



Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

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Issue Histories Lithuania: Series of Timelines of Policy Debates

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1. GENDER EQUALITY POLICIES, PLANS AND INSTITUTIONAL STRUCTURES

1.1. History of gender equality policy in Lithuania, 1995-2007

1.1.1. Introduction

The analysis of gender equality policies in Lithuania suggests that gender equality was not a priority issue in the policies of 1995-2007. Though the Constitution of Lithuania adopted in 1992 has enshrined the principle of equality between women and men, the concepts of gender and gender equality were articulated by politicians under the influence of international organizations in the beginning of 1990s. Enacted law on equal opportunities for women and men in 1998 affected the policies on equal opportunities by addressing discrimination issues concerning gender. Accession to the EU influenced legal reform and transposition of EU legislation also influenced the anti-discrimination policies on other grounds (age, disability, ethnicity/race/religion and sexual orientation). However, as the gender equality experts noted, the principle of gender equality was not the important issue debated in the negotiation process as Lithuanian politicians usually emphasized the economic and social issues, distancing them from gender equality.¹ Women's politicians and NGOs were active and sometimes showed solidarity in debating important questions for women. However, they frequently lacked the critical evaluation and clearly expressed their own position for equal opportunities. Since 2004 the membership of Lithuanian EU politicians of conservative right and populist parties openly rejected the policies of gender equality by propagating the values of the traditional family consisting of a married couple. Other forms of family have been presented as a danger for the nation and national culture.

1.1.2. Impact of the UN on conceptualising gender equality policies

The transition from socialism to capitalism in the early 1990s in Lithuania can be identified as a period of the elimination of soviet heritage. This had a negative impact on the situation of women and their involvement in the public sphere. During socialism gender equality *de jure* existed; however it meant women's full employment and full responsibility for family and domestic duties. As a result, the policies in the early 1990s developed in terms of "reducing the double burden" by "privileging" women in the private sphere. As a result many women dropped out of public life and jobs and the economic hardships associated with transition strengthened the inequalities between women and men. On the other hand, the development of civil society influenced the movement of the first women's NGOs who, with the support of international donors, started raising questions on legislation and policies in the field of women's rights and equal opportunities. The

¹ Reingardiene Jolanta. Lyciu lygybes strategija ir uzimtumo politika Europos Sajungoje. www.gap.lt/4

Women's Information Centre, supported by the UNDP, initiated the drafting of the law on equal opportunities in 1995 which was severely criticised by local experts, lawyers and civil servants. Nevertheless, the international organizations have influenced the introduction of new concepts such as gender, gender equality and women's rights to the Lithuanian political discourse.

The shift in policy discourse occurred after the UN IV women's conference in Beijing in 1995 and adoption of the Beijing declaration and action plan. Lithuania was invited for the first time to participate in the Conference and for the first time the situation of women in society was evaluated at the governmental level. As a member of the UN, Lithuania undertook commitments to implement the adopted documents in the Conference- the *Beijing Declaration and Action Plan*. On November 8, the Government of Lithuania adopted the Programme on Progress of Lithuania's Women (Order No. 1299).² The Programme was prepared by the Committee on Preparation to IV World Conference on Women's issues and Secretariat of this Committee, led by Dr Giedre Purvaneckiene, an adviser to the Government of Lithuania on Women and Family issues who has a feminist background. The Programme addressed the main problems faced by women that required immediate solution and guidelines for the governmental agencies to make the implementation plans. However, women's rights and opportunities remained understood as something specific and not of prior importance. In the correspondence on IV Beijing conference the Ministries expressed some kind of understanding of women's issues in terms of the necessity to sign and ratify the UN Convention on Elimination of Discrimination Against Women, which was signed and ratified in 1995. However, the wording of certain Ministries reflects the general lack of understanding of women's issues in society at all. The Ministry of Justice³, for example, argued that equal opportunities for women and men can be guaranteed by a highly economically developed state. Lithuania could not do this due to the development of the market economy and thus limited economic and financial resources. Therefore, the Ministry of Justice suggested the international foundations to support women's rights programmes in Lithuania. The Economic Ministry⁴ interpreted women's rights in terms of women's roles in the family (as wives and mothers) and their opportunities to re-enter labour market after child-care leave. The Ministry of Health argued that the suggestions of the Catholic Church as an influential institution should be taken in consideration on the issue of reproduction rights.⁵ Thus, in the 1990s Lithuanian society is not fully aware of the importance of gender equality issues and frequently ignores them or addresses them as unimportant.⁶

In 2000 the Lithuanian government submitted the primary and periodical report on implementation of CEDAW in Lithuania. Though the Committee positively evaluated the

² <http://www.lygus.lt/gm/article.php?id=3>

³ Letter of Ministry of Justice to the Government of Lithuania 10-07-1995 No. 01 05 864/095 (respond to 1995 06 23 Nr, 27-6760) signed by the Undersecretary G. Švedas

⁴ Letter of Ministry of Economy 10-07-1995 No. 12-05- 1950 (respond to 23-06-1995 No. 27-6760) signed by the Undersecretary A. Merčaitis

⁵ Letter of Ministry of Health 11-07-1995 No. 22-08 – 2493, signed by the Minister A. Vinkus

⁶ G. Purvaneckiene in her introduction to the Women's Progress programme in 1995 pointed out that society addressed the gender equality issues with an irony and smile. Purvaneckiene G. Izanga, in *Moteru Pazangos programa*. MIC: 1995.

general development of Lithuania to undertake international commitments to safeguard women's rights, it revealed certain areas of concern and provided recommendations.⁷ Many of these recommendations in the field of gender-based violence, reproductive rights, access to employment, occupational segregation, poverty of women and sustainable support for NGOs have been not resolved by the time of submitting the Third report of the government in 2004 and even up until the present.⁸

1.1.3. Women's political representation and policy debates on gender equality legislation

The representation of women in the parliament in Lithuania in the period 1995-2007 was never high. Eighteen percent women were elected in 1996, then the number dropped to eleven percent in 2000 and the highest- twenty three percent of seats- have been occupied since 2004.⁹ Analysis of political programmes of the parties suggests that gender equality was not an issue for the political parties in the elections of 1990s and 2000s, except for the social democrats.¹⁰ The Women's Party established in 1995 did not pass 5% votes and later changed its title.¹¹ In the 2004 elections the political parties addressed the issues of equal opportunities which were interpreted in terms of reducing poverty, support for the family, access to education and freedom for each individual.¹²

The low representation of women in parliament encouraged women-parliamentarians of different parties to compose the women's parliamentary group in 1997 for common action on promoting women's rights issues. They initiated the drafting of the law on equal opportunities for women and men which was adopted on December 1, 1998. Lithuania was the first post-socialist state in Central and Eastern Europe that adopted the law on Equal opportunities for Women and Men. The Law bans gender-based discrimination in the public sphere and sexual harassment in the workplace. It identifies administrative punishments in the case of discrimination against gender and provides detailed instructions for investigation of complaints against gender discrimination. In 1999 the new independent state body – the Office of Ombudsperson for Equal Opportunities - accountable to the Parliament was established to execute functions of control of

⁷ Advanced united version. Committee on the Elimination of Discrimination against Women Twenty-third session, 12-30 June, 2000.

<http://www.lygus.lt/gm/admin/files/pirmine%20ataskaita.doc>

⁸ The Third report of the Government of Lithuania has not yet been discussed at the CEDAW Committee

⁹ <http://www.lygus.lt/mp/article.php?id2=266>

¹⁰ Purvancekiene G. Moterys ir rinkimai. In *Moterys politikoje*. MIC: 2000.

¹¹ Seidukiene J. Moterys politikoje. <http://www.lygus.lt/ITC/politika.php?id=60>

After failure in the elections of 1996, the Women's Party changed its name to the New democracy party in 2000 and in 2001 after the union with Peasants party - the Peasant and People's Political party.

http://www.prunskiene.lt/main.php?action=pages::make_content_object&content_object_id=48

¹² Politiniu partiju programu analize 2004-2008 seimo kandencija

<http://www.seimairdarbas.lt/files/POLITINIU%20PARTIJU%20PROGRAMU%20ANALIZE%20-%20lentele.doc>

implementation of the law on Equal opportunities for women and men.¹³ In the debates on adoption of the law, parliamentarians debated against sexual harassment as a new and alien phenomenon to Lithuania culture (some parliamentarians argued that Lithuanian culture is a gender-balanced culture, and current feminists had adopted the term from American -not even European- feminists' ideology and consequently inspired gender-based war rather than equality). Another attack on the law was directed against the new equality body of Ombudsperson of Equal Opportunities and its competences. The third argument against the law concerned the view that one law will not resolve the inequalities between women and men.¹⁴ Regardless of the sceptical and opposing opinions, the law on Equal Opportunities for Women and Men was adopted by a majority of parliamentarians. This influenced the discourse on gender equality in society as a norm of democratic society and a necessary condition for joining the EU.

Many debates among parliamentarians, governmental and non-governmental actors, erupted on expanding the mandate of Equal Opportunities to draft a new law on equal opportunities and cover all forms of discrimination. In 2002, the Chair of the UNDP in Lithuania and the Spokesman of the Parliament signed the agreement on the project Development of Equal Opportunities in Lithuania (LIT 02/003) that aimed to raise awareness of Lithuanian society on all forms of discrimination and foster its tolerance. The Office of Ombudsperson was assigned as coordinating body of the activities during 2002 to provide trainings, involve media and organise a public campaign on elimination of all forms of discrimination.¹⁵ In 2002 the Committee of Human Rights at the Parliament of Lithuania drafted the law on Equal Opportunities. For the justification of this law the parliamentarians pointed to the need to harmonise Lithuania's law with EU directives on Race 2000/43/EB and Employment 2000/78/EB. The parliamentarians also argued that the Human rights committee received many letters and questions on discrimination against age, disability, ethnicity, sexual orientation that had to be addressed by legal acts. This new law on Equal Opportunities expanded the mandate of the office of Ombudsperson to deal with all grounds of discrimination.¹⁶ However, some women parliamentarians and women's NGOs opposed the lack of gender in the new law on Equal Opportunities. In her petition to the women's NGO, the MP G. Purvaneckiene argued about the dangers of making women's rights and gender equality unimportant and ignorant, because discrimination against gender will be overlooked due to the other forms of discrimination.¹⁷

¹³ Exemplary note on draft Law on Equal Opportunities for Women and Men No.P-1078, March 10, 1998, E-text

Law on Equal Opportunities for Women and Men, No-P-1078, December 1, 1998. E-text
Parliamentarians' Debates on passing the law on Equal Opportunities for Women and Men, 38 (264) irregular session December 1, 1998 ; 36 (262) session, November 26, 1998, E-text

¹⁴ Parliamentarians' debates on adoption of Law on Equal opportunities for women and men.
Stenography:

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=68894&p_query=Lygi%F8%20galimybi%F8%20%20E1statymo%20projektas&p_tr2=2

¹⁵ LYGIŲ GALIMYBIŲ MANDATO PLĖTRA <http://www.lygus.lt/mp/article.php?id=118>

¹⁶ Exemplary Note on the Draft law on equal opportunities
http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=194018&p_query=&p_tr2=

¹⁷ 2003 03 27 Laiškas moterims dėl Lygių galimybių įstatymo
<http://www.lygus.lt/mp/article.php?id=180>

Her petition was supported by several women's NGOs¹⁸ but did not prevent the parliament adopting the Law on Equal Opportunities in 2003 that has been enforced since 2005.¹⁹

1.1.4 Accession to EU

In 2000 Lithuania started accession to the EU. The accession process from 2000 to 2004 was an important force for legal change on gender equality; definitions of direct and indirect discrimination were formulated, competences of the Ombudsperson enhanced and other grounds of discrimination covered.

