

Limits of Europeanization: marriage, family and reproduction policies in Lithuania

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Abstract

This paper will address the resonance of EU frames with Lithuanian ones in the field of intimate citizenship in order to analyze the limits of Europeanization as a process of adoption and internalization of the EU rules and shared norms in the domestic context.

Family and marriage issues and reproduction matters are considered to be strictly “private” and under national legislation. The national policy makers converge the traditional family ideals, heteronormativity and patriarchal power relations to the unique value system of Lithuanian national identity, and therefore strongly opposes to gender and equality policies. Though leading women’s NGOs employed number of mechanisms to mobilize public opinion and transnational advocacy voices, including the EU, to change the traditional family policy agenda, the policy outcomes have not demonstrated the effects of Europeanization in terms of process of adoption of enhanced gender equality norms, rules and beliefs.

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Introduction

The research on Europeanization in old member states suggests a number of strategies to explore the effects of Europeanization in the member state’s national arena and controversies of domestic implementation that follows the formal adoption of the EU directives (Schmidt and Radaelli, 2004). Ulrike Liebert (2003) pointed out that the studies on Europeanization shifted from the legal approach that explored the EU’s judicial politics as the only legal tool to harmonize national legal system. Rather they focused on economic structures, political institutions, societal patterns and cultural values. The state can follow five different devices such as “stubborn resistance”, “compliance”, “domestication” transformation” and “innovation” as different ways of responding to EU norms. (Liebert, 2003). Some researchers particularly focus on the role of actors in the concrete translation of the Europeanization and the motives of action in order to highlight the mechanisms that induce the change in the domestic context (Jacquot and Woll, 2003). In the areas where the EU’s influence is indirect, Europeanization could be achieved through the pressures that domestic groups bring to bear on their government. Studies on policy responses to domestic violence, for example, show the impact of Europeanization processes on this policy field where the EU has limited influence but has a common set of norms established for the EU through soft laws (Krizsan and Popa, 2008, Kantola 2006, Montoya 2008). Schmidt and Radaelli (2004) added the pluralistic discourse analysis in the research on Europeanization which help to identify the process

of "policy learning", explain the policy adjustment process and show the institutional obstacles and cultural barriers to change.

Emerging research on Eastern enlargement has shown the top-down development to analyze the Europeanization in terms of positive impacts and results on adjusting EU legislation (*acquis*) and institutional frames to domestic policies (Schimmelfennig and Sedelmeier 2005). Ulrich Sedelmeier (2006) has argued that academic research assesses the Europeanization of candidate countries either by measuring the EU's impact at the domestic policy level or by focusing on different EU strategies and its impact on domestic factors policies (Sedelmeier 2006). New EU members have been expected to fully incorporate the EU directives in their legal systems. Europeanization of candidate countries was based on conditionality of accession and the candidate countries had to adopt the instruments provided by the EU in the integration process. In fact, the candidate countries were preoccupied with complying to the rules rather than in making of rules (Falkner and Treib 2008). This highlights the pressures of the EU on the candidate countries to adopt the rules and obtain the membership promises if these rules were successfully transposed to the domestic context. The failure in this process might significantly slow down or even stop the progress of integration process (Falkner and Treib 2008, Sedelmeier, 2006, Maniokas 2004).

However, research on the Europeanization of new member states after accession is limited and particularly in the field that usually falls outside the boundaries of hard legislation or normative rules. Falkner and Treib (2008) argued that the findings that conditionality as an external incentive was the key mechanism that led to the adoption of the EU rules by the candidates makes the question of post-accession compliance more salient. The EU as an external actor performed the control during the negotiation phase, but after accession different dynamics might be expected (Sedelmeier 2006, Falkner and Treib, 2008). According to Schimmelfennig and Sedelmeier (2005), adoption of EU rules and norms employs three major mechanisms, namely external, behavioral and discursive. While in the pre-accession process the external and behavioral mechanism most often are employed, the discursive approach suggests the analysis of conflicting and resonating aspects of internationalization of EU norms in the domestic context. What happens after a state accepts and institutionalizes international agreements with norms intended to improve gender equality? How do domestic actors interpret the meanings of the norms identified in the documents? To gain insight into these questions, research traces on how European norms were integrated into the body politics and how they entered related public debates. This paper analysis the emerging discourses, sources of resistance, and social practices related to these norms in Lithuanian context and shows the resonance between national member state's beliefs values and norms on safeguarding traditional

family and national culture and the EU's norms and values on gender equality and equal opportunities .

