the Ministry have referred to the fact that the principle of gender equality is given a priority when administrating the distribution of EU Structural Funds. The public sector applicants are strongly encouraged to integrate gender perspective into their projects. Concerns though could be raised about the effectiveness of such measures in the face of a lack of gender equality experts within the ministries and evaluation committees, which suggests that no proper expertise to assess the impact on gender equality made by the implementation of the projects is available.

3.2.2.4 Actions by the Ministry of Agriculture

The Ministry of Agriculture was assigned to implement measures aimed at increasing employment of women in rural areas. In the form of seminars counseling was provided to rural women who pursue agricultural or alternative businesses or are willing to start one with an aim of informing them about the business possibilities offered by European integration. Twenty-three seminars in a number of municipalities, organized by the Association of Women Farmers and attended by more than 200 women, were

²⁹ Commission on Equal Opportunities for Women and Men, *2003 Report on the Implementation of the National Program on Equal Opportunities for Women and Men*, received from the Ministry of Social Protection and Labor.

allocated with sufficient funding from the state budget. Two additional seminars were organized to female leaders of rural communities. The Lithuanian Institute of Agricultural Politics is currently carrying out a survey aimed at investigating women's situation in rural areas as well as their opportunities to undertake profitable agricultural activity, which would increase their social and economic welfare. In cooperation with the Equal Opportunities Ombudsperson, the Ministry will include a course on gender equality into the seminars to local activity groups in the framework the EU Program called LEADER+.

3.2.2.5 Actions by the Ministry of Interior

The Ministry of Interior has mainly concentrated on the preparation of the amendments to the Criminal Code, introducing provisions to exempt victims of trafficking in people from liability for engagement in prostitution, illegal migration. The draft provisions were positively assessed by the Institute of Law and submitted to the Parliament. Upon the initiative of the Ministry the Act on Local Self-Government was amended to include gender equality principle among the basic principles of local self-government. Upon the initiative of the Ministry, persons entering the positions of the head or deputy head of a state institution are tested for their knowledge of the Act on Equal Opportunities for Women and Men, among other legal acts.

In 2003, upon the recommendation of the Ministry of Interior, the Lithuanian Institute of Public Administration, in cooperation with the Equal Opportunities Ombudsperson prepared an in-service training program for civil servants, called "Women, Men and the Management of the System of Public Administration." The program offered to public officials willing to improve their qualification includes the courses and lectures on the main concepts in the area of gender equality theory and practical implementation. The program mainly targets the heads of state institutions, those in charge of carrying out the programs of in-service training within their institutions as well as those involved in shaping personnel policies. Although the program is a step forward in raising gender sensitivity of public servants, it has not been too popular so far: in 2003, only 15 civil servants, men and women, participated in the program.

The Ministry has not yet provided proposals to ministries as regards supplementing ministerial regulations with the issue of equal opportunities of women and men, the measure which was foreseen for 2003. Currently the only ministry, the regulations of which explicitly refer to the principle of gender equality, is the Ministry of Social Security and Labor. As set in Ministry's Regulations the main tasks of the Ministry of Social Security and Labor include coordination of employment and social policy as well as the policy of equal opportunities for women and men in the field of ministries' competence and in relation to European integration of Lithuania. Moreover the Ministry coordinates policy of equal opportunities for women and men in all the other

activity fields. The Ministry of Justice will follow the principle of equal opportunities irrespective of sex when implementing the system of legal assistance.

3.2.2.6 Actions by the Ministry of Health

In the framework of the National Program on Equal Opportunities, the Ministry of Health delegated its functions to the Center of Public Health Promotion. Although originally planned for 2003, the Ministry postponed for one year the elaboration of recommendations of how to integrate gender mainstreaming into the qualification programs for primary health care specialists and training programs for physicians and nursing specialists. The activity is planned to be done in cooperation with the Ministry of Education and Science. The Ministry decided to include selective examination of cervix uteri and breast cancer into the National Program of Cancer Prevention and Control (2003). Hopefully, the latter activity will not be the only measure aimed at embodying gender specific tools into disease prevention programs. The Ministry has implemented certain awareness raising measures in the form of informational releases on people's health, the informational leaflet to rural women on sexually transmitted diseases.

In 2003, the Ministry did not support the projects of non-governmental organizations on reproductive health education matters as well as projects promoting healthy lifestyle as set in the Program referring to insufficient funding from the state budget. Financial support has been planned for 2004. In 2002–2003, upon the investigation of the Equal Opportunities Ombudsperson the Ministry of Health has amended several discriminatory Orders of the Minister as to apply equal terms of primary health examination to both women and men.

3.2.2.7 Actions by the Ministry of Justice

The Ministry of Justice has worked out the amendments to the Code of Penal Procedure aimed to provide for legal opportunities to isolate violators from the victimized family. The draft provision foresees a possibility to oblige the suspected violator to live separated from the family during the investigation procedure. The Government has already approved the proposed measures and submitted the draft law to the Parliament. The Ministry has not organized the planned seminar on violence against women and on the peculiarities of investigating such cases, referring to the lack in budgetary resources.

3.2.2.8 Actions by the Ministry of Finance

The Ministry of Finance was undoubtedly one of the main actors in the preparation of the Program on Equal Opportunities. However, no measures were assigned to this body within the framework of the Program. The questions of gender equality were considered when preparing the documents on the eve of Lithuania's EU membership.

The principle of equal opportunities for women and men was included into the Single Programming Document, and the representative of the Office of the Equal Opportunities Ombudsman took part in the drafting committee of the document.

3.2.2.9 Actions by the Ministry of National Defense

No measures under the Program of Equal Opportunities were assigned to the Ministry of National Defense. The Ministry did not undertake any particular gender mainstreaming measures on its own initiative, apart from the following in cooperation with the Office of the Equal Opportunities Ombudsperson. The course on equal opportunities for women and men is planned to be included into the curriculum of the General Jonas Žemaitis Military Academy next academic year, to facilitate gender sensitivity of the future military servicemen.

3.2.2.10 Actions by the Ministry of Education and Science

In 2003, the Ministry of Education and Science has set that all the programs for vocational training are available to both women and men. The Standards of the Basic Program for Comprehensive Schools and Comprehensive Education in Lithuania (August 2002) at some points draw the attention of teachers of societal sciences to the question of gender equality. One of the extra topics recommended for the lessons for elder pupils was to discuss what impact do social changes have on the situation of women and what are the opportunities of women in today's world and Lithuania. Under the Minister's Order,³⁰ school textbooks are to be assessed from the perspective of reflecting tolerance towards both sexes. In 2003–2004, according to the new standards of comprehensive education, the separated subjects of handy-crafts for boys and for girls were joint into the program of technological training, which further on includes developing the skills of entrepreneurship and is taught to both girls and boys. In 2003, the Ministry organized several seminars on gender equality in education for teachers, social educators and headmasters. Together with the Ministries of Education of other Baltic countries, the Lithuanian Ministry is a partner within the Baltic Cooperation Network of Women in Science and High Technology.

The preparation of recommendations on how to integrate the gender perspective into the training programs for lawyers, social pedagogues and workers, police workers and medics was postponed for 2004. Although foreseen by the Program on Equal Opportunities, no further developments were observed with regard to social guarantees to women with children who want to study for a master's or doctor's degree (as of 2002, social scholarships of approximately 35 Euros are given to those students who

³⁰ Minister of Education and Science Ordinance No. 452 of April 9, 2003 on the Approval of the Requirements Set for the Textbooks in Compulsory Education, entered into force on May 1, 2003.

raise a child alone or with an unemployed studying spouse; repayment of the study credit is postponed to those who are on maternity or child care leave). This suggests that no better conditions were created to increase the number of women scientists.

3.2.2.11 Actions by the Ministry of Social Security and Labor

The biggest share of the measures set in the National Program on Equal Opportunities was assigned to the Ministry of Social Security and Labor. Having itself been the main drafter of the National Program, the Ministry was actively engaged in drafting legal provisions, commissioning surveys, organizing seminars and roundtables, publishing informational materials during the implementation phase.

Following the recommendations of the Ministry, the Parliament ratified in June 2004 the ILO Convention No. 156 concerning Support for Men and Women Workers Who Have Family Obligations. In October 2003 the Minister of Social Protection and Labor issued the Recommendations for Employers and Employees to Apply Flexible Forms of Employment upon Their Agreement. In 2004, the Ministry also recommended including gender equality provisions into ministerial regulations. The ministries, however, have not yet undertaken any actions in this regard.