The European Commission provided annual reports on implementation of equal opportunities for women and men. In the field of human rights, the positive changes were noted by the Commission- the adoption of the law on equal opportunities for women and men, and the active role of Ombudsperson in analyses of complaints of discrimination against gender. The accession process made an impact on the adoption of western European standards on democracy, democratic freedoms and values. Lithuania adopted the commitments to guarantee that national laws and administrative competences would be harmonized to the legal standards of EU.²⁰ However, experts on the 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.²¹

In 2001 the Open Society Institute had organized the Monitoring of EU Accession of Candidate countries in Central and Eastern Europe, identified the main problems in Lithuania and provided recommendations for the improvement of the situation in Lithuania. The Report of OSI pointed to the limitations of law on Employment Contracts that privileges women to get concessions in the case of child care, but eliminates men from these concessions except in cases on single parenthood.²² This existing legal order prevents employers hiring women with children because of the privileges for women. It also implies that fathers could be fired by the initiative of employer under the general order regardless of their duties regarding care of dependants. Basically, men were prevented from accessing the state social guarantees. This also strengthened the social stereotypes of gender roles that hold women have to take care of children. Similar provisions advancing women when they have to take care of their children were enshrined in the Laws on Vocation, Safe working environment, Population employment, labour law and

¹⁸ Atsakymas į G.Purvaneckienės laišką moterims <http://www.lygus.lt/mp/article.php?id=183>
Siūlymas <http://www.lygus.lt/mp/article.php?id=184>

¹⁹ Law on Equal Opportunities. 18 November 2003 No IX-1826)

²⁰ EK reguliarioji ataskaita apie Lietuvos pažangą rengiantis narystei ES, 2000; EK reguliarioji ataskaita apie Lietuvos pažangą rengiantis narystei ES, 2001; EK reguliarioji ataskaita apie Lietuvos pažangą rengiantis narystei ES, 2002, EK reguliarioji ataskaita apie Lietuvos pažangą rengiantis narystei ES, 2003, Issamus Lietuvos pasirengimo vertinimo pranešimas, 2003.

²¹ For detailed analysis see Davidavicius, Algis. 2006. Darbo ir šeimos suderinimo politikos kryptys bei galimybės ES ir Lietuvoje: vyrų ir moterų viešosios politikos paradigmos 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

²² Stojimo I ES proceso stebėsena: Moterų ir vyrų lygios galimybės. Atviros visuomenės institutas, 2002.

Governmental decision of 1995 on Part time work.²³ The Ministry of Social Security and Labour drafted the Labour Code which changed the Soviet law and included the new provisions of EU directives. The new labour code included the equal treatment of women and men in regard to recruitment, dismissal, granting annual leave, negotiating pay and other aspects of employment and stipulated the sanctions in the case of sexual harassment at work. The debates on adopting the Labour Code in the parliament did not include the gender aspect and provisions on gender equality were accepted as a requirement of the EU.²⁴

Monitoring also identified the need for clarification of the concepts of equal opportunities for women and men, direct and indirect discrimination, positive action, burden of proof, and education strategies on gender mainstreaming. The accession process influenced the mobilisation of political forces to eliminate the existing legal gaps. The Office of Ombudsperson initiated the amendments to the law on Equal Opportunities for Women and Men that were adopted 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. Firstly, *indirect discrimination* on grounds of sex was defined. Secondly, the possibility for positive action was introduced. Thirdly, the obligation to implement equal opportunities for women and men in the sphere consumer services was introduced. Finally, the law addressed *age discrimination* by prohibiting request of information on age and family plans of job seekers. Additionally, the list of decisions of the Ombudsperson was extended and the concept of the reversal of the burden of proof introduced.²⁵

In 2004, the Open Society Institute Network Women's Programme initiated Monitoring of law and practice in new member states and accession countries of the European Union to assess the status of equal opportunities, *de jure and de facto*. The Report critically evaluated the gender equality policies in the EU accession process and provided key recommendations. For Lithuania the recommendations covered the improvement of administrative capacities to implement gender equality at national, regional and local levels, broader cooperation between the non-governmental and governmental sector, gender-responsive budgeting, sustainable funding of NGOs, and gender sensitive education, amongst others.²⁶ However, this time the politicians were less receptive to the recommendations. The membership to the EU in May 2004 presupposed the distant position to the opinion of a non-governmental international organization.

²³ 2001 m Lygiu galimybiu kontrolieriaus ataskaita. Stojimo I ES proceso stebesena: Moteru ir vyru lygios galimybes. Atviros visuomenes institutas, 2002.

²⁴ Explanatory Note on need to adopt the new Labour Code.

<http://www3.lrs.lt/cgi-bin/getfmt?C1=e&C2=156024>

Labour Code No. IX-926, adopted on June 4, 2002, entered into force on January 1, 2003

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=169334

Mackeviciute Indre. 2005. Equal opportunities for women and men. Monitoring law and practice in Lithuania. OSI/Women's Network Program

²⁵ Mackeviciute Indre. 2005. Equal opportunities for women and men. Monitoring law and practice in Lithuania. OSI/Women's Network Program

²⁶ Equal opportunities for women and men. Monitoring law and practice in new member states and accession countries of the European Union, Overview. OSI, 2005. 81-86.

1.1.5 Women's NGOs

In the 1990s up until EU membership, civil society in Lithuania developed under the support of international donors. Being financially independent women's NGOs undertook initiatives for the government to reflect the concerns and recommendations of international organizations and critically evaluate the processes on gender equality. However, the general tendency toward a weak civil society and feminist movement in Lithuania was mentioned by many experts who pointed out that most frequently NGOs react to the problem but hardly came out with argumentative proposals to policy debates.²⁷ For example, during the EU accession process women's NGOs produced a critical document on ineffective policy on gender equality, raised questions on discrimination, patriarchal attitudes and gender role stereotypes, and women's non-representation in power structures. The document also provided the demand for the government to support women's NGOs from the budget suggesting that there should be a stream in the budget for NGOs activities.²⁸ The Government had a limited response to such kind of petitions²⁹, but from 2003 onwards included the possibilities of governmental funds for NGOs projects through the implementation of national programmes on gender equality.

After Lithuania's membership to the EU in 2004, the international donors withdrew from Lithuania and many women's NGOs became dependant on the governmental funds in their access to EU structural funds. As a result NGOs became less critical of the political processes and more burdened with project implementation and survival opportunities.

1.1.6 Developments after EU membership

On May 1, 2004 Lithuania became an EU member. This event, however, had both a positive and negative impact in the development of gender+ equality policy.

The Ministry of Social Security and Labour promoted and the government of Lithuania adopted the National EQUAL Programming document for 2004-2006 which was

²⁷ Reingardiene Jolanta. 2004. Lyčių lygybės strategija ir užimtumo politika Europos Sąjungoje (Gender mainstreaming and employment policies in the European Union), Kaunas: VDU.

²⁸ Women's coalition website <http://www.moterukoalicija.webinfo.lt>

Petition on women's rights on introduction of quotas for women in elections

<http://www.lygus.lt/mp/article.php?id=65>

Nevyriausybių organizacijų atstovių nuomonė apie faktinę moterų teisių padėtį Lietuvoje bei jų pasiūlymai moterų problemoms spręsti

http://www.moterukoalicija.webinfo.lt/dg_isvados.htm#1#1

Lietuvos moterų amžiu sanduroje. Trecias Lietuvos moterų suvaziavimo medžiaga. Vilnius, 2000

Vision of Development of Egalitarian Society 2014. <http://www.lygus.lt/mp/article.php?id=10>

Lietuvos moterų pažanga: Issukiai ir realybe. 1990-2005. Ketvirtasis Lietuvos moterų suvaziavimas. Vilnius: Mokslo aidai, 2005.

²⁹ Angelė Suchovienė, Lilija Vasiliauskienė. Ar lygios moterų ir vyrų galimybės? 2002 06 20

<http://www.lygus.lt/mp/article.php?id=126>

In 2006 the Centre for Equality Advancement initiated the petition to the Prime Minister of Lithuania addressing the gender equality problems in Lithuanian society and indifference of Lithuanian government to the international commitments. 24 women NGOs and the Ombdperson of Equal Opportunities signed the petition, however, no answer has been received from the Government.

<http://www.gap.lt/index.php?cid=292>

directed to combating inequalities and discrimination in the labour market. In Lithuania eleven target groups to receive support from EQUAL were identified: disabled, pre-pension age people, youth, former prisoners, drug addicts, ethnic minorities, sexual minorities, victims of trafficking, asylum seekers, women and long-term unemployed.³⁰ The projects under EQUAL also did not improve the situation in relation to combating discrimination and inequalities.

Since 2005 many parliamentarians have openly started expressing their homophobic attitudes and promoted anti-democratic legal acts. In 2005 the daily *Respublika* printed the viewpoints of each parliamentarian on homosexuality that the Catholic Church officially declared as deviant behaviour. 89 parliamentarians supported the Catholic Church and expressed their negative attitude towards homosexuality as against human nature and the traditional family. Only 14 were against the church opinion and 16 were neutral.³¹ In 2006 the Commission of Family and Child Affairs, chaired by MP R.Baskiene from the Peasant and People's Party (formerly Women's Party) openly supported the position of the Catholic Church against homosexual relationships and warned the Ombudsperson of Equal Opportunities for expanding her competence of conflict over the exhibition "Life together: Modern traditional/non-traditional family". The MP Baskiene argued that the state officials in such sensitive issues as homosexuality should not formally follow the legal regulations (Law on Equal Opportunities), but rather should take into consideration the traditions and moral values of the (Lithuanian) nation.³² This was not the first time that parliamentarians openly expressed their homophobic attitudes and followed the dogmatic ideology of the Catholic Church against sexual minorities. In 2007, the Year of Equal Opportunities, Lithuania was the first country that banned entry in the EU truck tour campaign *For Diversity Against discrimination*. Vilnius municipality did not issue permission to celebrate the day of Homosexuality in May as it was considered to violate the values of the traditional family of the Lithuanian nation. This event made an impact on changing the discourse in the media and on unification of human rights NGOs in writing petitions to the international bodies and filing complaints to the office of Ombudsperson and General Prosecutor's office on calling for hate. The discourse of the traditional family became the grounds for ignoring gender+ equality policies, as will be described in the chapter 3 on intimate citizenship.

1.2 National programmes in Lithuania 1995-2007

1996

Women's Progress Programme

In 1996 the Government of Lithuania under the commitment to the World Women's conference in Beijing adopted the Women's Progress Programme and later the action plan for 1998-2000. The first Women's Progress programme covers the following tasks:

³⁰ <http://www.lygus.lt/mp/article.php?id2=311>

³¹ Respublika, 2005 gruodzio 3d. p.5-6.

³² Protocol of the meeting of the Commission of Family and Child Affairs and the Ombudsperson of Equal Opportunities. http://www3.lrs.lt/pls/inter/w5_show?p_r=5126&p_d=53899&p_k=1

protection of women's human rights, improvement of women's economic-social situation, women and environment, women's health, family planning, women and education, women in politics and management, violence against women, women and media, and gendered statistics. Under this plan, the new coordinating institution was established – the inter-institutional commission for monitoring the implementation of Women's Progress Programme. The gender aspect is integrated and special measures intended for women have been included in these programmes.

Source:

Purvaneckiene G. 1999. Moterys Lietuvos visuomeneje. Pranesimas apie zmogaus teisiu socialine raida Lietuvoje. JTVP. E-text

<http://www.lygus.lt/ITC/politika.htm>

2001-2004

National Programme for Increasing Employment in 2001-2004, prepared under coordination of the Ministry of Social Affairs and Labour and approved by Resolution No 529 of the Government of the Republic of Lithuania of 8 May 2001, Preparation of the National Action Plan for Employment 2001-2004 has been started following the European Employment Guidelines which would be gender-mainstreamed through the entire document as well as providing special measures for increasing female employment.

The Programme of Increasing Employment of the Republic of Lithuania for 2001 -2004, adopted in 2001, has defined the strategic objectives of the unemployment and labour market policies, which aimed at coping with the negative consequences of structural economic reforms and at increasing employment. The Programme established five main directions of the implementation of the unemployment reduction policies: development of the system of job creation, improvement of the promotion of employment, increasing ability to adjust to changes, increasing equal opportunities in the labour market, and increasing the integrity of employment policy. In order to secure equal opportunities for women and men in the labour market, the following objectives were set up: the decrease of the gender pay gap in employment, promotion of women's entrepreneurship and the improvement of position of persons with parental responsibilities by development of flexible forms of employment and increased accessibility of childcare in pre-school establishments.