In Lithuania it is hard to demonstrate that Europeanization as a process of adoption and internalization of EU rules and shared norms on gender equality and equal opportunities has been adjusted in the field of intimate citizenship after EU accession. Norms prohibiting discrimination based on gender, age, disability, ethnicity, race, religion, and sexual orientation were introduced and incorporated into legislation during the process of Lithuania's accession to the EU (1995-2004). Nevertheless, this formal adoption of EU rules has not been followed by the adoption of similar norms at discursive level. EU values on gender equality and equal opportunity policies in local interpretation by Lithuanian national policy actors shifted towards traditional family values and heterosexual normativity after the joining the EU in 2004. The traditional national cultural values and norms have received official state backing since 2006. The situation only worsened after Parliamentary elections in 2008, when the political block composed of the Conservative Party and Christian-Democrats won the majority votes in the Parliament and articulated the social policy agenda in terms of the support of the traditional family, institute of heterosexual marriage and protection of prenatal life values.

Intimate citizenship in QUING research is understood as policy discourses on state's regulation of family, marriage and reproduction (QUING D15: LARG research guidelines). The set of norms and values in regard to family matters, marriage, and reproduction that are not issues of employment and economic growth are considered to be strictly "private" and under national legislation (Vega et al 2008). Thus, gender equality norms under the "private" domain were not directly affected by European norms and practices. Rather family, marriage, and reproduction became central to the ethnocentric, national policy discourse that opposes to EU norms on gender equality and non-discrimination of minority groups. In Lithuania, national policy makers combine traditional family ideals, heteronormativity, and patriarchal power relations with the unique value system of Lithuanian national identity and, thus, strongly oppose gender and equality policies. Any diversity of family forms and choice of control over fertility is often interpreted as a threat to the Lithuanian nation and statehood. As a result, the policies on family in Lithuania discriminate against cohabitating heterosexual and homosexual couples, stigmatize single mothers, deepen poverty of single parents (usually single mothers and divorced women), and limit women's access to reproductive health. Though leading women's NGOs employed a number of mechanisms to mobilize public opinion and international advocacy voices, including the EU, to change the traditional family policy agenda, policy outcomes have not been affected by Europeanization in the adoption of enhanced gender equality norms, rules, and beliefs.

The analysis of policy discourses on family and reproduction is based on empirical material used in the QUING research project, applying critical frame analysis approach. Critical frame analysis suggests an in-depth analysis of the different dimensions of a policy discourse (Verloo & Lombardo, 2007:31). In QUING project we referred to Verloo's proposed "policy frame" analysis that is defined as an "organizing principle that transform fragmentary or incidental information into a structures and meaningful problem, in which a solution is implicitly or explicitly included" (Verloo & Lombardo, 2007:33). This scheme helps to identify the set of policy ideas and values about the traditional and nontraditional relationships and sexuality and the shaping the gender and equality policy process in the sphere of intimate citizenship. The paper covers two sub-issues identified in QUING research project: Divorce, marriage and separation and Reproduction rights. Analysis of legal acts, national programs, policy debates in the parliament and civil society voices on family policy and reproduction in Lithuania suggests very wide range of different understandings and interpretations of the concept of gender equality by various actors.¹ Considering the different interpretations of gender equality in policy-making, frame analysis allows to grasp the inconsistencies of policy discourses. As it will be shown below, the scope of interpretations sways from gender equality as something alien for Lithuanian culture (conservative voices) towards the international human rights standards (women's civil society voices). Critical frame analysis of policy discourse on intimate relationships in Lithuania allows analyzing the main structures in which gender inequality is maintained and reproduced by local policy actors who provide their own interpretation on EU norms. This approach helps to reveal the range of culturally framed rules which are embedded in the national policies and affect the national policy-making which could reverse the values and norms of the EU

The next chapter of the article will briefly introduce the EU frames in the field of intimate relations. The last chapter will cover the framing of gender (in) equality policies in Lithuania, showing frame resonance in the national policy discourses in the field of intimate citizenship.

¹ Deliverable No 36. LARG Comparative Study: Lithuania and the EU.

Framing gender and equality policies in intimate citizenship in the EU²

The QUING research on the EU has suggested that the major topic tackled by the EU policies in issue of intimate citizenship covers the antidiscrimination policy on the basis of sexual orientation. Referring to the institutional mechanisms the QUING research provided the number of laws and legal instruments that questions of equality and non-discrimination against sexual orientation have been dealt with successfully. The reference to the policy frames produced by various actors, however, shows the critical approach to deal with the issues of intimate relations in the EU.