In 2003–2004, in cooperation with Women's Information Center, a non-governmental women's organization, the Ministry organized information seminars in a number of counties and municipalities on gender equality, employment and social security issues. Another cycle of seminars was aimed at informing municipal civil servants on gender mainstreaming strategies. On the initiative of the Ministry, three roundtable discussions with non-governmental women's organizations and other social partners were arranged. Specialists of territorial labor exchanges and labor market services were invited to participate in the seminars on gender equality in relation to employment services, organized by the Lithuanian Labor Exchange.

To facilitate the setting of gender equal pay in the private sector, a research on the causes and factors having an impact on wage differentials was commissioned in 2004. According to the preliminary data, some of the factors are: the structure of male and female employment, gender segregation of the employment market; professional composition; level of qualification. The whole research has not been published yet. Taking account of what has been revealed by the research, the Ministry of Social Security and Labor is preparing recommendations to the social partners on the assessment of jobs and categories, when setting remuneration.

In 2003, another sociological research was commissioned to explore the features of female participation in politics and decision-making. The data of the research, revealing a low interest of women in politics and their unwillingness to participate in political activities, was covered by mass media and raised public discussions on the

issue. Still this did not lead to any further actions of the Government to facilitate women's political representation.

The Ministry also devoted its attention to the issues of violence against women. A digest of tips for battered women has been issued and disseminated to municipalities throughout Lithuania. In 2004, non-governmental organizations will be given a chance to apply for the funding of projects on violence against women. 20,000 Litass (about 6,000 Euros) were allocated for this measure from the state budget.

3.2.2.12 Actions by the Department of Statistics

The Department of Statistics was entrusted with updating and improving the statistical database on women and men; updating the forms of statistical questionnaires and reports submitted to the Department by institutions and organizations as segregate incoming data by gender; to prepare statistics about rural and older women. The statistics on women and men is published on the website of the Department,³¹ the latest available is from the year 2003. In addition, the Department has compiled a list of gender sensitive statistical indicators, which it now uses in collecting the data. The institution still needs to make further efforts to collect and segregate by gender as much data as possible.

Further measures foreseen under the Program on Equal Opportunities for the year 2004 include drafting of legal acts establishing incentives for fathers to take parental leave and to share family obligations; issuing a collection of international documents on the matters of equal opportunities for women and men; organizing job trainings for older women; seminars in the counties on the opportunities of women in strengthening the local self-government; two seminars on violence against women and legal sanctions against the perpetrators; organizing two national conferences on women's role in politics and the actual changes of gender equality situation in Lithuania; conducting a survey aimed at defining the extent of social services needed by the victims of trafficking in people; and finally supporting projects of non-governmental organizations in the field of de-stereotypization of the mass media and the IT sphere.

³¹ See the Department of Statistics website at <http://www.std.lt>.

3.2.3 The Future of the Program of the Republic of Lithuania for Increasing Employment, 2001–2004

Gender equality aspects are integrated into the Program of the Republic of Lithuania for Increasing Employment in 2001–2004.³² As the Ministry of Social Security and Labor informed, the Program will be followed up by the National Action Plan on Employment, which by virtue of the European Employment Guidelines is already under preparation. Besides mainstreaming gender into all spheres covered by the Plan, it will also include special measures aimed at raising the employment of women. The Ministry has also reported that measures to reduce the social exclusion of women and men are foreseen in the draft of the National Action Plan on Reducing Social Exclusion and Increasing Social Inclusion for 2004–2006. The implementation of the Plan will be executed by a well-positioned Working Group, one of the members of which will be the Equal Opportunities Ombudsperson.

Aiming to facilitate small and medium-sized business activities, in July 2002 the Government approved the Strategic Guidelines for the Development of Small and Medium-Sized Enterprises³³ until 2004 and started to implement the Measures for the Development of Small and Medium-Sized Business in 2002–2004. One of the strategic aims set forth in the documents was to encourage more young, female and disabled individuals to undertake business activities. Measures planned to encourage female involvement included dissemination of information on good practices of businesses lead by women in the mass media and the portal of the Lithuanian Agency of Small and Medium-Sized Enterprises. Eighty-thousand Litas (approximately 23,000 Euros) were allocated to support Lithuanian businesswomen's participation in international mentoring programs in 2002–2004. Unfortunately no data is available on how many women have actually made use of the measure.

Taking account of the high unemployment rates among those who have several years to go before reaching the retirement age, the Ministry of Social Security and Labor initiated the Act on Prepayment of the State Social Insurance Retirement Benefits.³⁴ The Act, which was passed on November 18, 2003, introduced a right for those who are five years younger than the official retirement age and have paid state social insurance contributions for more than 30 years to receive their retirement payments in

³² Government Decision No. 529 of May 8, 2001 on the Approval of the Program for Increasing Employment in 2001–2004, entered into force on May 12, 2001.

³³ Government Decision of July 19, 2002 on the Approval of Strategic Guidelines for the Development of Small and Medium-Sized Enterprises until 2004 and Measures for Their Implementation, entered into force on July 25, 2002.

³⁴ Act on the Prepayment of State Social Insurance Retirement Benefits, adopted on November 18, 2003, entered into force on July 1, 2004.

advance. As the majority of people eligible to this form of pension are women, the legal provisions seem to provide a good tool for the improvement of women's situation. The worrying thing though is that by laying down the requirement for 30 years of work, the Act has set quite a high hurdle. Among those who have paid social security contributions for not less than 15 years, only those women are still eligible for the pre-retirement pension, who have given birth to and raised five children until eight years of their age and persons who have taken care of their disabled children for at least 15 years. Nevertheless, even this provision may prove to be indirectly discriminating women, since it is quite possible that a number of them fail to have worked for 15 years because of different family reasons.

In 2004, 10,000 people from among the employees aged over 55 years have benefited from the Employment Support Program of the Unemployed Who Are Over 55 Years of Age. The data is not available how many of these individuals were women. On June 18, 2004 the National Strategy on Tackling the Consequences of Population Ageing³⁵ came into effect, explicitly tracking the current situation of elderly people and setting the objectives targeting their poverty, employment, long-life education, life span and social services. The strategy takes into account gender differences and sets the indicators for assessment of progress segregated by gender. The document lacks explicit action plan though what may result in ineffective implementation of its provisions.

According to the 2003 national study *EU Impact on Lithuanian Municipalities in the Field of Social Policy*,³⁶ in 2001 in Lithuania, 0.12 percent of the GDP was allocated for active and 0.15 percent of the GDP for passive employment measures, which include incentives for people belonging to socially vulnerable groups to become employed (e.g. women). This was one of the lowest rates in Europe; eight times lower than the EU average.

3.2.4 Gender Budgeting

The possibility of gender budgeting has not been seriously discussed among the decision-makers in Lithuania. Despite the fact that draft decisions submitted to Government have to assess the impact of proposed legal provisions on equal opportunities for women and men, there exists a reasonable ground to believe that gender perspectives are not too often taken into account. Explicit research in this field is badly needed though. The current rules of drafting the state budget, their actual

³⁵ Government Decision No. 737 of June 14, 2004 on the Approval of the National Strategy on Tackling the Consequences of Population Ageing, entered into force on June 18, 2004.

³⁶ Algis Dobravolskas, Audronė Vareikytė, *The EU Impact on Lithuanian Municipalities in the Field of Social Policy* (Vilnius: Association of Local Authorities, 2003), p. 28.

application as well as the content of the budget needs to be duly investigated from a gender perspective. Moreover, when there are good practices in other countries, those have to be drawn upon.

Although some efforts were made, the Government has still paid too little attention to building incentives for the mass media to be more gender-sensitive, to overcome traditional stereotypes when portraying men and women and to work on modern images of both sexes, both in the public and the private life. Although proposals to the drafters of the Code of Journalistic and Publishing Ethics have already been submitted, the Code still fails to include incentives for mass media to apply non-stereotypical, balanced and multi-sided gender images. As the practice of the Equal Opportunities Ombudsperson reveals, failure to comply with the principle of equal opportunities when providing information has not diminished.

Although the Government has passed the National Program on Equal Opportunities for Women and Men (2003–2004) and approved its activity report for the year 2003, and other programs and action plans are in the process of implementation, further sustained efforts and integrated strategies are badly needed to overcome the social and economic challenges underlying discrimination on grounds of gender.