Source: Resolution No 529 of the Government of the Republic of Lithuania of 8 May 2001

www.socmin.lt

2003-2004

Within the National Programme of Increasing Employment the Ministry of Social Security and Labour coordinated the drafting of **National Programme for Equal Opportunities for Women and Men for 2003-2004** which was approved by the Government.

This document was developed within the framework of the Government's Programme for 2001–2004 (approved in 2001), which held 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, and 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.

The Programme 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. 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 on 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, the legal basis and consolidating the implementation methods is financed from general allocations from the state budget approved by the ministries and other institutions in their field of competence.³³

Source:

The Order No. 712 of the Government of the Republic of Lithuania on June 3, 2003

www.socmin.lt

2002-2004

Poverty reduction strategy

Programme of Implementation of Poverty Reduction Strategy in 2002-2004, prepared under the coordination of the Ministry of Social Security and Labour and The National Action Plan of the Republic of Lithuania for Combating Poverty and Social Exclusion for 2004-2006 aims at improving the situation of the most vulnerable groups of the population and their opportunities, reducing poverty and social exclusion. Long-term objectives of the Plan are ensuring for the needy, persons belonging to social excluded groups, not only material goods or social services, but also opportunities to acquire adequate education, receive good quality health services, have housing that meets the established public standards, healthy working conditions, and the possibility to choose and to influence decision making. State institutions, municipalities, non-governmental organisations will

³³ Government Decision No. 712 of June 3, 2003 on the Approval of the National Programme on Equal Opportunities for Women and Men, entered into force on June 7, 2003. E-text National Programme on Equal opportunities for Women and Men for 2003-2004. E-text

take part in the implementation of the Plan. All measures of the Plan have been drafted taking into consideration different problems and needs of women and men. Monitoring of the implementation of the Plan will be performed by a working group with the participation of the Equal Opportunities Ombudsman.

Source:

Resolution No 1753 of the Government of the Republic of Lithuania of 7 November 2002
www.socmin.lt

2004

Mother and Child Programme 2004-2006 was approved by Resolution No 754 of the Government of the Republic of Lithuania of 16 June 2004. This programme reflects the policies of health and formulates its priorities in response to the Barcelona Declaration on protection of rights to safe pregnancy and delivery, quality of medical services and their availability. The Programme 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 financially supported from the state budget. The Ministry of Health Protection was the assigned body for coordination of its implementation.

Sources:

Government Decision of June 16, 2004 on the Approval of the National Programme for the Mother and Child, entered into force on June 20, 2004.
<http://www.lygus.lt/mp/article.php?id2=169>

2005-2009

National Programme for Equal Opportunities for Women and Men for 2005-2009 prepared under the coordination of the Ministry of Social Security and Labour and approved by the Government of Lithuania.

The programme is prepared under the framework of the Government action plan for 2004-2008 and continues the activities started under the Programme on equal opportunities for Women and Men for 2003-2004. The programme provides the main objectives to implement gender mainstreaming and concrete tasks that cover spheres of public and private life such as changing gender roles stereotypes, reconciliation of family and professional life, improvement of employment conditions for women, especially long-term unemployed women, development of social dialogue and gender equality in the labour market, gender mainstreaming in education, health system, environment, statistics, facilitating women's career progression to the top positions, and political and business leadership. The coordinating body of the Programme is the Ministry of social security and labour. The other ministers complete the measures of the programme under their competence.

As a special task under this programme the Ministry of Social security and labour is responsible for the development of a National strategy for reduction of violence against

women for 2006-2009. The strategy development was late and approved only for 2007-2009.

Sources:

Government of the Republic of Lithuania Decision No. 1042 of the on September 26, 2005
www.socmin.lt

2006-2008

National Antidiscrimination Programme for 2006-2008

On 2006, the Government of Lithuania approved the National Antidiscrimination Programme for 2006-2008. This programme aims to provide a complex analysis of the forms of discrimination regarding gender, sexual orientation, age, disability, race/ethnicity, and religious belief in all spheres of the society. Additionally, it seeks to provide effective education on tolerance and non-discrimination, raise awareness on diversity, improve the legal basis to combat discrimination, and involve society actively in prevention activities and work. Many activities include awareness raising campaigns on tolerance and openness to diversity for the Year of Equal Opportunities in 2007. The programme also includes the initiation of research into multiple discrimination to identify hidden problems of discrimination in the labour market and the public and private sector. The Programme will be financed from the budget of the government of Lithuania with the help of EU structural funds.

Source:

Government Decision No. 907 of September 19, 2006 on approval of National Antidiscrimination programme for 2006-2008. www.socmin.lt

1.3 Gender machinery³⁴

INSTITUTIONAL MECHANISMS

1995 The involvement of the UNDP influenced the Government of Lithuania to establish the new vacancy namely, the **governmental adviser on women and family issues**.³⁵

³⁴ This section prepared mainly from:

Mickeviciute Indre. 2005. Equal opportunities for women and men. Monitoring law and practice in Lithuania. OSI/Women's Network Program

Documents on website of Women's Information Centre www.lygus.lt

Taljūnaitė, Meilutė and Rita Bandzevičienė. 2004. Lithuania: Analysis of Policy Context and Policies. Gender –sensitive and women-friendly public policies: a comparative analysis of their progress and impact (Equapol), www.equapol.gr/Pubs/Lithuania%20DL4.pdf

³⁵ *Lygiateisiskumo keliu*. Vilnius: MIC 2000; Purvaneckiene G. "Women in domestic domain" in S. LaFont (ed.) *Women in Transition: Voicec from Lithuania*. State university of New York. 1998
Dr. G. Purvaneckiene was appointed the first adviser on women and family issues.

Parliamentary Commission for Family and Child Affairs

Since 1996 the Parliamentary Commission for Family and Child Affairs has participated in the decision-making procedure on the rights of women and children, family policy and other policy and in this way has contributed to gender equality initiatives within the Parliament. In 2006 the Commission drafted the amendments to the Statute of the Parliament on expanding the mandate of the commission and transforming it to the Parliamentary Committee on Family and Child Affairs, because of the increasing importance of family issues and child affairs in society. In 2007 the Committee of Human rights at the Parliament opposed changing the status of the commission, referring to the more serious issues such as the energy industry rather than family issues.³⁶

Group of Women Members of Parliament

In 1996 under the leadership of women social democrats in the Parliament, the Group of Women Members of Parliament was composed by all women parliamentarians, regardless of party membership. The aim of this informal group was to promote women's and gender equality issues in parliamentary activities and larger society. Though the women's parliamentary group showed solidarity in the promoting of the gender equality law, in other important issues such as reproductive rights, social inclusion and other gender related questions, their opinions were opposed. In 2006, after the conference on international women's day where women's problems were discussed by the members of government, Parliament and NGOs, the women's parliamentary group was dissolved on the 8 March. The MPs of the populist Labour party accused the social-democrat women MPs of open lobby of the reproductive rights legislation and left the group.³⁷

Parliamentary Human Rights Committee

The Parliamentary Human Rights Committee has been officially appointed to work on gender equality legislation in the process of its initiation and consideration. In 2002 it registered amendments to the Law on Equal Opportunities as well as other legal acts which were successfully passed by the Parliament. Since 2006 the Human Rights Committee has initiated talks on the protection of women against domestic violence.³⁸

The Office of the Equal Opportunities Ombudsperson

The Office of the Equal Opportunities Ombudsperson was established in 1999 as a controlling institution of implementation of the Law on Equal Opportunities for Women and Men and since 2005 has been the controlling institution for implementation of law On Equal Opportunities covering all grounds of discrimination. It is an independent state institution accountable to the Parliament.

³⁶ Press release of the Human Rights Committee
http://www3.lrs.lt/pls/inter/w5_show?p_r=268&p_d=66166&p_k=1
MP Etela Krupavickinene press conference

³⁷ http://www3.lrs.lt/pls/inter/w5_show?p_r=618&p_d=66139&p_k=1

³⁷ Ieva. Urbonaite. The Women's Parliamentary group dissolved. March www.delfi.lt

³⁸ A. Lydeka: smurtas seimoje – nusikaltimas visuomenei. Seimo Liberalu ir centro sajungos frakcijos sekretoriatas. http://www3.lrs.lt/pls/inter/w5_show?p_r=3347&p_d=61469&p_k=1

The Ombudsperson investigates individual complaints on discrimination against gender, age, disability, ethnic minorities, religious belief, and sexual minorities; and submits recommendations and proposals to the Parliament and governmental institutions on the priorities of gender equality policy, including recommendations on amendments to relevant legislation. The Ombudsperson supervises the mass media in order to protect against discriminatory advertisements.

In 2002, an **Advisor to the Prime Minister** was appointed to deal with the issues of gender equality and non-governmental organizations. However, the vacancy was cancelled in 2004 and up until the present time has not been renewed.

Minister of Social Security and Labour

In 2001 the Minister of Social Security and Labour was commissioned to coordinate gender mainstreaming in all spheres implying that this person is in fact acting as the Minister of Gender Equality. The Ministry of Social Security and Labour established the department of Labour and Equal Opportunities which in 2006 was reorganized as the department of Equal Opportunities and is directly responsible for coordination of implementation of gender equality policies.

Inter-Ministerial Commission on Equal Opportunities for Women and Men

In 2000 under the Decree of the Government of Lithuania, the Inter-Ministerial Commission on Equal Opportunities for Women and Men was established that consisted of representatives of all ministries and the Department of Statistics.³⁹ The Commission is the main body responsible for gender mainstreaming policies. The Minister of Social Security and Labour is the coordinating body of this commission. It coordinates the implementation of the National Programme on Equal Opportunities for Women and Men as well as other gender-related measures on the ministerial level. As gender experts have noticed, the Commission work is almost invisible and lacks sufficient expertise, since equal opportunities of women and men is not the primary responsibility of the Commission members within their respective ministries.

In 2007 the Minister of Social Security and Labour issued an order on composing the personal list of members of the commission. It includes the representatives of all ministries and the Department of Statistics and two representatives of NGOs.⁴⁰

Department of Statistics

Since 1997 the Department of Statistics of the Government has been responsible for the collection and publication of gender statistics in the volume *Women and Men in Lithuania*. In 2004, the Department started to prepare a list of statistical indexes that would explicitly reflect the problematic gender areas in Lithuania.

³⁹ Lietuvos Respublikos Vyriausybės 2000 m. kovo 7 d. nutarimo Nr. 266 "Dėl moterų ir vyrų lygių galimybių komisijos sudarymo ir jos nuostatų patvirtinimo" (Žin., 2000, Nr. 22-564)

⁴⁰ LR Socialinės apsaugos ir darbo ministres isakymas Nr: A1-131, 2007-05-24, "Dėl personalinės lygių galimybių komisijos sudarymo". www.socmin.lt

Gender Equality at the Municipal Level

The gender equality policies at municipal level are underdeveloped. The Office of Equal Opportunities has initiated the proposal to make gender equality action plans and establish a vacancy on equal opportunities in each municipality. However, only one municipality of Vilnius established the head of Personnel department to undertake the functions of gender equality. In 2005-2007 a number of municipalities participated in the international projects executed by the Office of the Equal Opportunities Ombudsperson in cooperation with nongovernmental women's organizations and supported by SIDA and EU funds that provided practical insights on the necessity of implementing gender equality in the everyday work of the municipality.⁴¹

Civil Society

As the report of the Government of Lithuania to Committee of CEDAW in 2004 states, there are more than 100 non-governmental women's organizations which tackle gender equality issues in their activities.⁴²

Since 1995 the important network of women's NGOs is organized under the Women's Information Centre in order to share the information and call for unified actions in promoting gender equality.

A number of women's organizations are united in an informal Coalition for the Protection of Women's Rights, established in 2000. The Coalition aims at improving women's position by influencing public processes and monitoring the gender equality situation in Lithuania. Though the Coalition produced several petitions to the Government its activities are hardly visible.