The article 13 of the Amsterdam treaty and Directive 2000/78/EC (Employment Equality Directive) and 2000/43/EC (Racial Equality Directive) represent major transformation as they extend the scope of the antidiscrimination policy to grounds other than gender (including ethnicity/race, sexual orientation, disability, age and religion). These binding legislative documents specifically extend the grounds of inequalities on which national laws must be applied. The Racial Equality Directive 2000/43/EC prohibit discrimination on the grounds of race or ethnic origin not only in employment but outside of the labor market. Education, social protection and access to goods and services, including housing, were introduced in the law. It also allows for positive action measures to be taken, in order to ensure full equality in practice and prohibits harassment. In many aspects, this directive is more complete and stronger than the sex discrimination laws, a fact that provoked considerable criticism from women's organizations and pressure to widen the scope of sex-based antidiscrimination measures. Directive 2000/78/EC on equal treatment in employment and occupation is very similar to the one mentioned above but extends the prohibition of direct or indirect discrimination to the grounds of belief, disability, age or sexual orientation. This law does not enlarge the scope of the prohibition beyond the employment so, in many senses, it fails to tackle the fight against discrimination in other fields. The QUING research has emphasized that the adoption of the Treaty of Amsterdam, Race Equality and Employment Equality Directives greatly improved the protection measures in the field of antidiscrimination against sexual orientation and strengthened the European norms of equality and equal opportunities. However, the civil society voices mentioned the limited involvement of the institutional actors to openly react against the discrimination on the ground of sexual orientation. The debates, for instance, on directive 2004/58/EC on free movement of the union citizens and their family members omit sexual orientation in the definitions of "union citizens" and "family member" (Vega et al, 2008, p. 26).

² This chapter is based on the finding of the EU frames in the field of intimate citizenship by the QUING researchers Vega et al. 2008.

This suggests the general approach to the family institution which in institutional settings still is considered as heterosexual with the clearly defining gender roles in it.

The investigation on family and reproduction policy frames in the EU has shown that gender equality and freedom are considered to be a shared norm, particularly stressing the freedom, equality and individual rights of women and non-heterosexual people (Vega et al, 2008, p. 28). In diagnosis the frame highlights the problems of economic dependency of women in partnership relations and its negative consequences in the process of divorce. As a prognostic frame emphasis the overcome of gender unbalanced power relations in partnership. The minor frames on adjusting the policy measures to the social realities have been mentioned by the researchers on the EU. They notice that there is the variety of family forms in society (single mothers, cohabitating couples, etc.), which should become the subjects of social policy of a member state, but the member states focus on a traditional model of family. Therefore the prognosis involves the call to necessarily to revise the national legislation and policies in order to adopt the change of current family structures which differ from the traditional ones.

The research dealing with the EU policies of the private relationships and reproductive rights within the intimate citizenship suggests that these policies are not much debated due to the consideration these questions as „private“ and under the competence of a member state. However they are addressed and debated by different EU institutions and actors. The report on the EU policy frames suggests that the Council Directive 2003/86/EC on the right of family reunion, parliamentary debates on women's immigration and EWL position paper on women's reproductive rights demonstrates the prevalence of the idea that any interests of the religious groups or conservative voices which contradicts to the European values must be eliminated. Additionally the report indicated that the EU documents identify the governments of the members states are responsible for resolving the problems of gender imbalanced power relationships in partnership when immigrant women are considered as problem holders. (Vega et al, 2008p. 28-29). Additionally, the EU policies refers to the good governance norms and calls the Member States to adjust the national family law to the changed social situation of the families and revise national legislation and policies to promote inclusion diverse family forms rather than traditional family structures. The policy debates on reproductive rights, as the analysis on EU indicates, highlights the public health issues rather than individual women's rights. Binding legal acts in the field of reproduction are absent on the EU level, but the policy documents suggests the soft measures for Member States to provide funding and specialized sexual and reproductive health services to women in the various stages of their reproductive lives (Vega et al, 2008)