The process of European integration has given a big impetus to the implementation of various gender equality programs. A number of women's NGOs, public agencies and state institutions coordinate or participate in the projects in the framework of programs administered by the EU (PHARE, SOCRATES, INTERREG, and others). From May 2004, the Community Programs allow participation without paying the national participation fee, as Lithuania, being a full member of the EU now makes its own financial contributions to the EU budget. Lithuania had not officially expressed its wish to participate in the Program relating to the Community Framework Strategy on Gender Equality (2001–2005) before May 2004. Nevertheless the membership made it possible to participate in the Program on the same terms as the other Member States have.

The first Lithuanian application call for EQUAL was announced for July 2004. From all the themes available Lithuania chose the following priorities for the program: integration and reintegration of socially vulnerable groups into the labor market; reconciliation of family and work life as well as support to the refugees. Unfortunately there exists no aggregated data on the participation rates in various programs and the projects implemented by the state institutions as well as non-governmental organizations, therefore the overall activity and impact picture is rather scattered.

Despite positive developments in the field, the absorption of the European funds available to Lithuanian actors is still insufficient. First, the problems lie within the insufficient knowledge of a number of actors as to what kinds of European programs are available to them. Second, a serious obstacle to funding of the potentially good

project ideas is posed by insufficient skills of potential applicants in filling in the necessary documents.

Third, as the majority of the European funds are available only with at least 20 percent of national co-financing, the opportunity of receiving the resources closes down in the face of a lack of national funding. As interviewed civil servants have noted, the main problem lies not within the lack of resources, but within the lack of lobby for these resources to be allocated to the projects aimed at improving the conditions of vulnerable or socially excluded groups.

Moreover, the state has so far failed to establish appropriate mechanisms to make the financial flows easier and more corresponding to the rules of European institutions and programs. For example, the State Reserve Fund is open to a number of initiatives and could be a good source of national co-financing needed in a number of projects on gender equality. In spite of this, the procedure of acquiring the resources is very complicated and usually not beneficial to non-state actors. On the other hand, in case the actors succeed to get the funding from the State Reserve Fund, they have to spend the money before the end of the calendar year. This, in turn, makes it impossible to make efficient use of the resources acquired from the state budget in such a short period of time, since the project activities are usually planned for several years to come.

Besides, Lithuanian financial procedures do not take into account the fact that there is a sufficient amount of time between the submission of the application under the programs and its approval. That is, having received the 20 percent of national co-financing, the applicants still have to wait a reasonable period of time until their application is approved to start using the national and international resources together. In that way they may run short of time for using the national co-funding.

The fact that not all the applications are approved and provided funding by the European institutions may lead to a vicious circle. European institutions request the national co-funding to be acquired before the submission of the application. National authorities though want to have sufficient guarantee that the European resources will be allocated for the implementation of the project activities before they sign for national co-funding.

Fourth, the state institutions are used to rely on the allocations from the state budget and therefore are not too keen on drafting or taking part in the projects where resources come from international sources. This is to be attributed to a lack of needed expertise within the state institutions or, on the other hand, to the reluctance of the state actors to engage in new activities. This may pose a serious obstacle to broadening the scope of the actions undertaken in the field of gender equality, as participation of state institutions gives considerable weight and visibility to the projects under implementation.

The future EU Structural Funds assistance will largely depend on the *Single Programming Document* (SPD) of Lithuania³⁷ containing the strategy and priorities for action under the Objective One of Structural Funds for the years 2004 to 2006. The SPD as it is drafted among other issues prioritizes developing infrastructure for social needs and strengthening human resources. Although in the first stage of its drafting partnership was understood only to include Lithuanian state institutions and the European Commission, it was further on expanded to municipal authorities and socio-economic partners, who participated in the SPD Working Group and sectoral sub-groups, led by the branch ministries.

3.3 Involvement of Civil Society

In the field of gender equality, the activities of non-governmental organizations have reached significant achievements. Thanks to a non-governmental initiative in 2002, an internet website on gender equality issues³⁸ was created, explaining concepts relating to gender equality; providing for the main international and national legal documents; giving information on the developments in the field of gender mainstreaming, governance, employment and so on. The portal provides for a free discussion forum, which is quite actively used by women activists. It also maintains the database of non-governmental women's organizations. The Women's Information Center, the administrator of the website, claims that this portal is the first of its kind throughout the Central and Eastern European region. The website is an important tool for gender equality work, but there is still room for development: its quality could be improved, and could make more frequent references to the latest research and statistical data.

Important information on gender equality initiatives can also be found on the website of the Center for Equal Opportunity Advancement.³⁹ This organization has taken the initiative to create the database of persons who are engaged in gender equality activities and research.

A number of women's organizations implement the projects aimed at increasing women's IT knowledge. The most extensive project was signed by UNDP in Lithuania and the Ministry of Social Security and Labor and is administered by Kaunas Information Center of Women's Employment. The measures of the project among others foresee the establishment of computer classrooms in five local women's resource

³⁷ The Single Programming Document was approved by the Government on August 2, 2004 (Electronic English version of the document can be found at <http://www.finmin.lt>). For more on the SPD, see Annex to this report.

³⁸ <http://www.lygus.lt>.

³⁹ See <http://www.gap.lt>.

centers. Such computerized classrooms have already been functioning in a number of places around Lithuania, providing for computer literacy courses free of charge or for a relatively low fee.

The last independent report on women's economic, social and cultural rights in the Republic of Lithuania was presented by the Social Innovation Fund and Women's Issues Information Center in the Session of the Committee on Economic, Social and Cultural Rights (CESCR) on April 26 and May 14, 2004. The initial report and the later periodic reports presented to the CEDAW in 1998 and 2001, respectively, were accompanied by shadow reports prepared by the non-governmental women's organizations.

Despite the existence of a large number of women's NGOs active on both the national and regional level, implementing quite a few projects related to gender equality, their experience is poorly shared and is not accumulated in one source of information, which would undoubtedly be very useful when evaluating the scope of gender equality progress in Lithuania. It is essential that this kind of information would be placed on the web providing access to all interested actors.

4. RESEARCH AND STATISTICS⁴⁰

In 2003, the number of women in Lithuania accounted for 53.3 percent of the population (114 women per 100 men), and has been steadily increasing (from 52.7 percent in 1990). Despite constituting the numerical majority women still find themselves in a less beneficial position compared to that of men in many spheres of public and private life.

4.1 The Share of Women and Men in Science and Education

In 2003, 13.5 percent of women and 11.5 percent of men in Lithuania had acquired higher education. The number of women (20.9 percent) as rule exceeded that of men (17.5 percent) in terms of acquired higher non-university education. In 2002–2003, for every 100 male university students there were 145 female students. The latter growing trend has been obvious at all levels of education higher than vocational schools

⁴⁰ The statistical data used in this part of the report are provided by the Department of Statistics, mainly from its publication *Women and Men in Lithuania, 2003* (Vilnius: Department of Statistics, Government of the Republic of Lithuania, 2004).

since 1995. In vocational schools there were, on average, 67 female students for 100 male students.

The trend of women having higher education than men is similar across the urban and rural areas. Nevertheless, urban women are better educated than rural women: in 2002 15–17 percent of women in urban areas had higher education in comparison to six percent in the rural areas.⁴¹ In a decade the number of rural women who had higher education increased by 54 percent, the number of men increased only by 35 percent.

In 2003, female teachers represented 86.5 percent in primary schools, 67.4 percent in vocational schools, and 68.1 percent in colleges. At the highest level of education (at the universities) there were fewer women than men, 44.4 percent and 55.6 percent, respectively. Despite the proportion of women as educators, it is not them who determine the educational policy. There has never been a female Minister of Education and Science or a Rector of University. Headmasters at school and heads of departments in the respective ministry were mostly men.

Despite better rates of education among women, data reveals that they found it extremely difficult to go for a scientific career and acquire academic titles. In 2003, only 38 percent of the scientists were female, 14 percent among the *doctors habilitus* (10 percent of academic professors were women and 26 percent of the docents), 43 percent among doctors, and 18 percent among professors without scientific degree.