In 2002 the Centre for Men's Information and Crises was established and funded under Open Society Fund-Lithuania, but currently is not working.

In 2003, the Women's Forum- as a consultative body on women's issues to the Parliament of Lithuania- was established under the support of the Parliamentary Commission of Family and Child Affairs. Since its establishment, the Women's Forum has served as an advisory body on women's rights and equal opportunities and mostly was active in preparing the Fourth National Women's Congress in 2005.⁴³ Since then the activities of the Women's Forum are hardly visible to the public.⁴⁴

In May 2007 a new Left Coalition 95 bringing together academia and human rights NGOs united to oppose the discriminatory, homophobic and socially blind policies in Lithuania.

⁴¹ Mackeviciute I. 2005. *Lyciu lygybes apsektas savivaldybiu darbe*. Vilnius: LGKT.

⁴² RESOLUTION No 1497 of 25 November 2004 on the endorsement of the report under the United Nations Convention on the Elimination of All Forms of Discrimination against Women www.socmin.lt

⁴³ Women's Forum 2005 http://www3.lrs.lt/pls/inter/nw5_VIEWER.ViewDoc?p_int_tekst_id=40303&p_int_tv_id=3709&p_org=0

⁴⁴ Vision of the Development of Lithuanian Egalitarian Society 2014 <http://www.lygus.lt/mp/article.php?id2=10>

2. NON-EMPLOYMENT

2.1. Introduction

In the second half of the 1990s Lithuania was going through difficult economic transformations and suffered from two huge economic crises. Therefore social benefits for motherhood, child-care, health, education and unemployment were reduced. Declining social provision for motherhood and moves to the familialization of social services has increased women's unpaid care work and dependence on their male partners. There has been no policy to develop equal parenting roles between women and men. Flexible working conditions were not elaborated due to economic hardship and high unemployment throughout the 1990s.

Accession to the EU 2000-2004 and harmonization with EU legislation expanded the employment concept by addressing equal pay and equality of women and men in the labour market. During this time many debates and discussions turned towards equal opportunities of women and men in employment.

Regular Reports of the European Commission in the EU accession process in general positively evaluated Lithuania's social policies in transposing the EC Directives on protection of pregnant women, women who recently gave birth and breastfeeding women (2003 Law on Safety and Health at Work⁴⁵) and on equal share of child care benefits among both parents (law on State Benefits for Families Raising Small Children). However, the Commission pointed out that regardless of the progress in legal and institutional mechanisms, the implementation of social and economic rights and social dialogue continues to be weak.⁴⁶

In 2004 Lithuania became a member of the EU. Since 2004, the main documents on reducing unemployment are initiated and drafted by the Ministry of Social Security and Labour that had a special department within it on Employment and Gender Equality. Most policy debates focused around the issues of share of parental responsibilities between mother and father, involving a father in child-care activities, reconciliation of family and work obligations and included social policies on maternity/paternity. The policy documents adopted from 2004 to 2007 included the National Programme on Equal Opportunities for Women and Men for 2005-2009, National Action Plan on Employment, Single Programming document for the EU structural support 2004-2006, Equal Community Initiative Programme for Lithuania 2004-2006, and National Lisbon Strategy Implementation Programme for 2005-2008. These documents followed from the recommendation of the European Commission to Lithuania to fulfill commitments in the accession process to reduce unemployment and poverty and introduce specific measures for unemployed and inactive individuals (woman make more than 60% of this group⁴⁷).

⁴⁵ Law on Safety and Health at Work

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=227568

⁴⁶ EK reguliarioji ataskaita apie Lietuvos pazanga rengiantis narystei ES, 2000: 46-49;

EK reguliarioji ataskaita apie Lietuvos pazanga rengiantis narystei ES 2001: 54-56;

EK reguliarioji ataskaita apie Lietuvos pazanga rengiantis narystei ES 2003: 69-73

⁴⁷ Kanopiene, Vida. 2004. Assessment of the 2004 National Action Plan for Employment from a Gender Perspective.

Additionally, the newly adopted strategies had a clear reference to the European Employment Strategy. All these documents conceptualize priorities in terms of enhancing female employment: encouraging re-employment of specific women's groups such as elderly and disabled people and particularly those performing care activities. Fathers as a target group started being introduced in the policy debates from 2006.

Sub-issues:

- Reconciliation of Work and Family life
- Care work and Informal work
- Equal Pay/gender pay gap
- Tax and benefit policies
- Access to the labour market

Reconciliation of family and work

Introduction of reconciliation of family and work started under the National Programme on Equal Opportunities for Women and Men for 2003-2004 and developed in policy goals under the EQUAL community initiative programme for Lithuania 2004-2006⁴⁸ It stated that the general goal of the document to reduce discrimination and inequality in the labour market could be achieved only by introducing the mechanisms of gender equality, flexible work time and reconciliation of family and work. The Government of Lithuania, by adopting the National Programme of Equal Opportunities for Women and Men for 2005-2009, emphasized the importance of the involvement of men in terms of parental leave which became a clear landmark for official policy discourse on reconciliation of family and work.⁴⁹ A similar provision has been articulated by the Ministry of Social Security and Labour in the other governmental documents: Lisbon strategy and National Demographic Policy Strategy on improving family welfare that covers the favourable conditions for working parents to reconcile family and work. As a result the Ministry should draft the legislation on expansion of social services in 2006-2007.⁵⁰

The measures to promote diversity of contractual and work arrangements, including on working time, did not gain a particular importance in Lithuania since the country has very weak experience in the organization of flexible forms of employment. There was no practice of part-time work and flexible working hours in the Soviet period. The situation has not changed much since then, despite the cardinal changes of legal basis. Low income and difficult mechanisms of employment prevent the wide adoption of the flexi-work and part-time arrangements.

In 2007 new initiatives on reconciliation of family and work came from the parliament of Lithuania. The chair of the Committee of Social affairs A. Sysas introduced

⁴⁸ Pagrindinis EQUAL programos siekis – kova su nelygybe ir diskriminacija darbo rinkoje
<http://www.lygus.lt/mp/article.php?id2=311>

⁴⁹ Valstybinė Moterų ir Vyrų Lygių Galimybių 2005-2009 m. Programa (National Programme on Equal Opportunities for Women and Men for 2005-2009. E-text

⁵⁰ Nacionalinės Demografinės (Gyventojų) politikos strategijos įgyvendinimas 2005-2007 m. priemonės
<http://www.soomin.lt/index.php?1740116512>

the term *Flex-security* into the Lithuanian policy context and suggested making the amendments to the Law on Maternity and Sickness allowing the mothers to return to work within the period of maternity leave insurance. Currently the situation in Lithuania is that if a mother returns to the labour market she loses the maternity benefits. The new amendment provides the possibility for part-time work and part of maternity benefits. The provision is still pending. However, some parliamentarians of liberal parties criticize this provision as damaging for a child and mother because she has to refuse her duties to the child.⁵¹

Care work and informal work

Though during the Soviet period Lithuania had a well-developed child care system, in the beginning of 1990s it was almost ruined due to the transition pressures, lack of state resources to maintain childcare institutions and policies encouraging familialization of care work. As a result, women's unpaid care work has increased. Academic social research on care and gender identities in Lithuania suggests the strength of tendencies toward a deeply rooted culture of feminization of care regardless of the possibility of introducing favourable legal and social conditions. Research has shown that the population highly values the women's involvement in care work and strongly believes that mothers should devote themselves to child care in the first years.⁵² Thus policies covering institutionalization of care work imply the paternalistic attitudes on protection of motherhood by developing favourable child leave schemes and favouring mothers to take proper care of children.

Till the end of 2005 there has been no specific policy to develop more equal parenting roles between women and men. In 2005 the initiatives of social democrats in the parliament (the committee of Social and economic affairs) initiated the amendment to the Law on Maternity and Sickness to allow fathers of newborns a full paid month of paternal leave that it is non-transferable to mothers were met by a successful conservative initiative to limit that provision only to fathers that are in official wedlock with mothers of their child.⁵³ Conservative forces justified such regulations in terms of the preservation of a traditional family model. Though later there were initiatives to change the discriminatory provision by the women-parliamentarians, and NGOs were writing petitions and letters to each parliamentarian, the provision was not changed. Trade unions were passive and ignorant in this respect.⁵⁴

⁵¹ Ligos ir motinystės socialinio draudimo įstatymo 6, 19, 20 ir 21 straipsnių pakeitimo ir papildymo įstatymo projektas Nr.XP-1894 (*pateikimas*). 2007 04 05 17(279)
Stenograma http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=295158&p_query=t%EBvyst%EBs%20atostogos&p_tr2=2

⁵² Maslauskaitė Ausra. Lytis, globa ir kultūriniai geroves kapitalizmo barjerai Lietuvoje.
<http://www.gap.lt/lgk>

⁵³ Respublikos ligos ir motinystės socialinio draudimo įstatymo papildymo 18(1), 18(2), 18(3) straipsniais Nr. XP – 874

⁵⁴ 2006 07 11 **Ar nauja įstatymo pataisa privilegijuoja susituokusius vyrus?**
<http://www.dadcomehome.org/old/news.php?strid=1335&id=5803>

Equal pay

Formally equal treatment and equal pay for the same work exist in the legal system of Lithuania. This occurred as the result of the transposition of the EU legislation. In general the violation of equal pay and equal treatment very often could be investigated as discrimination on grounds of gender. The Law on Wages and the Law on Equality for Women and Men prohibit unequal treatment of women and men in remuneration for the same work. The Labour Code includes the provisions that wages for work cannot be reduced according to employees' gender.⁵⁵ The Law on Wages also prohibits an increase or decrease in wages on the basis of an employee's sex, race, ethnic origin, marital status or family obligations etc. Both National programmes of Equal Opportunities for Women and Men 2003-2004 and 2005-2009 address the problem of unequal pay in the labour market due to the vertical and horizontal segregation of the labour market. However, no debates on tackling these problems occurred on the governmental and parliamentary levels, even though experts warned about the high gender gap in Lithuania. Women employees continue to earn up to 20 percent less than their male employees.⁵⁶

Another problematic issue is that there is no concept of work of equal-value in any document. Thus it seems that the equal pay is applicable when the same job is completed. Though Lithuania ratified the ILO convention on equal pay in 1994, further mechanisms in the national legislation and even discussions on the policy level have not been elaborated.⁵⁷

Tax and benefit policies

The right to social benefits for any person in gender neutral terms is enshrined in the Constitution of Lithuania 1992. The main shifts in the child benefits system were made in 2000. Under the suggestions of the Ombudsperson of Equal Opportunities, the member of the Commission of Family and Child Affairs drafted the amendment to the law on State Benefits for Families which introduced the child birth benefits for mother or father and eliminated the provision allowing only mothers to obtain the child birth benefit. It changed the existing provision that only in the case of mother's death could a father receive the child benefits.⁵⁸

⁵⁵ Labour Code, Ar. 7, part 2.

⁵⁶ Kanopiene Vida. 2004. Report on the National Action Plan on Employment from a Gender Perspective.

Mackeviciute Indre. 2005. Monitoring Equal Opportunities for Women and Men. Report on Lithuania WOMEN'S ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN REPUBLIC OF LITHUANIA. Independent Report for the thirty-second Session of the Committee on the Economic, Social and Cultural Rights (CESCR) April 26, 2004 <http://www.lygus.lt/gm/article.php?id=87>

⁵⁷ Ratification of ILO Convention No. 100.

Mackeviciute Indre. 2005. Monitoring Equal Opportunities for Women and Men. Report on Lithuania

Kanopiene V. 2004. Report on the National Action Plan on Employment from a Gender Perspective.