This brief survey of the EU policy frames in intimate citizenship shows the division in the policy discourse on the EU competences. On the one hand the EU introduced “hard” legislation in the field of antidiscrimination and equal opportunity policies expanding the equality policies from gender and including the other social inequalities such as race/ethnicity, age, religion, belief, disability and sexual orientation. The debates on antidiscrimination policies and equal opportunities for LGBT persons significantly improved their situation. As it was shown above, antidiscrimination and norms of equality, human rights and democracy, embedded in the Treaty of Amsterdam and Directive of Racial Equality and Employment Equality, are required being transposed to the national legislation of the Member States. On the other hand, partnership, private relationships and reproductive policies are poorly developed on the EU level and as a „private” issue left under the competence of a member state. Leaving family and reproduction issues for the competence of a member state as the „private“ domain the interpretations of the equality and non-discrimination principles could hinder the European norms on protection equality and freedom. As will be shown below, the policy debates on the family, marriage and reproduction in Lithuania enforce the norms on traditional family based on marriage, heteronormativity and patriarchal control over women’s choice. The prioritizing the national cultural values versus EU norms on equality, freedom and non-discrimination suggests that in Lithuanian the transposition of the Treaty of Amsterdam, Racial Equality and Employment Equality Directives in Lithuania remained the dead letters in the absence of enforcement and implementation.

Official discourse about family policy –national values versus Europeanization

By investigating EU activities on family policies, European scholars have concluded that the EU has shown interest in some aspects of family-related issues, such as questions of fertility, relations between generations, the impact of immigration, the health system, and social change. When family-related matters were interwoven with labor market issues, the initial concern was to promote gender equality (Lombardo, Meier, 2007). Nevertheless, the concept of families has been rarely defined. According to the EU, it lacks the authority to define family policies; instead it defers to member states’ definition of family. This can have negative consequences for the implementation of EU gender equality norms. For example, the Lithuanian NGO Centre for Equality Advancement appealed to the EU Commissioner Vladimir Spidla to consider sanctions against the Lithuanian Parliament due to current family policies that discriminate against cohabitating couples, single mothers, and other non-traditional families. In his response, Commissioner Spidla, stated that family status and reproductive rights fall outside the competence of the EU. (Vladimir Spidla, Member of the European Commission, Brussels, 04.08.2008 – 0001094). The EU’s unwillingness

to get involved in the creation of family policies leaves the field open for local interpretation of Europeanization by the member state. The situation in Lithuania since accession illustrates the shift from gender equality and anti-discrimination rules to reactionary, traditional cultural norms and values. The investigation into the policy discourse in Lithuania since its membership in the EU in 2004 suggests that the formal adoption of EU legal norms and values resonate to the behavioral practices, beliefs and meanings. Further in this chapter I will try to answer to the questions why and how family policy discourse resonates to the gender equality and equal opportunities frame.

The existing institutional mechanisms in the field of gender equality might suggest the low adaptation pressure by EU on Lithuania. Lithuania started negotiation to EU accession process in 2000, when gender equality legislation and the Office of the Ombudsperson for the Equal opportunities of women and men were established before the negotiation process (in 1999). The presence of the institutional mechanism in Lithuania reduced the intense pressures by the European Commission which annually positively evaluated the law on equal opportunities for women and men and active role of Ombudsperson in analysis of complaints of discrimination against gender. The accession process made an impact on commitment to the Western European democratic standards and values, however, did not transform them to the behavioral and discursive models. Lithuania adopted the commitments to guarantee that national laws and administrative competences would be harmonized to the legal standards of EU.³ However, the experts on EU accession process have argued that in the field of social policies Lithuania only automatically rewrote the standards of the western countries in order to close the chapter as soon as possible.⁴

Since 2004, in Lithuania, conservative voices have started articulating the ideas on preservation of traditional family structures and values which reflected anti-equality and discriminatory character towards single mothers, cohabitating couples and sexual minorities. The elections in 2004 did not guarantee the majority votes neither for Social democrats nor for Conservative and other right parties, and the parliament was composed by the representatives of populist parties who joined the social democrats in composing the government (2004-2008).⁵ During the election process no one party emphasized their commitment to implement policies of gender equality and equal opportunities as European values and norms. It seems that the politicians in Lithuania consider the policies of gender equality and equal opportunities as a closed chapter. However, the public discourses on preservation of traditional national values and culture achieved a

³ EK reguliarioji ataskaita apie Lietuvos pažanga rengiantis narystei ES, 2000; EK reguliarioji ataskaita apie Lietuvos pažanga rengiantis narystei ES, 2001; EK reguliarioji ataskaita apie Lietuvos pažanga rengiantis narystei ES, 2002, EK reguliarioji ataskaita apie Lietuvos pažanga rengiantis narystei ES, 2003, Išsamus Lietuvos pasirengimo vertinimo pranešimas, 2003.