Gender segregation was obvious with regard to the chosen fields of education and science. In 2003, as well as in the previous years, female students dominated in the fields of education (83 percent), humanities and arts (76 percent), social sciences, business and law (64 percent), health and social care (89 percent). Science, mathematics and computing (52 percent), engineering manufacturing and construction (64 percent) were dominated by men. The only science field where women scientists comprised the majority was humanities (55 percent). Other scientific fields were dominated by men: social sciences (52 percent), technology (83 percent), and physical sciences (71 percent).

4.2 The Share of Women and Men in the Labor Market

According to the data of the Statistics Department of Lithuania, in 2003 women's employment rate has constituted 58.4 percent, remaining lower than that of men's (63.7 percent in 2003). A closer look at the five-year development reveals that men's

⁴¹ Statistical data on rural women and men were compiled by the Department of Statistics in 2003 in its survey *Women and Men in Lithuanian Villages*. The results have not been published yet.

employment rate fell by 5.3 percent, when at the same time the number of employed women has risen by 2.5 percent. As for 2003 the labor force activity rate of young women aged 15 to 24 was at least 22 percent lower than that of the young men's rate. As UNDP reports⁴² this differential could at least partly explain why women are more engaged than men in the tertiary level of education.

The case of the Russian financial crisis, which began in 1998, and its effects on Lithuania suggest that Lithuanian women are less sensitive to external economic factors, since as a social group they are traditionally more frequently employed in the public service sector which is not that much effected by fluctuations in economy. Another trend to be observed in this regard is that the female share in the total employed population was actually increasing during the time the Lithuanian economy was badly affected by the Russian financial crisis (50.9 percent in 2000). It started to decline though when the Lithuanian economy started to recover and stabilize (49.7 percent in 2002).

The data collected by the Department of Statistics for 2003 reveals that highly qualified women find it much more difficult to get employed than men of the same education. Among all unemployed persons who had higher university or non-university education women comprised 15.6 percent in comparison to 11.5 percent of men. There were 26.8 percent of women and 20.9 percent of men among those unemployed who have acquired vocational post-secondary education. Men dominated among unemployed who have lower education than the discussed.

Women in the agricultural sector face severe difficulties in finding employment. As the survey *Women and Men in Lithuanian Villages* carried out by the Department of Statistics revealed, 64.3 percent of rural women depend on some form of state social benefits (in the form of retirement benefits, 33 percent) or their family members (31.3 percent).

In September 2003, women accounted for 68.1 percent of the retirement age population.⁴³ Employment rate by age suggests that women face more difficulties to get employed after they reach the age limit of 50 years. Men's employment rate (58.2 percent) clearly exceeds that of women (46.7 percent) in the age bracket of 50–64. After they reach the age of 65, 7.3 percent of men are still employed in comparison to only 2.9 percent of women.

Due to this, it is natural that women, on average, are entitled to smaller retirement benefits than men: as they have worked for fewer years and received smaller average remuneration they have paid less social security contributions. Moreover, private

⁴² United Nations Development Program, *Disaggregated Millennium Development Goals. Report for Lithuania* (UNDP, April 2004), p. 49.

⁴³ Data provided by the Lithuanian Labor Exchange.

retirement funds, which started functioning in 2004, calculate with a longer life span for women than for men, and use different rules to calculate the retirement benefits. On average women will also benefit less from the private retirement funds because they work for a shorter period of time and receive less income. This again leads to a situation in which retired women are often dependent on men as family supporters. Then again, this leads to a feminization of poverty among the elderly people.

The analysis of the distribution of employed in the public and private sectors demonstrate that the number of women employed in the public sector exceeds by 1.8 times that of men in the public sector. In 2003, 64.2 percent of the employees were women in the public sector and 43.7 percent in the private sector. This may be explained by conventionally 'female activities', such as education, health care and social work, being a part of the public sector, where women comprise the vast majority of the employed. 'Male activities', such as construction, transport and others, as a rule, belong to the private sector.

Moreover, in 2002 there were 1.5 times more men among the self-employed (61.7 percent of men to 38.3 percent of women). The family members contributing to the self-employed activity were, however, mostly women (59.2 percent of women to 40.8 percent of men). The total number of the employers and the self-employed comprised 16.6 percent (12.8 percent women and 20.3 percent men) in 2002, and 15.4 percent of all the employed population in 2001. The trend shows that there are ever more people, both women and men, who undertake private activity in the labor market. Nevertheless, although gradually increasing, the number of self-employed individuals remains relatively low. Experts tend to attribute this mostly to the unfriendly legal and economic conditions.

Women tend to lead smaller firms as the survey *Sociological and Demographic Features of Business Leaders*, commissioned in 2001, reveals. Among the leaders of individual firms that did not employ any people, 44.4 percent were women and 42.9 percent were men, and the gap has been increasing. A rise in female share of owners and managers of small and medium-sized businesses which employ up to 50 persons is also observed. Commercial activities are equally popular between women and men, but gender segregation is characteristic within some sectors. Women tend to dominate hotel and catering business, in 2001 exceeding the number of men by 13.3 percent. Men are more active in transport, construction, renovation and technical care. Subsequent studies, surveying further developments, have not been commissioned or were not available to the author. There exists no data in Lithuania of how many women were given a credit for their commercial activities and what difficulties if any did they face when willing to get it.

The segregation of labor market is clear-cut from the table below. Having in mind the fields that women and men choose for their education, segregation of the labor market seems to be almost natural.

Table 1. Employed population by types of economic activities in 2003

Economic activities	Distribution by sex (in percent)	
	Female	Male
<i>Total</i>	49.5	50.5
Agriculture, hunting, forestry and fishing	40.2	59.8
Industry	50.4	49.6
Supply of electricity, gas and water	26.3	73.7
Construction	10.1	89.9
Wholesale and retail trade; repair of motor vehicles, motorcycles, individual and household appliances	52.0	48.0
Hotels and restaurants	81.3	18.7
Transport, storage and communication	24.3	75.7
Financial intermediation	64.8	35.2
Real estate, renting and business activities	49.9	50.1
Public administration and defense, compulsory social security	39.8	60.2
Education	79.3	20.7
Health and social work	85.6	14.4
Other community, social and personal service activities	61.4	38.6
Activity of private households with paid personnel	59.7	40.3

SOURCE: Women and Men in Lithuania in 2003 (Vilnius: Department of Statistics, Government of the Republic of Lithuania, 2004).

The percentage of employed men exceeds that of women among legislators, senior officers and managers of private enterprises. Skilled agricultural and fishery workers, craft and related trade workers, plant/machine operators are mostly men. Women constitute absolute minority in the armed forces. The latter numbers reveal that gender matters from a horizontal as well as vertical perspective to labor.

4.2.1 Gender Pay Gap

Although equal pay for equal work is strictly regulated by legislation, the pay gap constitutes another big discrepancy in regard to women's employment. As of 2003 it constituted 16.8 percent in the private sector and 24.8 percent in the public sector, despite the fact that women dominated in tertiary education. This wage differential is due to the fact that female-dominated activity fields of public sector (social care, education, etc.) are in general less paid than those dominated by men (energy, etc.). In 2003, women dominated in the sectors of health and social work (85.6 percent of all employed), education (79.3 percent), hotels and restaurants (81.3 percent). In these sectors the average monthly wages were lowest in 2003 and accounted for 976 Litas, 988 Litas and 782 Litas, respectively. Men dominated in the following sectors: construction (89.9 percent of all employed), electricity, gas and water supply (73.7 percent), transport, storage and communication (75.7 percent). In 2003, wages in these sectors were considerably higher, and accounted for 1,049 Litas, 1,505 Litas and 1,325 Litas, respectively.

Moreover the pay gap is due to vertical segregation of labor market, where men as a rule occupy senior positions. This can explain the discrepancy between the female and male pay in the same employment field. In 2003, women earned less than men in all the sectors covered by the data of the Statistics Department (the total of 14). The biggest pay gap could be observed in the financial intermediation sector: men on average earned 3,603 Litas per month, while women earned 2,138 Litas (the difference is 41 percent).

4.2.2 Part-Time Employment

Part-time employment in Lithuania is not yet popular, and the proportion to those working the whole day is not considerably changing, and it remains less than half of the EU average. According to the Statistics Department in 2003 13.3 percent of women and 8 percent of men were employed part-time. The small numbers in part-time employment are mostly due to the low average income of families. The legal guarantees provided to the part-time workers are not in any way discriminating in regard to those who are employed for the whole day.