⁵⁸ Explanatory Note on Amendments to the articles 1,2,4 and 4(1) of the Law on state benefits for families. 2000

The discourse on demographic decline has influenced the increase of child leave benefits since 2004. The Ministry of Social Security and Labour is the executive body that initiated the increase in child leave schemes by raising the paid maternity leave till the child reaches one year old for socially secured women (those who have employment history and paid social insurance taxes) from 60% of paid salary to 70% in 2004, and 85% in 2006. In 2007 the child leave scheme increased to 100 % of paid salary until a child reaches 6 months old and 85% up until the child reaches one year. The promotion of demographic growth and helping families to raise their children are the main justifying points that are hardly opposed by the politicians and population.⁵⁹

Similarly, tax benefits for working parents were introduced from January 1, 2003.⁶⁰ The introduced amendments to the law on Individual Income Tax, drafted by the Ministry of Finances, increased the non-taxable amount of income and added Increase of non-taxable minimums together with other measures such as the rise of the minimum wage and promotion of self employment through tax incentives; these were the main policy measures in the EU accession process. If both parents are employed the child benefit is divided, if one parent works – the child benefit goes to one parent.⁶¹ The other tax benefits on minimal hourly pay rate and monthly salary are gender neutral.

From 2004 the elderly pensions have increased gradually within the national governmental programs. Not much debate is produced on these issues except political scientists' comments that increasing pensions before the elections to the municipalities or parliament was associated with strengthening the popularity of the ruling political party. The concern goes to the differences in pensions between women and men, where among people receiving a national pension (the lowest type of pension) there are more women than men.

The pension age is different for women and men but this is not considered as discrimination under the *acquis* and currently a different pension age for women and men exists in Lithuania. Since 1995 the pension age has gradually risen for women (to 60 years) and men (62). A women or a man has the right to get the elderly pension when they have 30 years working history. The time on child-care leave is incorporated in the elderly pension. The state provides the social relief pensions for those persons who do not have the working history but were taking care of children or disabled children for at least 15

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=113287&p_query=Lygi%F8%20galimybi%F8%20%E1statymo%20projektas&p_tr2=2

⁵⁹Reingardiene, Jolanta and Arturas Tereskinas. 2006. Darbo ir šeimos gyvenimo suderinimas Lietuvoje bei lyčių lygybė: iššūkiai ir galimybės (Reconciliation of family and work and gender equality in Lithuania: challenges and opportunities). In *(Ne)apmokamas darbas: šeimai palanki darbo aplinka ir lyčių lygybė Europoje*, ed. Jolanta Reingardiene, 47-103. Vilnius: STI, Vytauto Ddžiojo Universitetas

⁶⁰ LR Seimas 2002 m. liepos 2 d. priėmė naują Gyventojų pajamų mokesčio įstatymą, kuris įsigalios nuo 2003 m. sausio 1 d.

<http://www.tax.lt/article6.html>

⁶¹ Gyventojų pajamų mokesčio įstatymas

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=171369

Explanatory Note on Amendments to the articles 1,2,4 and 4(1) of the Law on state benefits for families. 2000

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=113287&p_query=Lygi%F8%20galimybi%F8%20%E1statymo%20projektas&p_tr2=2

<http://verslas.banga.lt/lt/patark.full/3e172832ff.2>

years and mothers who gave birth to 5 and more children and took care of them till they were 8 years old.⁶²

Access to labour market

During the period 2002-2007 the Government of Lithuania adopted a number of national programmes, strategies and action plans addressing the problems of **access to labour market** of elderly people, disabled people, and youth.⁶³ However, the analysis of these documents suggests the tendencies that policies target the specific groups of population in gender neutral terms and do not include a holistic approach. Even the National Antidiscrimination programme 2006-2008 addresses each vulnerable group in gender neutral terms.⁶⁴

The gendered problems of elderly women and women after child-care leave are discussed and integrated in the two National Programmes of Equal Opportunities for Women and Men 2003-2004 and 2005-2009. The Ministry of Social Security and Labour initiated the drafting of the programs following the commitments to the UN and EU. In drafting the National Programme of Equal Opportunities for Women and Men in 2005 the demographic decline and increasingly ageing population were the main arguments to address the issue of access to employment in gender terms. The main target groups of women in access to the labour market are pre-pension age women, pension age women and women returning after child-care leave. Similarly, the problems of women after a period of maternity leave are targeted in the “National Life-Long Learning Strategy” which was adopted by the Special Order of the Minister of Education and the Minister of Social Security and Labour (No-433/A1-83 of March 26, 2004). However, it does not target parents of young children and other persons with family responsibilities.⁶⁵ In 2004 the Government of Lithuania adopted the EQUAL Programming document 2004-2006, approved by the European Commission. The document targeted the issues of antidiscrimination in the labour market and addressed 11 target groups that should be covered by the project implementers in improving their situation. These were: long-term unemployed, women, pre-pension age persons, disabled people, young people, former prisoners, drug addicts, ethnic minorities, asylum seekers, and those discriminated against on grounds of sexual orientation.⁶⁶ The projects implemented by NGOs included trainings and seminars for these target groups.

⁶² Zemaityte, Rita. Socialine apsauga. www.lygus.lt

⁶³ The National programs, strategies and actions plans adopted by the Government of Lithuania are place on the web page of the Ministry of Social Security and Labour .
www.socmin.lt/index.php?1740116512

⁶⁴ LRV nutarimas Nr. 907 2006-09-19. Del nacionalines antidiskreiminacines 2006-2008 metu programos patvirtinimo. www.socmin.lt/index.php?1740116512

⁶⁵ Kanopiene, Vida. 2004. Assessment of the 2004 National Action Plan for Employment from a Gender Perspective

⁶⁶ Press reseals by the Minsitry of social security and labour
<http://www.lygus.lt/mp/article.php?id2=311>

2. 2. Actors

The main **government departments** relevant to the issue of non-employment:

The Committee of Social Affairs and Labour of the Parliament of Lithuania (reconciliation of family and work, paternity leave), Commission of Family and Child Affairs at the Parliament of Lithuania (paternity/maternity leave), Economic Committee at the Parliament of Lithuania (paternity leave, tax benefits), Human Rights Committee (equal treatment, discrimination against gender), Ministry of Economy (National Lisbon strategy), Ministry of Finances (Tax benefits).

Equality bodies: Ministry of Social Security and Labour; Office of Ombudsperson on Equal Opportunities

NGO

Women's programme of Open Society Fund-Lithuania (Monitoring the EU accession process 2002)

Women's Forum – Coalition of Women's NGO

Centre for Equality Advancement (equal opportunities for women and men: Monitoring Law and practice in Lithuania)

Women's Information Centre

International actors:

European Commission in the accession to EU process 2000-2004 provided reports on progress in Lithuania

European Women's Lobby recommendations

Policy experts/research

Much research on employment and gender equality was completed in 2000-2004 within the accession process and funded by international bodies (European Commission and Open Society Fund-Lithuania). Social scientists (sociologists and demographers mainly) of Kaunas Vytautas Magnus University, Centre for Social Studies, and Mykolas Riomeris University, Department of Social Policy and Social Research Institute completed the main body of research. The recommendations provided by experts, however, were either only partially considered by the government or were ignored.

Trade unions

A weak trade union movement in Lithuania, due to the past Soviet heritage and negative attitudes towards them.

In general, the governmental bodies of Lithuania while passing the new provisions, amendments and laws usually referred to the commitments of Lithuania to join the EU and

therefore the necessity in adopting new legal acts as a requirement of the EU. In this way, any critiques from civil society were ignored.

In terms of intersectionality, organizations of different grounds of discrimination (gender, disability, age, and ethnicity) are not in close cooperation.

2.3. Timeline of policy debates

2.3.1 Reconciliation of family and work

1996 Concept of family policy and action plan

The decision of the Government of the Republic of Lithuania was to involve the ministries under their competence to implement family friendly policies, facilitate the active involvement of the population in employment, provide services such as pre-school institutional networks for families raising children and to mainstream gender equality. Basically the concept covered three main objectives: 1) to improve employment conditions, 2) improve housing conditions (development of credit system, flexibility of credits and so on); 3) development of benefits system for families, including pre-school institution network, and possibility for parents to work during the child care. The action plan included the implementation of gender equality, family reproduction, health of mother and child, development of services of pre-school education and other measures. As the government was comprised by social democrats, the concept resembles the social democratic welfare model.

However, there was no assigned coordinating body for implementation of this programme and no one ministry took initiatives to complete the responsibilities assigned in the program. Another reason why the programme did not start being implemented was the elections of 1996 which were won by the conservatives. They relied on an expensive benefits providing system, especially for adopted children, which reproduced the system of care burden. It should be noted that benefits for adopted children were higher than for children of biological birth in a family.

Sources:

Concept of family policy and action Plan Decision of the Government of Lithuania No. 362, 19 93 1996

http://www.lrv.lt/buvusios_vyr/progr_priem/7_priemones.pdf

Stankūnienė, Vlada, Aiva Jonkarytė, Sarmitė Mikulionienė, Algimantas Mitrikas and Aušra Maslauskaitė (Kolektyvinė monografija). 2003. *Šeimos revoliucija? Iššūkiai šeimos politikai* (Family revolution? Challenges for family policies). Vilnius: STI, 45-51.

1996 Law on Support of Unemployed

Economic crises in the second half of the 1990s increased unemployment and economic hardship, affecting the government's ability to provide social support and benefits for

population. Therefore, the Ministry of Social Affairs and Labour initiated drafting the law on Support of Unemployed which terminated the law on Population Employment. The Law on Support of Unemployed provides the possibilities for people, who cannot work due to various reasons, to get a salary. It is not limited only to provision of subsidies, but includes the promotion to change professional qualification and enhance working opportunities. The law introduced new definitions of unemployed – those who are *ready* to join labour market (this means that they have an attractive profession, good working history and have been unemployed less than 1 year) and those who are *not ready* (those who have an unattractive profession, less practice, and a long unemployment history). As a temporal measure to solve unemployment the provisions indicate the role of the Labour exchange at national and local levels, which have to provide professional training for the most vulnerable groups: individuals under 18 years old, women that take care of children till 14, disabled people, people of pre-retirement age when 5 years until retirement is left, and those recently returned from prisons.

Sources:

Decision of the Minister of Social security and Labour No 76, June 21, 1996

Report on Social security, 2003, www.socmin.lt

Secondary source:

[Ramunė Guobaitė, Valstybinės gyventojų užimtumo teisinės garantijos](http://www.sociumas.lt/Lit/nr12/nedarbas.asp)
<http://www.sociumas.lt/Lit/nr12/nedarbas.asp>

2003 Labour Code

An important amendment to the Labour Code was adopted in 2003 on regulation of working time allowing for parents of small children to negotiate working time with their employer. The amendment of the law was prepared by the chair of the Commission of the Family and Child Affairs as a necessity to protect working parents' interests to complete family duties. In the same year, the Minister of Social Security and Labour issues an order 'Recommendations for Employers to Apply Flexible Working Time for Employees'. These Recommendations, under mutual agreement between employers and employees, provide the opportunities for employees to work to a flexible time table and reconcile work time and work place in the form that closely correspond to the employers and employees interests.

Sources:

Labour Code No. IX-926, adopted on June 4, 2002, entered into force on January 1, 2003

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=169334

Resolution No 1234 of the Government of the Republic of Lithuania of 19 March 2003)

http://www.sam.lt/lt/main/teisine_informacija/ministro_isakymai?id=23315

Explanatory Note on Amendment of art. 147 to the Labour Code

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=223594&p_query=Darbo%20kod_eksas&p_tr2=2

Order of the Minister of Social Security and Labour No. A1-160, 17 October, 2003 on Recommendations for Employers to Apply Flexible Working Time for Employees.

http://www.socmin.lt/get_file.php?file=c29jL20vbV9maWxlcy93ZmlsZXMvZmlsZTE0NTgu aHRtO1Jla29tZW5kYWNPaiBkYXJiZGF2Lmh0bTs7

2004 Law No IX-2086 on ratification of ILO 156 Convention regarding the Equal Opportunities and Equal Treatment of Women and Men with Family Responsibilities

In 2003 Ministry of Social Security and Labour prepared necessary documents and Minister V. Blinkeviciute submitted it to the Government on ratification of ILO 156 convention on support for working men and women who have obligations to their families. The rationale of ratification has the commitment of the Government of Lithuania to implement policies of equal opportunities and employment under the international standards. The ratification of this convention would provide an additional opportunity for working women and men to complete care duties in the family and at the same time to remain employed and compete in the labour market.