⁴ For detailed analysis see Davidavicius, Algis. 2006. Darbo ir šeimos suderinimo politikos kryptys bei galimybės ES ir Lietuvoje: vyraujančių viešosios politikos paradigmu kaitos analizė (Policies of reconciliation of work and family life: trends and possibilities in the EU and Lithuania). In *(Ne)apmokomas darbas: šeimai palanki darbo aplinka ir lyčių lygybė Europoje*, ed. Jolanta Reingardienė, 203-236. Vilnius: STI, Vytauto Didžiojo Universitetas

⁵ Structure of the parliamentary parties. http://www3.lrs.lt/docs3/kad5/w5_istorija.show5-p_r=787&p_k=1.html

powerful incentive in the policy agenda. During this period the parliament adopted the Law on the Concept Law of State Family Policy which legally defined the family composed by heterosexual married couple as the state subject. The Parliament refused to adopt the law on civil partnership, but debated initiatives to ban of abortion, limit access for reproductive health and define sexual education only as the preparation for family planning. The Catholic Church makes a crucial impact on politicians in shaping the concept of family policy and opposing civil partnership, homosexual relationships and policies on reproduction rights and health. Representatives of the Catholic Church, for example, participated in working groups on drafting the concept of sexual education and national family policy strategy, the Catholic Church's Bishop Conference constantly interferes in the debates and rallies against abortion, cohabitation, and homosexual partnership. According to the public surveys, the population views the Catholic Church as an honest and trustworthy institution. Thus, political parties shape their policies in order to show its solidarity with the Catholic Church and consequently win the confidence of population. Conservative political parties openly support the position of the church and oppose to the legal definition of homosexual partnerships and adoption of legal acts on reproductive health. Liberal forces and even social democrats also give in to conservative trends in these issues in order not to oppose the Catholic Church. Though women's NGOs work together to encourage the recognition of reproductive rights and to bring about gender equality—rather than moralizing on the preservation of the traditional family—politicians hardly take into consideration the arguments of NGOs. (Deliverable No. 19. Lithuania)

The analysis of policy documents and particularly policy debates in the QUING project suggests the very conservative attitudes to intimate relations highlighting classic marriage and traditional family values as the main norms of Lithuanian society regardless the diversity in social realities. Referring to the norms of traditional families and heteronormativity, conservative forces in politics have succeeded in conveying anti-equality frames which strengthen patriarchal norms in gender and power relations and homophobia and which ignore the rights of LGBT individuals.

The diagnostic framing involves the identification of the main problems in the policy discourse about the intimate relationships. Legal acts on family support, the family policy concept and artificial insemination and policy debates on marriage, civil partnership and reproductive rights⁶ claim that marriage is and needs to be the most important and special institution in society. Any “modern” forms of family (cohabitation, single motherhood, divorces) and Western cultural hegemony (marriage between the same sex partners and their claims for child's adoption) are seen as breaking with the traditional definition of marriage which is heterosexual, stable and monogamous. The conservative forces of the parliament openly support the traditional family and

⁶ Appendix No. 1. Subissues: Marriage, Separation, Divorce

blame single mothers for being selfish and irresponsible to give birth out of wedlock and by this action to discriminate their child due to the absence of the father. Biological ties between parents and children are seen as the argument for the wellbeing of children. This argument is most frequently employed against homosexual partnership and their rights to adopt children.

The prognostic framing in the policy discourse suggests the preservation and defense of classical family based on the marriage by the heterosexual partners. Additionally the strategies, tactics and the targets are proposed for the solution of the problems. Parliamentary debates on these issues were launched during discussions about the law on civil partnership, which would have established the procedures for registering, annulling, terminating, and ending of partnerships.⁷ Conservative forces in the Parliament argued that the law does seek to establish partnerships as an alternative to family, which would devalue families based on marriage and ruin the nation and state. Parliamentarians also perceived as dangerous the possibility that registered partnership for homosexual people could be recognized; this only strengthened opposition to the law.⁸ This bill was ultimately not adopted; in Lithuania civil partnership is not yet legally possible. Nevertheless, the arguments put forward were against civil partnership, with a particular focus on homosexual relationships as a threat to the national culture, in the political debates in the Parliament and society. In 2006, the Minister of Justice, Petras Baguska, claimed to eliminate the concept of civil partnership and delete it from the Civil Code. He argued that the Lithuanian culture is based on the traditional family and, therefore, partnership is an alien concept that is less important in the Lithuania legislation.⁹ In 2007, members of conservative parties who supported the law on the State Concept of Family again denounced partnerships as dangerous for traditional families and the nation and stated that neither single mothers nor cohabitating couples can raise a moral and responsible new generation.¹⁰ Conservative forces in the Parliament argued that the crisis of the Lithuanian family is due to the fact that approximately 30 percent of children are born out of wedlock and modern family forms have a negative impact on younger generations.