Experts suggest that difficulties in the employment market faced by women are due to economic, social and cultural factors. According to a survey commissioned by Baltijos tyrimai (Baltic Surveys Ltd.) in 2002, 57.2 percent of men and 51.4 percent of women think that men should be the main supporters of their families. Moreover, among 17.8 thousand people who made use of child care leave in 2002, only 179 were men, constituting around one percent of the total. As thanks to prevailing stereotypes on

gender roles family responsibilities are mostly attributed to women, those of them who have small children or raise them alone find it extremely difficult to get employed. A survey titled *Business Employment of Women in Lithuania*, commissioned by the Lithuanian Agency of Small and Medium-Sized Enterprises, suggests that business-women are often countered with skeptical attitudes about their competence by male colleagues. Having less experience in the field they more often than men lack necessary business skills and have a worse access to information.

The latter figures imply that women are still battling the so-called *glass ceiling phenomenon*. It should be stressed though that tackling pay differential requires a multidimensional approach and cross-cutting through a number of spheres which raise gender equality concerns. Those are the increase in employment, reconciliation family and work, overcoming gender stereotypes and diminishing the vertical and horizontal gender segregation of the labor market.

The wages in the public sector are strictly regulated by setting a strict list of positions, granting each position a category and attributing certain coefficient to each of them to calculate the wage. This leaves little space for deviations in remunerations of female and male civil servants. In the private sector, however, the pay is usually set through the negotiation process, which suggests that wage gap often cannot be escaped as the agreement on wages is reached behind closed doors.

The first steps have already been undertaken to set the criteria for the concept of work of equal value. In reality there is no proper expertise within enterprises as well as officials supervising the implementation of the equal treatment principle in regard to one's remuneration as set in the legislation. Making the concept of the work of equal value operational requires additional studies, training of experts and stricter regulation of its application.

Considerable attention has been devoted to evaluation of the effects of EU integration and membership requirements on Lithuania, but only a few studies have been commissioned to deal with this field over the last years.

The national study titled *The EU Impact on Lithuanian Municipalities in the Field of Social Policy in 2003*,⁴⁴ initiated by the Lithuanian Association of Local Authorities, surveyed the impact that the adoption of the European Employment Strategy would cause on Lithuanian employment policy on municipal level. The study emphasized the importance of the gender equality goals, referring to the fact that women are still in a worse position in Lithuania than the EU average.

The conclusion that the national institutional and legal framework is not beneficial for the involvement of municipal authorities in the policy formation and drafting strategies

⁴⁴ Algis Dobravolskas and Audronė Vareikytė, *op.cit.*

related to EU membership is especially worrying, since this suggests that the exchange of information between national and municipal actors is not sufficient. This could prove to be a considerable obstacle for gender equality policy in the future. To track the potential of local authorities in implementing effective gender equality strategies, further research is badly needed.

4.3 The Share of Women and Men in Decision-Making

The under-representation of women is obvious on all the levels of governance, starting with the Parliament and ending up with municipal councils. The trends of parliamentary elections have not been too beneficial to Lithuanian women. There were 18 percent of women elected to the highest legislative body in 1996, the number though severely declined after the elections of 2000. A decrease in a number of women candidates (from 20.62 percent in 1996 to 18.25 percent in 2000) has led to only 10.6 percent of women elected to the *Seimas*. In September 2004, none of 14 Parliamentary Committees were lead by women, six out of the 15 Parliamentary Commissions had female leadership. The latest parliamentary elections in October 2004 have produced the biggest ever proportion of women in the Parliament: 29 women out of 141 MPs (20.6 percent). Presumably, the main factor influencing this result was that there were more women among the candidates. In 2004, 25.33 percent of the first ten positions in the party lists were occupied by women, in comparison to 10 percent four years ago.

The trends of participation of women in the legislative process have so far resulted in low regard to gender-sensitive issues on the decision-making level. In addition to this, women MPs are often not too active in making the gender perspective visible in parliamentary activities, and this raises not less concern than the low rate of women's representation.

Having become an EU member, Lithuania for the first time took part in the elections to the European Parliament in 2004. Regarding the share of women, the results were quite satisfactory: out of 13 MPs five are women, representing 38.4 percent. It is worth mentioning that women were mostly elected due to a higher rating given by the electorate, and not because parties have placed them high up on the party lists. Despite a remarkable representation of women in the Lithuanian delegation, women activists fear that this will not push discussions on gender issues forward, since none of Lithuanian MPs declared a wish to engage in the Women's Rights Committee of the European Parliament.

During the 14 years of independence Lithuania has only had one female Prime Minister, and the best record was to have three women out of 13 Cabinet members.

Currently women serve as Ministers of Social Protection and Labor as well as Culture. The former female Minister of Finance was appointed to the European Commission in May 2004. In 2004, a woman was appointed as the Lithuanian judge to the European Court of Human Rights.

In the presidential elections of 2004 there were two women candidates (from the total of five), and one of them has reached the second round of the elections. None of the female candidates have succeeded to the post though.

There were 20.6 percent of women elected to the municipal councils in 2002. Twenty-two percent of women elected to the municipal councils in 1997 was the biggest ever proportion of female participation. Out of 60 mayors of municipalities there are currently two women; eleven women serve as vice mayors; and eight women have been appointed to lead municipal administrations. 10 county administrations of Lithuania are almost exclusively led by men (nine men and one woman); women comprise of 23 percent of deputy heads of county administration.⁴⁵

One of the reasons for low representation of women in the decision-making bodies is a lack of their general interest in politics, as a recent survey *Public Opinion Poll of Lithuanians: Women and Politics* reveals.⁴⁶ As much as 89 percent of women responded negatively to the question regarding their participation in political activities referring to a range of reasons: more responsibilities in the family; tiredness of daily workload at home; women have less opportunities; they are not needed in politics; public attitudes (politics is a male issue); husbands do not allow women to undertake political activities. On the other hand, in many cases women themselves are not willing to engage in politics, they are not interested or have too little self-confidence, underestimation of own competence. Only seven percent of women were willing to participate in the work of political parties.

Among the survey's respondents, 41 percent believe that female political participation could be encouraged by fewer family responsibilities; bigger aspirations of women to seek a career; various incentives; agitation and male support; a change in prevailing stereotypes; and more respect to women. 34 percent of respondents favor quota in the party lists, most of them well-educated women with considerable income. 26 percent of the population object and 40 percent of the population has no opinion on the quota system. Even if 36 percent of the population claims the gender of a candidate to play no role in their voting behavior, 32 percent admit they would rather choose a man and 20 percent a female candidate.

⁴⁵ *Moterys ir vyrai Lietuvos apskrityse: Faktinė padėtis*, Socialinių inovacijų fondas (Kaunas: Dimeras, 2004).

⁴⁶ *Lietuvos gyventojų apklausa: moterys ir politika (Survey of Lithuanian Population: Women and Politics)* (Vilnius: Baltijos tyrimai, 2003). Available in Lithuanian at <http://www.gap.lt/tyrimai>.

The study also reveals that the general population still tends to consider some occupations to be more male (driver, builder, policeman, military serviceman, pilot, and politician) or more female (teacher, dressmaker, salesperson, doctor, preschool teacher, cook, secretary, and social worker). Almost 60 percent of the population claims political activity to be a male occupation, the latter opinion being especially frequent among respondents aged 15 to 29. It is also worth mentioning that among those who attribute political career to male occupations the majority are persons with considerably high income.

Those who claim that more women in decision-making would worsen the quality of governance (10 percent of population) ground their opinion on statements such as “women are weak politicians,” “they are led by emotions,” “they have too many family responsibilities,” “they are more apt to conflicts,” and “do not have sufficient experience in the field.” The latter opinion is shared by both women and men.

According to the data provided by the Ministry of Foreign Affairs there are 42 percent of women in the diplomatic service of Lithuania, employed in the Ministry of Foreign Affairs as well as by diplomatic representatives. Among the civil servants working in the same institutions women in total constitute 65 percent. No data has been articulated to provide a picture of vertical segregation in this field of employment. The latter numbers suggest that women find it difficult to become diplomats. Although research has not been done in the field, gender stereotypes could come as an appropriate answer.