Sources:

National Programme of Equal opportunities for Women and Men 2003-2004

<http://www.socmin.lt/index.php?1740116512>

Report on Implementation of National Programme on Women and Men for 2004

<http://www.socmin.lt/index.php?329064359>

Explanatory note No. IXP-3189 2004 01 14 on Ratification of ILO Convention No. 156.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=225305&p_query=Lygi%F8%20galimybi%F8%20%E1statymo%20projektas&p_tr2=2

Information on ratification of ILO Convention No. 156.

<http://www.urm.lt/index.php?1719066705>

2004 The Law of the Republic of Lithuania on Social Enterprises

Initiated by the Ministry of Social Security and Labour, this law was adopted in order to encourage persons who have lost their professional and general capacity for work, who are economically inactive, and who are unable to compete on equal conditions in order to return to the labour market, to speed up their social integration and reduce their social exclusion. The Ministry of Social Security and Labour has justified the introduction of flexible forms of work such as work at home, temporary work and fixed term work, seasonal work, part-time work or flexible schedule of work, supporting the employers to improve the organization of work and providing better opportunities for people searching for a job. As provided in subparagraph 4 of article 4(1) of the Law, social enterprises support employment, including that of single mothers or fathers who are taking care of and raising a child under 8 years of age, if the duration of unemployment from the day of registration with the territorial labour exchange is longer than 6 months. Thus, parents with small children are addressed as a specific target group.

Source:

The Law of the Republic of Lithuania on Social Enterprises (1 June 2004 No IX-2251)
<http://www.socmin.lt/index.php?1724580010>

Secondary sources:

How to return back to the labour market? Interview with the Minister of Social Security and Labour

http://www.mzinios.lt/lt/2006-03-26/straipsniai/rinka/kaip_sugrizti_i_darbo_rinka.html

Press release of the Ministry of Social security and Labour

<http://www.socmin.lt/?1008330361>

2004 Single Programming Document for 2004-2006

Seeking to improve the economic condition of women, in view of the current unemployment, Lithuania's Single Programming Document for 2004-2006, approved provision for the possibilities to improve women's economic position with the support of the EU structural funds. The Document was initiated and coordinated by the Ministry of Social Security and Labour. Reconciliation of family and work was one of the clearly pronounced measures.

Source:

Resolution No 935 of the Government of the Republic of Lithuania of 2 August 2004
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=281241&p_query=&p_tr2=

Secondary sources:

Davidavicius A. 2006. Policies of Reconciliation of work and family life: trends and possibilities in the EU and Lithuania. In Jolanta Reingardiene (ed) Paid and Unpaid work: Family friendly policies and gender equality in Europe. Vilnius. 131-137

2005 National Programme on Implementation of Lisbon Strategy for 2005-2008

Prepared under coordination of the Ministry of Economy, the Programme includes the needs for implementation of measures to achieve the goals of the Lisbon strategy. The measures are provided in a very declarative way. Much is discussed on implementation of measures to reconcile family and work by providing possibilities to expand pre-school services for children, but no concrete measures are provided. This issue is coordinated by the Ministry of Social Security and Labour.

Source:

National Programme on Implementation of Lisbon Strategy for 2005-2008
<http://www.ukmin.lt/lt/strategija/doc/n.lis.pr.-2005-11-22,nr.1270.doc>

2.3.2 Care and informal work

2001 Law on Sickness and Maternity Social Insurance

This law was drafted referring to the requirement of the reform of the social insurance system. The Ministry of Social Security and Labour introduced an insurance period for

receiving sickness, maternity, maternity (paternity) benefits: for sickness, maternity benefits – 3 months within 12 month or 6 months within 24 months; for maternity (paternity) benefit – 7 months within 24 months. This law established the requirement that only those persons who have an employment history and have paid social insurance taxes are entitled to compensation from the state in the case of sickness or maternity. Women receive a maternity benefit during the period of pregnancy and childbirth – 70 calendar days before childbirth and 56 calendar days after it (in the event of complicated confinement or birth of more than one child – 70 calendar days). This benefit amounts to 100 percent of the compensated wage of the benefit recipient.

Sources:

Law on Sickness and Maternity Social Insurance 21 December 2000 No IX-110),
Report of the Committee of Social Security and Labour at the Parliament, March, 2001
http://www3.lrs.lt/pls/inter/w5_show?p_r=4254&p_d=8404&p_k=1

2002 Child's welfare concept

The Commission of Family and Child Affairs at the Parliament of Lithuania initiated the drafting of the concept of Child's Welfare and composed a working group chaired by the chair of this Commission, Dr. Giedre Purvancekiene (Socialdemocrats party). The concept is gender neutral. It is important to note that the concept identifies the responsible actors for children, namely state and family, and argues for the state's guarantee of the child's right to the care of both parents. An important note was introduced that for this purpose, both parents, a woman and man, should be provided with equal opportunities to reconcile professional life and family duties:

- 1) the state has provided services for child's day care
- 2) a woman and man should obtain equal opportunities to care for child in early stages
- 3) society should change its attitudes to stereotypical gender roles and adopt new father role in care of the child.

The Concept of Child's welfare was adopted by the parliament. The Ministry of Social Security and Labour was entitled to prepare the Action plan for implementation of the document.

Sources:

Exemplary note No. IXP-2119 by Giedre Purvancekiene, Chair of the Commission of Family and Child's Affairs.

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=193895

Vaiko geroves koncepcija. Žin., 2003, Nr. [52-2316](#);

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=211767

Conference on Child's Rights organized by the Commission of the Family and Child's Affairs at the Parliament of Lithuania together with UNICEF Lithuanian National Committee on 9 October, 2003

http://www3.lrs.lt/docs3/kad4/W3_VIEWER.ViewDoc-p_int_tekst_id=29459&p_int_tv_id=4342&p_org=0.htm

2005 Child's welfare strategy for 2005-2012

The government of Lithuania, following the decision No. Nr. IX-1569 of 20, May, 2003 "On Adoption of Conception of Child's Welfare" (Žin., 2003, Nr. [52-2316](#)), prepared the action plan on implementation of the policy on the child's welfare and authorized the Ministry of Social Security and Labour to coordinate its implementation.

The National strategy encompasses the area of making a network of services necessary for families in regard to child care. This refers to the non-discrimination and child's rights enshrined the UN Convention of Protection of Child's rights.

The National strategy is gender neutral. Regarding the equal opportunities for women and men it provides an analysis of the situation and argues that family forms in Lithuania are changing and the traditional family does not prevail in society. The Strategy formulates the necessity to prepare sustainable, complex and qualitative services for families caring for a child that cover period 2007-2009. Therefore, no concrete decisions are discussed publicly yet.

Source:

Child's welfare strategy for 2005-2012 approved by the Government of Lithuania, Resolution No. 184, February 17, 2005.

<http://www.socmin.lt/index.php?1740116512>

2006 Amendment to the Law on Sickness and Maternity Social Insurance - Paternity benefits

The amendment to the Law on Sickness and Maternity Social Insurance was initiated by the Committee of Social Affairs and Labour at the Parliament of Lithuania after the successful implementation of the EC funded project "Innovative Gender Equality Strategies: Fatherhood and Paternity Leave" 2004-2005. This law provides the possibilities for fathers of newborns to have a full paid month of paternal leave that it is not transferable. However, the parliament adopted the amendment with the supplement that only fathers that are in official wedlock with the mother of their children could get paternity leave. The initiators were conservative forces of the parliament and the Commission of the Family and Child's affairs at the parliament. The explanation for this was the necessity of preserving the traditional family of a married couple. Unsuccessful attempts were made to change the provision in December 2006.

The Centre for Equality Advancement initiated the petition to the Parliament calling to end discrimination of fathers and discrediting fatherhood. The petition provides the statistics on

the existing situation pointing out that 30% of children are born out of wedlock. The petition provides the list of international and national documents that contradicts the adopted law.

Source:

Draft Law No. XP-875 on Amendment of Sickness and Maternity Social Insurance Law , 26 October 2005 10 26

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=264440&p_query=t%EBvyst%EBs%20atostogos&p_tr2=2

The Meeting protocol of the Commission of Family and Child Affairs on 2006-03-15 (typed manuscript)

The information on the amendment: <http://www.lygus.lt/ITC/news.php?id=751>

Petition to the Parliamentarians (Letter No. S-16, July 11, 2006)

Information about the initiative:

<http://www.dadcomehome.org/old/news.php?strid=1335&id=5803>

2006 Amendment to the Law on Social Support of Low Income Families

The amendments prepared by the MP *Rima Baškienė*, Chair of the Commission of Family and Child Affairs, and *Jadvyga Zinkevičiūtė*, the member of the Commission of Family and Child Affairs.

Provision of this law provides immediate monetary social support for the following groups registered in the territorial labour exchange office: persons of pre-retirement age who will reach the retirement age in 5 years, young people after graduation from secondary school, professional school, college or university, persons who lost 45-50% of their abilities to work, the mother (father) with a child under 3 years old, persons who's temporal, seasonal, or fixed labour contract ended, and persons who take care of a family member under the other legal provisions.

Source:

Amendment to the Law on Social Support of Low Income Families Nr. X-916, Žin., 2006, No. 130-4889

2.3.3 Equal Pay

2001-2004 Programme of the Government of the Republic of Lithuania on Increasing Employment

The programme was adopted in the process of EU accession fulfilling the commitments in reducing economic hardship. The Programme involved a separate section on gender equality under which the Ministry of Social Security and Labour was authorized to prepare the separate programme on Equal opportunities for Women and Men. The strategic objectives identified were development of a system which involved the creation of jobs, improvement of the promotion of employment, increasing ability to adjust to changes, and increasing equal opportunities in the labour market.

Source:

The Programme of the Government of the Republic of Lithuania
http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=151412

Secondary source

Kanopiene Vida. 2004. Report on the National Action Plan on Employment from a gender Perspective. Republic of Lithuania. European Work and Employment Centre. University of Manchester.

2003-2004 National Programme of Equal Opportunities for Women and Men

The programme was prepared by the Ministry of Social Security and Labour in order to ensure equal opportunities for women and men in employment and promotion of equal pay, to widen the scope of women's employment in prestigious spheres of activity and in high-ranking positions in public institutions.

For this purpose the programme provided awareness-raising training for women on protection of their rights in the labour market and also prepared the methodology to evaluate the work and career process in order to calculate wages for completed work.

Source: National Programme of Equal Opportunities for women and men 2003-2004

http://www.socmin.lt/get_file.php?file=RTpcXEluZXRwdWJcXFNtYXJ0d2ViL3NvYy9tL21fZmlsZXMvd2ZpbGVzL2ZpbGU3MDEuaHRtO1ZhbHN0eWJpbmUgbW90ZXJ1IGlyIHZ5cnUgcHJvZ3JhbWEuaHRtOzs=

2004 Alternative report on Women's economic, social and cultural rights in Republic of Lithuania

The report was prepared on the basis of information received from the questionnaire and consultation with women's groups at the grassroots level (unemployed and socially disadvantaged women) and in co-operation with the Lithuanian Coalition for Protection of Women's Human Rights which unites 64 NGOs. This report concerns article 3 of the CDESCR which declares that the State Parties undertake to ensure the equal rights of men and women in the enjoyment of all economic, social and cultural rights set forth in the present Covenant. The report provides a critical assessment of the ineffective gender equality policy in Lithuania and especially in the employment sector.

Source:

WOMEN'S ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN REPUBLIC OF LITHUANIA. Independent Report for the thirty-second Session of the Committee on the Economic, Social and Cultural Rights (CESCR) April 26, 2004

<http://www.lygus.lt/gm/article.php?id=87>

2005-2009 National Programme of Equal Opportunities for Women and Men

The programme was prepared by the Ministry of Social Security and Labour and approved by the Government of Lithuania to address the problem of unequal pay between women and men due to the vertical and horizontal segregation of the labour market. However no specific measures have been included in the implementation plan except seminars on changing gender stereotypes.