Domination of the reactionary classic marriage frame in the parliamentary debates demonstrates the discriminatory values of Lithuanian politicians that resonate the EU principles and norms of equality and antidiscrimination. The Lithuanian Parliament transposed the Racial Equality directive 2000/43/EC and Employment Equality Directive 2000/78/EC to the national legislation

⁷ The bill on civil partnership was drafted after the changing the old Civil Code, which enacted in 2003. The Civil Code introduced the concept of civil partnership, but referred to the need to adopt additional legal acts which would provide the regulatory mechanisms for the registering, terminating or ending of the partnership.

⁸ Minutes of the Parliamentary session on debating the draft law on partnership
http://www3.lrs.lt/posedziai/4/klaus_stadija_14084.htm

⁹ Explanatory Note on the Amendments to the articles 2.18, 2.19, 3.16, 3.229, 3.230, 3.232, 3.234 of Civil Code)
www.tm.lt/getfile.aspx?taktidokid=d105b0d1-c287-45da-ac22-22c0e735ab2e

¹⁰ Minutes of the 15 (336) Parliamentary session. 09-10-2007.

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=305770

and enshrined the anti-discrimination principles for sexual minorities under the Law on Equal Opportunities (2005). However, parliamentarians openly espouse homophobic attitudes without considering this as contradictory to Europeanization.¹¹ For example, the daily *Respublika* publicized the homophobic and hostile position parliamentarians towards homosexuality. Eighty-nine parliamentarians supported the Catholic Church's view and expressed their hostility towards homosexuality, affirming it is against human nature and the family.¹² Only 14 parliamentarians openly expressed their oppositional attitudes against the Church position and an additional 16 remained neutral.

In 2006, the Commission of Family and Child Affairs, chaired by MP R. Baskiene from the Peasant and People's Party (formerly the Women's Party) openly supported the position of the Catholic Church against homosexuality and warned the Ombudsperson of Equal Opportunities against interfering in the conflict over the exhibition "Life Together: Modern Traditional/Non-traditional Family." According to Baskiene, officials dealing with sensitive issues such as homosexuality should ignore anti-discrimination legislation and instead should act according to the traditions and moral values of the nation.¹³ Thus, the problem is an explicit opposition to EU norms when they do not complement domestic hegemonic discourses on the traditional family. The recent public statements of the ex-Minister of Social Security and Labor, Rimantas Jonas Dagys (member of the Christian Democrats - Conservative Party block) has strengthened this approach in regard to gender and equality policies and their applicability in Lithuania. In response to a public letter drafted by women's rights NGOs concerning the government's public hostility towards gender equality and anti-discrimination policies in Lithuania, on April 9, 2009, the minister defended the state's family policies, which provide support exclusively for traditional families, and argued that gender equality policies should be implemented in Lithuania in some spheres, but not in others. According to the minister, gender equality policy in employment continues to be the primary concern of the social politics as stated in EU regulations. However, referring to the national laws, namely the Constitution of Lithuania, the minister stated that the family and marriage between woman and man are the backbone institutions in the society.¹⁴ This public statement suggests

¹¹Parliamentary debates on the Bill No. IXP-3272 on Partnership (Cohabitation without Marriage). March 9, 2004.

¹² Razmaite Inga. Homosexualizmas: Baznycia jau pasmerke (Homosexuality is already condemned by the Church). *Respublika* 2005 m. gruodžio 3 d.

¹³ Session of the Commission of the Family and Child Affairs investigating the complaints of the Catholic Bishopric Conference and Decision of the Ombudsperson of equal opportunities to punish the director of exhibition hall who cancelled the exhibition on tradition/nontraditional relationships, April 4, 2006
http://www3.lrs.lt/pls/inter/w5_show?p_r=5126&p_d=53899&p_k=1

¹⁴ Press release by the Minister of Social Security and Labour. (Moterų ir vyrų lygybė neturi būti painiojama su antidiskriminacija <http://www.socmin.lt/index.php?1336633314>).