The civil service sector is well dominated by women, they comprise 60 percent of all the employed. Despite this, 325 men are the heads of units as compared to 167 women. The difference between a number of men and women is also lower among the politically appointed civil servants, respectively 229 and 252. This indicates that gender proportions vary greatly depending on the level of administration. The Department of Statistics informed that in the highest level of officials (Level A: decision-makers) only 33.4 percent are women.

4.4 Sharing of Family Responsibilities

As regards the sharing of family responsibilities, Lithuania still maintains quite patriarchal attitudes towards gender roles: the majority adheres to a traditional model of family where a man is considered to be the main breadwinner and the main workload at home lies within a woman. This may not always correspond to the new societal trends though, as revealed by the survey on values and behavioral models of men, commissioned in 2002 by the Men’s Crisis and Information Center.⁴⁷ Although more

⁴⁷ *Vyrų vertybių ir elgsenos modelių tyrimas (Survey of Men’s Values and Behavioral Models)* (Vilnius: Men’s Crisis and Information Center, February 2002).

than half of respondents believe that in the vast majority of Lithuanian families men earn more, the real situation says that proportions are more equal – 40 percent of the main family supporters are men and 29 percent are women. For 72 percent of the population the main feature which every ‘normal’ man has to have is an ability to earn money, 67 percent stress the technical skills of men, 67 percent cite the financial support of their children and 66 percent the protection of their wives.

There are gender studies centers at a number of universities in Lithuania (Vilnius University, Kaunas Vytautas Magnus and Kaunas Technological University, University of Šiauliai, and others), which commission research on gender aspects in a number of spheres, e.g. culture, social life, media, and others since 1998. The research findings are published in both international and Lithuanian scientific press. A number of research projects have been commissioned by the Open Lithuania Fund, to examine and analyze the position of academic women in the Lithuanian and EU labor markets (2001)⁴⁸, and the crisis of male gender roles in Lithuania (2002).⁴⁹ The review of the situation of women scientists in Lithuania appeared in February 2004 along with an analysis of the situation in other new EU members in the survey commissioned by the European Commission.⁵⁰

Still, as Dr. Giedrė Purvaneckienė notices, gender studies are scattered, not extensive, they lack coordination and financial resources, they usually fail to make impact on decision-making as well as the work of civil servants and have little connections with women’s non-governmental organizations.⁵¹ The latter are rarely able to refer to the research data if they do not commission any by themselves.

⁴⁸ Alina Žvinklienė and Meilutė Taljūnaitė, *Akademinė karjera lyčių lygybės požiūriu (Academic career from a perspective of gender equality)* (Vilnius: Open Society Fund, 2002).

⁴⁹ *Vyrų vertybių ir elgsenos modelių tyrimas, op.cit.*

⁵⁰ European Commission, “Waste of talents: turning private struggles into a public issue. Women and Science in the Enwise countries,” (Brussels: European Commission, 2004), available at http://europa.eu.int/comm/research/science-society/women/wssi/publications_en.html.

⁵¹ Giedrė Purvaneckienė, *Lyties dimensija socialinės kaitos procese* (Gender Dimension in the Process of Social Change), available at <http://www.lygus.lt>.

5. KEY AREAS OF CONCERN AND RECOMMENDATIONS

5.1 Areas of Concern

As it can be seen from the analysis, although Lithuania has established quite a good legal basis in the field of gender equality, the legal acts stay at some points in discrepancy with the principle of equal opportunities for women and men. Still the biggest challenge for the success of gender equality policy is its efficiency in terms of scope, actors involved and mechanisms applied.

Currently there are ever more actors working on gender equality, still the activities of the institutions involved are rarely sufficient and often not efficient enough. The state policy has to acquire a more systematic approach to the issue of gender equality, which would be coordinated effectively between the institutions involved. This especially applies to the differences between bigger cities and rural areas, which often are much more stereotypical and often less informed. Despite the positive trends, only the first steps have been made in the direction of reconciling family and work life as well as in implementing gender mainstreaming principles. There is still no culture, unfortunately, of translating research into policy and gender equality is still not among the top priorities of the decision-makers. One of the reasons for this could be the fact that despite the bright scope of activities non-governmental actors working on gender equality cannot yet be depicted as a strong lobby group.

One of the main shortcomings of the existing gender equality mechanism is the non-existence of gender equality institutions on the regional or local level. These institutions are concentrated in the capital city and serious lack of communicating the policies to the local level can be observed. Even if the activities of institutions working on gender issues are visible on the national level and in bigger cities, they fail to reach the countryside. This finding is supported by data from the practice of the Office of Equal Opportunities Ombudsperson. During the last reporting period (2002–2003) 49 percent of complaints were filed by persons living in Vilnius, 28 percent of complaints came from Kaunas (the second largest city of Lithuania), and nine percent from Klaipėda (the third largest city of Lithuania). The Ombudsperson was not approached with complaints or notifications from the districts of Telšiai, Utena, Marijampolė, nor from the rural areas.

One of the reasons for this can be found in inappropriate information channels. Information on gender issues as well as the existing mechanisms to protect one's rights in case of gender discrimination, appear only in those printed media (national dailies) that are usually available to middle-class urban inhabitants and mostly civil servants.

Inadequate financial and human resources can also be considered to hamper an effective functioning of gender equality machinery. Moreover, state institutions which

do not directly deal with gender equality issues, such as the ministries, are not allocated with any financial or human resources for these purposes (apart from the national program on gender equality, which is discussed later in the text). Although under the Act on Equal Opportunities for Women and Men (1999), state institutions are obliged to draw up and implement programs aimed at assuring equal opportunities for women and men within the field of their competence, they would find it difficult to undertake any serious action of gender mainstreaming because of the lack of resources. Accordingly, state institutions have very limited means to provide assistance to the programs of public organizations which assist in the implementation of equal opportunities for women and men as required by the Act on Equal Opportunities for Women and Men.

The lack of data disaggregated by sex and age in many areas as well as gender equality research within certain fields within the competence of state institutions is to be viewed also as one of the major obstacles for establishing successful gender equality policies.

Links to civil society are in many cases insufficient. First, a lack of knowledge on gender issues, content of the legislation in this sphere and certain reluctance to pay regard to improving gender equality situation can be observed among decision-makers, governmental authorities and other state actors, namely the people who are in charge of observing and implementing the law. Second, not too many awareness-raising and sensitizing activities take place. Efforts in addressing mass media and general public have been undertaken by the Office of the Equal Opportunities Ombudsperson, a number of women's non-governmental organizations as well as other organizations working in the field of human rights. Still, they need to be of a larger scope, more frequent and efficient. Hot spots relating to discrimination are usually discussed among the interested groups themselves (women, etc.) and often do not take the form of broader public forums.

Observers have pointed out the need to involve and consult non-governmental organizations more closely in drawing up and implementing the measures aimed at improving the gender equality situation in the country. There is obvious evidence of the efforts the government makes to include civic society into the decision-making process, the degree of intensity of the dialogue varies and is often insufficient. One has to admit that the issues of gender equality make it relatively rare on to the agenda of social partners.

As can be obvious from the analysis of several national programs a number of actions overlap through several programs in that way diminishing the total amount of measures which are successfully implemented. Not all the actions foreseen in the programs correspond to the actual need of measures to be undertaken in terms of their scale, funding and efficiency. One could often get the feeling that actions are more striking on paper than in reality and they are not paid sufficient attention on the

governmental level. Moreover, the ministries having implemented the actions assigned to them by the National Program on Equal Opportunities for Women and Men rarely undertake additional actions or develop strategies in the field of their competence.

Measures implemented in the framework of the Program on Equal Opportunities in many cases give the impression to be more of a one-time nature instead of foreseeing planning continuous development of strategies and policies. Although no one could deny that the successfully implemented tools will have some long term result, more attention has to be paid to sustainability and regularity of their implementation. It has often been the case that the surveys carried out in one or the other field – although revealed major shortcomings – were not transformed into follow-up actions.

No measures were aimed towards the inner structures of the ministries or other institutions answerable to them. This may be regarded as a serious shortcoming since apart from the responsible people in the ministries other employees are not fully involved in the processes of improving gender equality. In that way, the Program of Equal Opportunities did not succeed to encourage the ministries to take into consideration the gender impact of the policies implemented by them. Moreover, the program did not encourage the ministries to evaluate their own structure from the perspective of gender equality and improve the situation if it in any way deviates from the principle of equal opportunities for women and men.