Source:

National Programme of Equal Opportunities for women and men 2005-2009

<http://www.socmin.lt/index.php?1740116512>

2.3.4 Tax and benefit policies

2001 Amendment to the Law on State Family Benefits

The law was amended in order to meet the commitments of the Lithuanian state to implement gender equality. The amendments of 1,2,3,4, and 4¹ introduced the possibility to obtain state benefits by both father or mother of the child and terminated the previous provision that only in the case of death could the father of the child receive the child benefit.

Source:

Report of the Committee of Social Affairs and Labour at the Parliament of Lithuania

http://www3.lrs.lt/pls/inter/w5_show?p_r=4254&p_d=8404&p_k=1

2003 Law on Individual Income Tax

Tax benefits for working parents were introduced from January 1, 2003 to improve the tax burden for working parents. It increased the non-taxable wage minimum and introduced 0.1% additional benefit for each child. The initiator of the law was the Ministry of Finances.

Source:

Law on Population Income Tax adopted on 2 June, 2002 By the Parliament and enforced since January 1, 2003.

<http://www.tax.lt/article6.html>

Secondary sources

Kanopiene Vida. 2004. Report on the National Action Plan on Employment from a gender Perspective. Republic of Lithuania. European Work and Employment Centre. University of Manchester

2004 Amendment to the Law on Sickness and Maternity Leave social Insurance

From 2004 the gradual increase of Maternity leave started. The Committee of the Social Affairs and Labour at the Parliament of Lithuania drafted the amendment to the Law on Sickness and Maternity Social Insurance. In 2004 maternity/paternity benefit paid during childcare leave until the child reaches the age of one year has been increased from 60 to 70 percent of the compensated wage of the mother/father. A person who is not entitled to receive maternity/paternity benefit from the budget of the State Social Insurance Fund will be paid a benefit in accordance with the Law of the Republic of Lithuania on Benefits to Children.

Source:

Report of the Committee of Social Affairs and Labour at the Parliament for 2004

http://www3.lrs.lt/docs3/kad4/W3_VIEWER.ViewDoc-p_int_tekst_id=33079&p_int_tv_id=4323&p_org=0.htm

LR Ligos ir Motinystės įstatymas 18(1)

www.sodra.lt

Secondary source:

Information on Maternity leave http://www.lygus.lt/ITC/files_lyciu/pasalpos.doc

2006 Amendments on Law on Sickness and Maternity leave

The law provides opportunities for a father to take one month paternal leave from child's birth till one month of age. During this one month period of leave the father can stay with the mother to take care of their child together and receive 100% of compensated wage. However, the law includes one discriminatory provision in that only those fathers who are married to the child's mother can obtain this paternal leave. The MPs strongly support the opinion that only a married couple is a real traditional family which needs state protection.

Sources:

Lietuvos Respublikos ligos ir motinystės socialinio draudimo įstatymo 18(1) straipsnio pakeitimo įstatymo ir Lietuvos Respublikos darbo kodekso 179(1) straipsnio pakeitimo įstatymo aiškinamasis raštas

Lietuvos Respublikos Seimas / aiškinamasis raštas

2007 Amendment of Law on Sickness and Maternity Leave

Growing subsidies for maternity leave in order to justify women's stay at home

The amendment was prepared by the Ministry of Social Security and Labour in order to encourage demographic growth which is rapidly declining in Lithuania. The amendment provides social insurance payments for maternity (paternity) leave compensating 100% of salary until the child reaches 6 months and 85% of compensated salary for a parent who is on leave until the child reaches 12 months. The Ministry justifies the necessity of such

provisions as benefits for women who are taking care of children until they are three years old and getting limited income. Therefore, their poverty is increasing. However, some parliamentarians oppose the suggestions increasing the benefits and instead propose flexibility in combining work and family duties.

Sources:

The press release of the Ministry of Social security and Labour

<http://www.straipsniai.lt/mamoms/puslapis/9652>

Inga Saukiene. Valstybes politika – Seimos be vaiku?. *Delfi 2007 birželio mėn. 11 d*

http://www.delfi.lt/news/DELFI_for_women/Home_and_family/article.php?id=13476223

2.3.5 Access to the labour market

2001 National Action Plan for Employment in 2001-2004, prepared under coordination of the Ministry of Social Affairs and Labour.

Preparation of the National Strategy for Increased Employment 2001-2004 has been started following the European Employment Guidelines which would be gender-mainstreamed through the entire document together with special measures for increasing female employment.

However, experts evaluated the National Action Plan for Employment critically due to a gender neutral approach in the presentation of strategic provisions of the employment. Participation of the elderly is not considered an urgent issue in the NAP and the targets set are gender undifferentiated. There is no reference to the gender employment gap among elderly. The gender dimension is mainly evident in analysis of legislation and in references to the other programs. Disabled women are named as a target group for professional training and reintegration programs. Discriminative attitudes of employers towards elderly people are discussed but no reference is made to the policies related to the hidden discrimination of other groups of women in recruitment, career promotion and other. The vulnerable groups mentioned in the National Action Plan for Social Inclusion such as young women aged 16-25, single mothers with children under 18, and women after maternity were not included in the specific policy measures and victims of trafficking and prostitution received very little attention under the National Action Plan For Employment.

Source: National Action Plan for Employment 2001-2004

www.socmin.lt

Secondary source:

Kanopiene Vida. 2004. Report on the National Action Plan on Employment from a gender Perspective. Republic of Lithuania. European Work and Employment Centre. University of Manchester

Reingardiene, Jolanta. 2004. Lyčių lygybės strategija ir užimtumo politika Europos Sąjungoje (Gender mainstreaming and employment policies in the European Union), Kaunas: VDU

2002 National Action Plan for Social Inclusion 2002-2004, prepared under coordination of the Ministry of Social Affairs and Labour.

The National Action Plan for Social Inclusion highlights the need to support the re-integration into the labour market and to solve the social inclusion problems of vulnerable groups such as women aged 16-25, single mothers with children under 18, and women after maternity leave. The Plan also discusses the issue of the application of flexible forms for employment to men and women with children and particularly emphasizes the needs of victims of trafficking in people and prostitution to encourage their reintegration into the labour market.

Source

National Action Plan for Social Inclusion 2002-2004 www.socmin.lt

2004 National Population Ageing Strategy and Implementation Plan for 2005-2013

The Strategy was drafted by the Ministry of Social Security and Labour and approved by the Government of Lithuania. Global concerns regarding the ageing population, especially in Europe, commitments to the UN in implementing the Madrid Action plan on the ageing population and the growing numbers of elderly due to demographic decline in Lithuania encouraged the government of Lithuania to undertake the political measures. However, the action plan provides only guidelines for direction in which the Ministries should work without allocating any finances for that work.

Source:

LRV Nutarimas Nr. 737 2004-06-14. Del nacionalines gyventoju senėjimo pasekmiu iveikimo Strategijos patvirtinimo www.socmmin.lt/index.php?1740116512

LRV Nutarimas Nr. 5 Del nacionalines gyventoju senėjimo pasekmiu iveikimo Strategijos igyvendinimo 2005-2013 metu priemoniu patvirtinimo www.socmmin.lt/index.php?1740116512

2004 Single Programming Document for 2004-2006

Seeking to improve the economic condition of women, in view of the current unemployment, Lithuania's Single Programming Document for 2004-2006, approved provision for the possibilities to improve women's economic position with the support of the EU structural funds. The Document was initiated and coordinated by the Ministry of Social Security and Labour and addresses many issues including access to the labour market for elderly women and disabled women. In practice these issues are covered through the projects of non-governmental institutions that are co-financed by EU and national funds. The issues are debated in seminars, trainings and social advertising in mass media in order to reach as wide an audience as possible.

Source:

Resolution No 935 of the Government of the Republic of Lithuania of 2 August 2004
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=281241&p_query=&p_tr2=

Secondary sources:

Interview with dr. Jolanta Reingardiene, Associate professor at Social Research Centre Kaunas Vytautas Magnus University, July 25, 2007

2004 National Strategy of the Republic of Lithuania for Combating Poverty and Social Exclusion for 2004-2006 and Action Plan 2005-2006, Action plan 2007-2008

The National Action Plan of the Republic of Lithuania for Combating Poverty and Social Exclusion for 2004-2006 aimed toward improving the situation of the most vulnerable groups of the population and their opportunities, and reducing poverty and social exclusion, has been prepared. Long-term objectives of the Plan are ensuring for the needy, the persons belonging to social exclusion groups, not only material goods or social services, but also opportunities to acquire adequate education, receive good quality health services, access to housing that meets the established public standards, healthy working conditions, and the possibility to choose and to influence decision making. State institutions, municipalities, non-governmental organisations will take part in the implementation of the Plan. All measures of the Plan have been drafted taking into consideration the different problems and needs of women and men. Special measures for reducing the social exclusion of women have been provided for. Monitoring of the implementation of the Plan will be performed by a working group with the Equal Opportunities Ombudsman participating.

The National Plans are approved within the Governmental Action Plan for 2004-2008 along with the agreement between the European Commission and Republic of Lithuania on Making National action plans to combat poverty and provide conditions for integration into the labour market.

Intersectionality: The measures include immigrants, refugees and Roma since the poverty levels are the highest in these groups but they are included in gender neutral terms. Gender is mentioned in terms of equal opportunities for women and men in access to the labour market.

Sources:

National Action Plan to combat poverty 2005-2006 approved by the Decision of the Government of Lithuania No. 1002, September 13, 2005.
http://www.socmin.lt/get_file.php?file=c29jL20vbV9maWxlcy93ZmlsZXMvZmlsZTE4MTqu aHRtO0tvdmEgc3Ugc2t1cmR1Lmh0bTs7

National Action Plan to combat poverty 2007-2008 approved by the Decision of the Government of Lithuania No. 46, January 17, 2007.
<http://www.socmin.lt/>

Press release by UNDP Lithuanian Office on commitment to help in drafting the Action plan <http://www.undp.lt/lt/?id=194>

2007 National Action Plan of the Republic of Lithuania for Combating Poverty and Social Exclusion 2007-2008

The National Plan for Combating Poverty and Social Exclusion was prepared within the National Action Plan of the Government of Lithuania 2006-2008 that was prepared under the impact of EC Communicate for European Parliament, European Committee for Economic and Social Affairs and Regional Committee No. 706 December 22, 2005. The document is gender neutral except the chapter on making a family friendly environment for parents with children.

Source:

National Action Plan to combat poverty 2007-2008 approved by the Decision of the Government of Lithuania No. 46, January 17, 2007.

<http://www.socmin.lt/>

3. Intimate citizenship

3.1 Introduction

The Constitution of Lithuania adopted in 1992 enshrined the provision about the importance of the family institution in society. Since 1994, demographers and social scientists have analysed the tendencies of population development in Lithuania and concluded that Lithuanian society has been experiencing demographic decline, changes in matrimonial behaviour by postponing marriage, the decline of traditional family and emergence of new family forms, high rates of divorce, fertility control and a low number of children in families. Scientists have suggested introducing comprehensive and sustainable family policies where gender equality should be one of the founding principles.⁶⁷ However, the policies in Lithuania cover the strategies of preservation of the traditional family which are understood only as advancing married couples with children.

The Catholic Church makes a crucial impact on politicians in shaping the family policy concept and opposing civil partnership, homosexual relationships and policies on reproduction rights and health. Representatives of Catholic Church, for example, participate in the working groups on drafting the concept on sexual education and national family policy strategy; the Catholic Church Bishopic Conference constantly interferes in the debates and issues calls against abortion, cohabitation, and homosexual partnership. According to the public surveys, the population highly values the Catholic Church as a non-corrupt and trustworthy institution. Thus, political parties shape their policies in order to show solidarity with the Catholic Church and consequently win the confidence of the population. Conservative political parties openly support the position of the church and oppose any resonant decisions on homosexual partnership, reproductive health, and sexual education. Liberal forces also follow the conservative trends in these issues in order not to oppose the general position of Catholic Church. In a survey of politicians' attitudes on homosexuality, for example, two thirds of parliamentarians (conservative parties, liberal-centrist parties and social democrats) expressed their support to the church position condemning homosexuality.⁶⁸ Though women's NGOs unite in their efforts to stand for recognition of reproductive rights and mainstreaming gender equality rather than providing moralising politics on preserving the traditional family, their arguments are hardly taken into consideration by the politicians.