Similar views by the parliamentarians of the conservative and right parties could be found in the parliamentary debates. Parliamentary debates on the amendments to the law on Equal opportunity. Parliament of Lithuania (2007) Record of

the formal recognition of the EU's external role on gender equality rather than domestic structural change.

Insufficient EU monitoring of implementation and the lack of EU binding norms on anti-discrimination and equality beyond employment leaves room for domestic discriminatory practices that contradict EU norms. In the context of the State Concept of Family, which limited the state's definition of a family to the traditional, married heterosexual family, the initiatives of the Parliament to outlaw abortion demonstrate Lithuanian politicians' willingness to restrict women's socio-economic autonomy and freedom and to trample on women's human rights.¹⁵ The initiators of the law on Protection of Embryo in the Prenatal Phase, the female MPs of the Conservative Party, have emphasized the protection of life and have chastised young people, who they characterized as consumerist, for refusing to have children and endangering the nation. (*QUING* Deliverable No. 19 Timelines of policy debates: Lithuania). If their initiatives succeed, women will be forced to carry their pregnancies to term regardless of their wishes or conditions surrounding the pregnancy, but children born outside of wedlock will not be considered full-fledged citizens.

While women's NGOs united their efforts for the recognition of reproductive rights and the mainstreaming of gender, politicians rarely take into consideration the arguments of NGOs. Women's NGOs wrote petitions against the adoption of State Family Concept Law and Law on Protection of Prenatal Life to each parliamentarian and the President of Lithuania and appealed to the EU Commissar Vladimir Spidla, the CEDAW committee, and international women's organizations to pressure the Lithuanian Parliament and to remind them of the international commitments and EU obligations undertaken by the state. However, the international response was muted. As stated earlier, the EU Commissioner felt the EU could not intervene. The CEDAW Committee expressed its concern about the state's family policies and recommended monitoring the adopted family legislation.¹⁶ While a number of the international women's organizations appealed to the Parliament of Lithuania, they received no response from officials.

The analysis of the situation in Lithuania demonstrates that Lithuania was compliant in transposing EU Racial Equality and Employment Equality directives. However, when the state does not feel the pressure of the EU, national policies are based on ill-prepared promises to defend

Parliamentary Session on September 18. http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=304466 (accessed on July 26, 2008)

¹⁵ Although abortion (up until the 12th week of pregnancy) is still legal in Lithuania, its continued legality is dependent on the Decree of the Minister of Health of 1994, which could be canceled at any time depending on minister's position. The Law on Reproductive Rights has been pending since the late 1990s. In 2006 and 2007, conservative forces in the Parliament backed by the Catholic Church introduced several initiatives to reduce the period of legal abortion from 12 to eight weeks and to gradually prohibit it. According to the authors of these proposals, they were motivated by dangerous tendencies of depopulation in Lithuania.

¹⁶ Concluding observations of the Committee on the Elimination of Discrimination against Women: Lithuania. Forty-first session. 30 June-18 July, 2008.

equality and human rights. In Lithuania, the reactionary anti-equality frames are dominant due to strong conservative forces in the policy-making process in Lithuania and the EU's unwillingness or inability to intervene on family issues and reproduction, which are considered to be in the private realm of intimate relations in member states. Concerning the equal treatment of lesbians, gay, bisexuals, and transsexuals, the commitments made by Lithuania are included in the legislation. Yet, the examples above show the increase in homophobic attitudes and the encroaching on women's reproductive rights.

Concluding remarks

This paper deals with the domestic impact of European rules on family and reproductive policies in Lithuania and shows only limited impact from EU rules since accession. In academic research, the Europeanization of candidate countries usually examines the EU's impact on domestic policy, assesses the extent to which the EU has a domestic impact, and focuses on the pressures of the EU on the candidate countries to adopt the rules and obtain the membership promises if these rules were successfully transposed to the domestic context (Falkner and Treib, 2008, Sedelmeir 2006). As Falkner and Treib (2008) have argued the EU as an external actor performed the control during the negotiation phase but after accession different dynamics might be expected. Suggested discursive approach to policy processes by Schmidt and Radaelli shows that analysis of the policy discourses on gender equality and equal opportunities in the post-accession Lithuania demonstrates the formal adoption of the EU institutional mechanisms rather than their transformation to the social practices, and as such produces resonating effects in Lithuanian context.