There is a certain concern that the actions implemented under the program do not always reach initial target groups due to insufficient attention paid by the ministry clerks, lack of information disseminated to the potentially interested actors or other reasons.

There were cases where the budgetary funding of certain measures foreseen in the Program on Equal Opportunities came in the last minute, thus aggravating the effective and sustainable implementation of those measures in practice. Some activities could not be funded at all, and this mainly refers to providing support to the projects of non-governmental organizations. Although a number of activities are implemented in close cooperation with non-governmental organizations, state institutions should make bigger efforts to involve civil society in the process. The *Independent Report on Women's Economic, Social and Cultural Rights in the Republic of Lithuania*, prepared by several non-governmental organizations, claims that the involvement of NGOs in implementing the Program on Equal Opportunities for Women and Men was very low and organized not on a strategic basis but rather occasionally.⁵²

Most parliamentary parties did not devote much attention to gender equality problems in their programs (including the election programs), and this has not changed

⁵² Liudmila Mecaževa and Jūratė Šeduikienė, *op.cit.*, p. 2.

considerably over the last years.⁵³ Few of the analyzed parties spoke of gender equality as a priority, and even if they did so this sounded more like formality, since no concrete steps were foreseen to move from equality of rights to equality of opportunities. Without an explicit reference to equal opportunities for women and men, the parties paid attention to social and employment problems, low wages in the sphere of education and social care, stressed the problems faced by young people, promised to fight unemployment and be more socially just towards elderly people.

A number of them referred to 'family values' as the most important pillar of the successful development of the state, remaining very traditional and even patriarchal in their values. The Lithuanian Christian Democrats said that "woman's work at home for its importance to the family and the public has to be equally valued as the other spheres of activity." The Conservatives referred to commitments to a strong marriage-based family and warned of the trend that children are being born out of marriage bonds.

No party has proposed gender mainstreaming strategies and all of them were absolutely reluctant towards any positive measures or quota to improve the situation of women. No wonder that party values and priorities were considerably reflected in the parliamentary activities of 2000–2004. The Social Democrats were the only political party to have introduced the system of two-thirds of one sex quota to ensure the principle of equal representation of women and men in the party bodies and electoral party lists.

One has to admit that the process of European integration has been a good catalyst in the progress in the field of equal opportunities. It has not only given the incentive to a number of interested actors to push for action, but has convinced the decision-makers in a need to pass a number of legal provisions in order to align Lithuanian law to *acquis communautaire* which has been a vital condition to be admitted to the EU. The parliamentarians had to pass certain legal acts if not for the sake of Lithuania's citizens, since the expertise on gender issues is still rather limited in the decision-making layers, then for the sake of European integration. The supremacy of the EU legislation gives hope that further actions in the field of gender equality will be successfully undertaken.

⁵³ A 1997 study by Dr. Giedrė Purvaneckienė, titled "Problems of Gender Equality in the Political Life of Lithuania," revealed that none of the ten analyzed political parties mainstreamed equality into all spheres of public life. Four of them did not present a clear position on women's or equal opportunity rights. Two parties paid a great deal of attention to family questions, attributing women mainly to the family sphere. And only four parties formulated a clear position on gender equality in their election programs.

5.2 Recommendations

5.2.1 Legislative Measures

- The existing legal acts should be amended and supplemented to achieve their full harmonization with the requirements of the EU law in the field of gender equality.
- The retirement age should be set the same for both women and men.

5.2.2 Institutional Mechanisms

- The state institutions and the social partners should have a serious discussion on the possibility of introducing gender equality planning in their organizations and the monitoring of these activities should be allocated to the Office of the Equal Opportunities Ombudsperson. A survey should be initiated aiming to prove the acceptability of such a measure in Lithuania.
- An expert on gender equality should be appointed in every government ministry, as well as in every county and municipality administration.
- The Commission on Equal Opportunities should be strengthened by an administrative staff in order to give its activities more weight, visibility and effectiveness.
- The institutions within the gender equality system should develop better coordination mechanisms by establishing better information channels, fora, and roundtables.
- Cooperation between the social partners should be intensified by organizing regular roundtables and initiating mutually engaging activities (the legal framework is provided for by the Labor Code; this recommendation has simply to be implemented in practice).
- In the state budget, necessary funds should be earmarked to provide the state institutions working in the field of gender equality with sufficient human and material resources to implement their tasks effectively.
- Various mechanisms should be established to enable an effective implementation of Article 3 of the Act on Equal Opportunities for Women and Men (which obliges state institutions to provide assistance to the programs of organizations aimed to assist in the implementation of equal opportunities for women and men).

5.2.3 Policies and Programs

- A methodology for assessing jobs in terms of the principle of ‘equal pay for equal work and the work of equal value’ should be developed.
- University programs and other curricula should be developed to train specialists on gender issues in order to avoid the risk of employing incompetent people in gender expert positions.
- A center or think-tank for researching the legal, economic and social aspects of gender issues should be established and it should be provided with matching funds from the state.
- European programs on gender equality should be able to request national co-funding. Their situation should be reviewed and, if necessary, a separate national fund should be established for these purposes. The Ministry of Finance should be encouraged to review the existing rules for budgetary allocations and to adopt them to the requirements raised by the European programs.
- The Ministry of Finance should be encouraged to undertake the initiative of developing methods for gender responsive budgeting; possibly in cooperation with experts from the Nordic countries.
- National funding should be allocated to the non-governmental initiatives in the field of education and de-stereotypization of the public sphere, in order to change gender attitudes reflected in the mass media.
- Appropriate incentives should be created to attract male employees to preschool and primary education.
- The number of women scientists should be increased by means of orientation in education institutions.
- New national measures aimed at easing the reconciliation of family and work should be developed, for example, by introducing the institution of ‘father’s month’ with regard to childcare leave.
- Representatives of non-governmental organizations should be trained on how to participate effectively in European gender equality programs and how to make better use of the Structural Funds.
- Gender equality programs should be included in the curricula of education institutions, and gender issues should be taught in the training of teachers.
- Career counseling services should support women in pursuing atypical occupations.

- In rural areas, the establishment of women resource centers should be encouraged in order to provide rural women with necessary assistance.
- The gender stereotypes appearing in school textbooks should be reassessed and programs for eliminating them should be developed.
- Methods should be developed to encourage women to take a more active part in political parties and NGO policies.
- The network of NGOs working in the field of gender equality should be strengthened in order to develop an effective and powerful lobby group in the field of equal opportunities.

5.2.4 Awareness-Raising

- The employees should be informed more effectively of the rights they have in negotiating flexible forms of labor. The *Recommendations for the Employers and Employees to Apply the Flexible Forms of Labor Organization upon Their Agreement* should be understood and implemented by the social partners through initiating, among other means, awareness raising activities.
- The websites of gender equality institutions should provide sufficient information on gender equality policies, and these sources of information should be used as valuable tools in raising the awareness of the public of gender issues.
- The visibility of gender issues should be increased in the public sphere by means of broad awareness-raising campaigns.
- Gender sensitivity-raising programs should be created in order to disseminate knowledge on gender equality policies and gender mainstreaming among civil servants and to develop effective methods of their implementation.
- The project experience and ongoing activities of the NGOs should be accumulated in one central directory and this source of information should be made accessible through the internet.

5.2.5 Research and Statistics

- Research should be commissioned on the current status of women entrepreneurs, including their opportunities to obtain credit for starting their businesses; appropriate measures should be undertaken to improve the possibilities of women to get more active in private business.

- It is necessary that the coordination between the various scientific research projects in the area of gender equality is made more effective in order to create an accessible directory of ongoing researches. Their results should be effectively disseminated to the competent state bodies so that the research findings could be transformed into public policies.
- Research should be initiated and commissioned to survey and assess the attitudes of the political parties, decision-makers, and high-ranking state officials towards gender equality issues and policy implementation.
- Institutions and organizations should be obliged to collect and analyze gender-segregated statistical data related to their activities: e.g., the number of childcare leaves, part-time employees, and so on.

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Informational Portal for Women, at <http://www.lygus.lt>

Lithuanian Labor Exchange, at <http://www.ldb.lt>

Lithuanian Development Agency for Small and Medium-Sized Enterprises, at <http://www.svv.lt>

Ministry of Social Security and Labor, at <http://www.socmin.lt>

Seimas of the Republic of Lithuania, at <http://www.lrs.lt>

Annex 3.2 Further Programs: Single Programming Document (SPD)

Enhancing equal opportunities, together with the development of informational society and ensuring sustainable development, is among the three horizontal priority areas (themes) within the Single Programming Document (SPD). This means that measures in all five priority areas, chosen by the Government, will have to pay consideration to improving the gender equality situation and assess the gender impact of the implemented measures. Having reviewed the *de facto* gender equality situation, the document goes on to refer to the significance of National Program on Equal Opportunities for Women and Men. SPD stresses the importance of gender mainstreaming when implementing the programs across all areas of SPD, aims at securing equal opportunities for socially excluded groups to take part in different measures and receive support from the Structural Funds.

To monitor the mainstreaming of equal opportunities across all measures and activities, the Single Programming Document has set the following indicators:

1. Number of beneficiaries trained at the end of activities: male/female (output should be traced by collecting data from the projects);
2. Number of gross jobs created: male/female (result should be traced by collecting data from the projects);
3. Increase in female labor force activity (impact to be established from the official statistics); baseline: 65.9 percent female labor force activity rate in 2001.

Gender equality is set to be preserved by forming and participating in the activities of the Monitoring Committee and other strategic groups of SPD.

It is relevant to provide at least a general picture of the aspects of gender equality stipulated under the priorities of SPD. Within the first priority – *development of social and economic infrastructure* – gender mainstreaming is to be applied through special attention to provision of infrastructure, favorable for women's SMEs, improving equality of both genders in relation to health care infrastructures, development of transport infrastructure, equal access to education, vocational training, research and study as well as social infrastructure.

In *developing human resources*, set as the second priority, gender should be mainstreamed throughout the measures, particularly stressing the improvement of women's position in the labor market, by introducing new forms of work organization such as various flexible working practices, overcoming gender stereotypes, preventing social exclusion of vulnerable groups. Among others, specific attention should be paid to older women and those who return to employment after a longer break, giving the priority to improving knowledge and skills of those women. SPD seeks to encourage

the participation of women in science and education institutions. The Community Initiatives Program EQUAL supports actions meant to develop and pilot measures for improving reconciliation of family and professional life and creation of opportunities for making an interval in the professional career and support in returning into the labor market.

When implementing the third priority – *developing the productive sector* – a special focus shall be placed on preventing the exclusion of women from the knowledge society and encouraging women to use informational technology, especially in the rural areas, supporting the launching of SMEs managed by women, raising gender sensitivity and maximizing employment opportunities of women in rural areas by means of promoting tourism.

Environmental sustainability is attached to gender equality within the fourth priority: *developing rural communities and fisheries*. The importance of women's contribution to management and the use of natural resources, potential and agricultural activities, especially the non-traditional ones, including ecological agriculture is acknowledged.

The fifth priority of SPD – *technical assistance* – is aimed at improving the administrative capacities of the institutions monitoring the implementation of the document and distribution of the Structural Funds' resources as well as raising public awareness on the possibilities to acquire assistance. Although the gender equality principle is not explicitly mentioned in defining the priority, it is important that women and men gain equal training of their management skills.

The evaluation of the project applications follow the selection criteria approved by the Monitoring Committee and the rules established by the Intermediate Body concerned. As stated in the Annex of the SPD, if sufficient attention is paid to the horizontal themes, including equal opportunities, in foreseeing the activities of the project, it could facilitate the selection of the project to be financed. Positive impact on gender equality, creation of new jobs and maintenance of the old ones are cited as particularly important evaluation criteria. The fact that the details on the absorption of the resources from the Structural Funds will be recorded gives hope that it will be possible to make substantial conclusions on the process from the gender perspective.

Equal Opportunities for
Women and Men:
Monitoring law and practice
in new member states and
accession countries
of the European Union

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WHAT IS THE SITUATION IN LITHUANIA?

The Law on Equal Opportunities for Women and Men was amended several times between 2002 and 2004 to ensure that it complied with relevant EU Directives. Despite positive changes in the field of gender equality legislation, the law is still not completely aligned with the *acquis communautaire*.

Established in 1999, the Office of the Equal Opportunities Ombudsperson is one of the key institutions on gender equality. The Ombudsperson can investigate complaints on gender discrimination and sexual harassment, start investigations at its own initiative, and submit recommendations and proposals to the Parliament. In November 2003, the new Law on Equal Treatment was passed to ensure the right of persons to address the Ombudsperson in cases of discrimination on grounds of age, sexual orientation, disability, racial or ethnic origin, religion or belief.

In November 2004, the Law on Equal Opportunities of Women and Men was amended to grant victims of sex discrimination the right to claim compensation for moral or material damage incurred under the procedure provided for in the Civil Code.

Among other state initiatives, a two year-long National Program on Equal Opportunities for Women and Men was launched in 2003, introducing the concept of gender mainstreaming for the first time in any legal act. Unfortunately, the Government did not approve the extension of the Program for 2005-2006.

European integration has acted as a catalyst for implementing various programs on gender equality, and a number of women's NGOs, public agencies, and state institutions coordinate or participate in programs administered by the EU.

WHAT DO THE FACTS SAY*?

- As of 2003, the gender pay gap was 16.8 percent in the private sector and 24.8 percent in the public sector, despite the fact that women were predominant in tertiary education;
- In 2003, women figured predominantly in the sectors of health and social work (85.6 percent), education (79.3 percent), and the hotel and restaurant industries (81.3 percent);
- In 2003, women earned less than men in all sectors covered by the data of the Statistics Department;
- In 2003, men made up only 1 percent of all persons who made use of their right to parental leave.

* Sources of data: *Lithuanian Country Report* (prepared as part of the report: *Equal Opportunities for Women and Men: Monitoring law and practice in new member states and accession countries*, available at www.gap.lt); the Social Insurance Fund of Lithuania; and the *Annual Report of the Office of the Equal Opportunities Ombudsperson, 2004*.

DISCRIMINATION AGAINST WOMEN

“Discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

(Convention on the Elimination of All Forms of Discrimination Against Women, Article 1.)

THE EU'S COMMITMENT TO GENDER EQUALITY

“The EU has a long-standing commitment to promoting gender equality, enshrined in the Treaty since 1957.

The Community legal framework ensures that women and men are equal before the law. [...] Moreover, equal treatment legislation is a firmly established integral part of the *acquis communautaire* that countries applying for EU membership have to respect.”

(Community Framework Strategy on Gender Equality (2001-2005), Introduction; http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm)

THE ACQUIS COMMUNAUTAIRE

“The *acquis communautaire* is the body of common rights and obligations which binds all Member States within the European Union. It comprises Community law, all acts adopted under the second and third pillars of the European Union and the common objectives laid down in the Treaties.”

(http://www.eu2005.lu/en/savoir_ue/glossaire/glossaire_a/index.html#Acquis%20communautaire)

WHAT DO THE EXPERTS SAY?

- There have been significant improvements in the field of gender equality law in Lithuania, but further action is needed to facilitate faster changes in opportunities for women and men de facto;
- Gender segregated statistics reflect an unsatisfactory situation for both women and men. Women are still largely under-represented in decision-making, they receive less pay and are more subject to violence. Both women and men remain limited in their choices due to prevailing gender stereotypes.

WHAT NEEDS TO BE DONE?

- Lithuanian legislation must be brought fully in line with the requirements of EU Directives;
- Gender equality machinery needs to be strengthened and provided with better gender equality expertise. Gender mainstreaming strategies need to be documented, implemented by a greater number of actors and effectively monitored;
- Existing gender equality policies must be made sustainable and new policy initiatives need to be developed. Gender equality programs need to be implemented more effectively and greater in scope;
- Institutions and organizations should be obliged to collect and analyze gender disaggregated data related to their activities;
- The state must support non-governmental efforts aimed at improving gender equality in Lithuanian society;
- Attitudes in Lithuanian society remain traditional and uphold gender stereotypes. Awareness-raising campaigns therefore need to receive proper attention from the state, for example in terms of funding;
- Educational programs should be developed to train lawyers, political scientists, social workers and other specialists on gender issues.

DID YOU KNOW:

By 2003, the Equal Opportunities Ombudsperson had investigated 218 complaints and conducted 53 investigations at her own initiative. In 2004, the Ombudsperson received 57 complaints and started 17 investigations on her own initiative.

MORE INFO:

www.gap.lt; www.lygybe.lrs.lt; www.lygus.lt; www.std.lt