Lithuania enacted gender equality and equal opportunity legislation, as required by the EU (Racial Equality Directive (2000/43/EC) and Employment Directive (2000/78/EC), but the policy discourses about traditional gender roles in family and heteronormativity remained problematic and sexual minorities became an additional target. The EU directives are only applicable in the spheres of employment, education, and the provision of goods and services. Neither directive is applicable in the family sphere. The examined policy discourses about family, marriage, and reproduction, which fall outside of the EU's remit, show that local interpretation of European gender equality and antidiscrimination norms have shifted to preserving the traditional family based on wedlock, heteronormative norms, and uniqueness of the national culture. Conservative Lithuanian politicians, who strengthened their voices after accession to the EU in 2004, privilege the classic heterosexual family model and discriminate against unmarried heterosexual and homosexual couples, stigmatize

single mothers, and limit women's rights to reproductive health. Diversity of family forms and women's reproductive rights are interpreted as threats to the Lithuanian nation and statehood.

The voices of women's NGOs, who raised against the rhetoric of the traditional family model, have been ignored by the policy makers, and European norms and values have been cast aside. Conservative voices in the policy-making process in Lithuania have involved the Catholic Church, which its unparalleled ability to organize and influence. Nevertheless, in the post-accession period, the EU did not mediate through intergovernmental or civil society channels. Rather as Vladimir Spidla emphasized, the EU exercises competences that the member state have conferred on it under different treaties. This suggests the validation of the division of EU competences into public (labor market, economic growth, competitiveness) and private (family status and reproductive rights) spheres and, thus, shows limits of Europeanization as process of adoption and internalization of EU rules and shared norms in the domestic context of the member state.

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Appendix 1. List of analysed documents and their policy frames

Intimate citizenship

1. Divorce, marriage and separation

Law: Bill on Family Support 2007 09 18 No. XP-2526
[Classic marriage]

Policy document: National Concept on Family Policy and Exemplary Note on the National Concept on Family Policy No. XP-2390, 5 July, 2007-11-07
[Demographic crises, Classic marriage]

Debates: *Minutes* of the Forty three (247) session December 7, 2006 , that parliament express their contradictory opinions on marriage and single parenthood)
Ona Valiukeviciute, MP, Liberal democrats' party
Julius Veselka, MP, Liberal democrats' party
[Follow social reality, Children need classic parents]

NGO: Petition of nine human rights NGOs to the Parliament of the Republic of Lithuania on discriminatory provisions of the National Family Concept and Law on Family Support. 9 October, 2007.
[Protect equality and freedom]

2. Sexual orientation discrimination

Law: Law on Equal Opportunities, No. IX-1826, 18 November 2003 and Exemplary Note on the Law on Equal Opportunities, No. IX-1826,
[Europeanization, Non-discrimination of LGBT individuals]

Policy document: Government Decision No. 907 of September 19, 2006 on approval of National Antidiscrimination program for 2006-2008.
[Europeanization, Non-discrimination of LGBT individuals]

Debates: Minutes of the Third (482) Parliamentary Session on debating the draft law on partnership. 9 March, 2004.
Irena Degutiene, MP, Homeland Union (Conservative) Party
Arvydas Vidziunas, MP, Homeland Union (Conservative) Party
Zigmantas Kazakevicius, Vice minister of Interior affairs,
[Quality of legislation, Demographic crises, Classic marriage]

NGO: Open letter of the Lithuanian Guy League to the members of the Intergroup on Gay and Lesbian Rights of the European Parliament on the discriminatory provisions of policy documents in Lithuania. 14 Septemebr, 2007
[Protect equality and freedom]

3. Reproduction (abortion and reproduction)

Law: Law and Explanatory Note on Artificial Insemination, No.:1966(2)A, 20 January, 2004
[Classic marriage]

Policy document: Section *Women's Health* in the National Program on Equal Opportunities for Women and men 2005-2009.

[Reproductive and sexual health]

Debates: MP M. Pavilioniene, the petition to the Minister of Health against parliamentarians' V. Cigrijene, D. Mikutiene and A. Matulas' initiatives to ban abortions, 4 May, 2007

Follow social reality

Separate opinion about the draft law on artificial insemination prepared by the MPs V. Cigrijene, D. Mikutiene and A. Matulas', 17 October, 2006.

[Demographic crises Classic marriage]

NGOs: Women's NGOs open discussion on women's reproductive rights, 20 October, 2004

[Protect equality and freedom]