The family discourse in Lithuania is closely connected to the uniqueness of the nation and national values. Therefore, the preservation of traditional family has been interwoven into the discourse of the Lithuanian nation. Any diversity of family forms and control over fertility is often interpreted as a threat to Lithuanian nation and statehood. As a result, the policies on family in Lithuania discriminate against unmarried homosexual couples, stigmatise single motherhood, deepen poverty of single parents (usually single mothers) after divorce and limit women's rights to reproductive health.

⁶⁷ Stankūnienė, Vlada, Aiva Jasiulionienė, and Raminta Jančaitytė. 2005. *Šeima, vaikai, šeimos politika: modernėjimo prieštaros* (Family, children, family policy: inconsistencies of modernization). Vilnius: STI

⁶⁸ Razmaite Inga. Homoseksualizmas: Baznycia jau pasmerke (Homosexuality is already condemned by the Church). *Respublika* 2005 m. gruodžio 3 d.

Sub-issues of intimate citizenship:

- Family policy (concepts of family, divorce, single mothers)
- Civil partnership (unmarried couples, homosexual partnership)
- Reproductive policy

In Lithuania **divorce** as a phenomenon is usually discussed in terms of property division among the spouses and child custody. Though statistics suggest that fifty three out of one hundred marriages end in divorce, the politicians continue to strengthen the importance of marriage in making the family a unique feature of Lithuanian national culture.⁶⁹ During the period from 1995 till the present the **policies on family** were rather fragmented. Though in 1996 the concept of family policy was drafted by the Institute of Philosophy and Social Research and adopted by the Government (No. 362 March 19, 1996) to improve the economic situation of families and their social welfare, the strategy remained a formality that was hardly implemented in practice. Family policy in the late 1990s was not a priority. New shifts occurred in the beginning of 2000s and after the accession to EU. By promoting only the traditional family, single parent families (mainly single mothers) are discriminated against by politicians. By current order single mothers have to prove in the court the absence of the father of their child in order to obtain subsidies for the child from the authorities. By implementing these measures, the politicians motivated efforts to strengthen the married family as an institution and responsibilities of fathers towards their child, but in practice it worked against women. Since 2005 new initiatives to draft family concepts have been started by the conservative forces in the parliament. The leader of the working group is the chair of the Commission of the Family and Child Affairs at the Parliament who openly supports the traditional family and negatively addresses any other forms of cohabitation. The survey of 2006 in Lithuania showed the existence of broad variety of family forms, including cohabitation, homosexual partnerships, single parents, distant families (when one of the spouses or partners is a labour migrant abroad); however, the politicians do not take into consideration the context of society and instead produce moralising policies.⁷⁰

In the period from 2000 to 2004, there was focus on bringing the effective legal acts into line with the accession to EU obligations of the Republic of Lithuania and harmonize them with the EU *acquis*. One of the most important laws on family, regulation of spouses' relationships, property, child care and custody and other issues related to family life, its composition and dissolution are enshrined in the Civil Code adopted in 2001. It changed the old Soviet Code, involving new provisions and definitions, including the concept of **partnership**. It also has identified the necessity of further legislation in order to provide the order of registering, annulment, termination, and ending of partnership, but the draft law prepared in 2004 was not adopted and up until the present no initiatives to resume debates have occurred. As the law on registering partnership is not adopted, civil

⁶⁹ *Desinioji alternatyva visuomenei – darniai seimai isipareigojusi valstybe. Tevynes Sajungos pareiskimas.* (Right alternative for society: the state should be responsible towards stable family. The statements of the Homeland Union) <http://www.tsajunga.lt/index.php?-1437434788>

⁷⁰ RAIT population survey , completed under the project Innovative Education Strategies of Social Partners on Practical Implementation of Gender Mainstreaming www.gap.lt/lt/no

partnership is not legally possible in Lithuania. The other legal acts related to relationships within the family provide different treatment to the persons in marriage on the one hand, and persons in partnership on the other. Property regulations, social benefits, adoption and other differ between married couples and couples living in partnership.⁷¹ Though the law on equal opportunities prohibits discrimination against sexual orientation, it covers only the public sphere. The private sphere of intimate relationships is not regulated by any law or policy document. In policy discourse these issues are either ignored or presented as a threat to the traditional and national values. In November, 2004 Lithuania ratified the EU Constitution and EU Charter of Fundamental human rights. These documents were ratified without broad discussions among politicians and in society. Though some politicians warned about the possibility of Lithuania losing its independence, the majority of politicians agreed upon ratification. However, at that moment nobody took into consideration that the EU Constitution contradicts Lithuania's Constitution in terms of the family concept and partnership, including the homosexual partnership.⁷² Politicians and lawyers were more concerned with political and economic regulations by adopting the EU Constitution. In 2006 the Parliamentary Commission of the Family and Child Affairs expressed the opinion that the national traditions and moral standards in such sensitive cases as homosexuality should be above any legal regulations and rules.⁷³

The issue of **reproductive rights** remains complicated. Abortion has been legal in Lithuania since 1957 and its legality is verified by Decree of the Minister of Health of 1994 which recovered the Soviet system allowing abortion till 12 weeks. Though Lithuania joined the international treaties on protection of reproductive health and undertook the commitments to implement requirements of the Cairo Conference of 1994, due to conservative forces in the government and parliament the law on Reproductive rights has been pending since late the 1990s. Family planning remains the issue for women's NGOs and some pharmacist companies. However, the opposition of the parliamentarians to introduce medical means for abortion continues to be strong and not approved till present. In 2006 and 2007, new initiatives by conservative forces in the parliament occurred, including the suggestion to reduce the timing of legal abortion from 12 to 8 weeks and gradually prohibit it, implicating the dangerous tendencies of current depopulation in Lithuania. Due to the efforts of women's NGOs and conclusions of the legal department at the Parliament on violation of human rights and Lithuania's commitments to the international organizations, the initiatives to reduce the time limits of abortion have not

⁷¹ Vanagienė G. 2004. *Sutuoktinių ir sugyventinių (partnerių) teisinės padėties Lietuvoje lyginamoji analizė (Comparative Analysis of Legal Aspects of Married Couples and Cohabiting Partners.) Šeimos Politikos ir Teisės Iššūkiai Europoje*, ed. Algis Davidavičius and Eduardas Platovas. 33-48. Vilnius: ESTEP. LGL

⁷² Ramunas Ausrotas. Ar Lietuvoai gresia geju santuokos? <http://vilnius.ateitis.lt/node/407>

⁷³ 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

passed for debates in the parliament yet.⁷⁴ Regardless of this positive achievement, the Parliament still does not include the draft of a law on reproductive rights for debate in any parliamentary session.

3.2. Actors

Commission of the Family and Child Affairs at the Parliament (Family policy, homosexual partnership)

Human Rights Committee at the Parliament (civil partnership, homosexual partnership)

Department of law at the Parliament (reproduction rights)

Women's Parliamentary Group (reproduction rights)

Ministry of Interior (civil partnership)

Minister of Justice (civil partnership, reproductive rights)

Ministry of Education (sexual education)

Ministry of Health (reproductive health)

Conservative party Homeland Union (family policy concept)

Parliamentary group of social development and reproductive health and rights led by A.M. Pavilioniene

Equality Bodies:

Ministry of Social Security and Labour (demographic policies, civil partnership)

Office of Ombudsperson for Equal Opportunities (homosexual partnership)

Catholic Church

Pro-life organizations:

Publication and Information Centre "For Life" (Uz gyvybe)

Association of medical doctors "For human life"

Lithuania's Lawyers' Union "For family and life"

Organization Pro-Vita

Women's NGOs:

Association of Family Planning and Sexual Health

Centre for Equality Advancement

Women's Information Centre

Vilnius Women's House

⁷⁴ Personal interview with Jurate Seduikė, Project manager at Women's Information centre June 8, 2007.

3.3. Timeline of policy debates

3.3.1 Family policy, divorce, single mothers

1996 Concept of family policy

This concept was drafted by the Institute of Philosophy and Sociology and approved by the government. The concept broadly identified the family and referred to its economic survival, social security and individual autonomy. Policies were defined in terms of government commitment to create a family-friendly environment and conditions for individuals to be responsible for their family problems. The action plan covered all spheres of family life: employment, health care, education, child rights protection, social services, and housing. As experts have noted, the programme was not implemented because funding for its implementation was not allocated but left for each ministry to decide the financial obligations.

Sources:

LRV nutarimas Nr. 362, 1996 kovo 19 d. dėl Dėl šeimos politikos koncepcijos ir veiksmų krypčių (Decision of the Government of Lithuania No.362, March 19, 1996 on Family Policy Concept and Action Guidelines)

<http://www3.lrs.lt/cgi-bin/getfmt?C1=e&C2=25947>

Secondary sources:

Paramos seimai politikos pletra Lietuvoje (Development of family policies in Lithuania)

http://www.sti.lt/leid_pristat/tekstai/parama/ch3.pdf

2001 Civil Code

The Ministry of Justice drafted the Civil Code which changed the Soviet Civil Code in order to meet the new changes in society and correspond to international commitments. The Civil Code regulates family relationships. It provides the concept of family, clearly pointing out that two persons of different gender having formed a marriage on their own free will create family relations as the basis for their common life. Spouses may not waive, by mutual agreement, their rights or extinguish their duties that arise from a marriage. The law regulates family relations only to the extent that is necessary to protect the public interest, also to protect the property rights and personal non-property rights of parties to family relations, in particular those of children. It should be noted that the new Civil Code of the Republic of Lithuania expands the field of family relations where non-mandatory legal rules are applied and where parties to family relations can regulate their relations by mutual agreement: contract of marriage, and contract in respect of the consequences of divorce.

The Civil Code includes new regulations on divorce: a couple cannot divorce without the court, because the court should define the custody of minor children and their support, support of one of the spouses and division of spouses' property.

Sources:

[Civilinio kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Civilinis kodeksas.](#) (Law on endorsement and implementation of Civil Code. Civil Code)

Valstybės žinios.2000, Nr. 74-2262.

<http://www3.lrs.lt/cgi-bin/preps2?Condition1=233117&Condition2=>

[Civilinio proceso kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Civilinio proceso kodeksas](#) (Law on endorsement and implementation of Civil Process Code. Civil Process Code)

Valstybės Žinios 2002, Nr.36-1340.

<http://www3.lrs.lt/cgi-bin/preps2?Condition1=232480&Condition2=>

Secondary source:

Vsl „Teisės klinika“ Santuokos nutraukimas (Law clinic comments on Divorce regulation)

<http://mrtenente.infosys.lt/tk/?s0=apie&s1=straipsniai&s2=skyrybos>

2003 Law on Monetary Social Support for Low Income Families (including single parents)

In 2003 the Parliament adopted the discriminatory law on Monetary Social Support for Low Income Families (including single parents). The law was drafted by the Department of Family Support of the Ministry of Social Security and Labour aiming to provide social support for low income families. By this law the unified system of income and property is applied in order to identify whether a family needs the social support from the state. According to its provision, single mothers have to prove the absence of the father of their child in the court in order to obtain social support and compensation as single mothers. This provision was criticized by NGOs and independent lawyers as discriminatory and stigmatizing of single mothers and also as eliminating responsibility of fathers to take care of their children. The response of politicians ignored this fact by justifying the preservation of the traditional family; that women have to produce children in wedlock. The law has been enacted since April 1, 2004.

Sources:

Law on Monetary Social Support for Low Income Receiving Families (including single parents) http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=224546

Paramos seimai skyriaus informacija: Socialine parama seimoms ir vaikams (Press release of the department of family support at the Ministry of Social Security and Labour) www.socmin.lt/index.php?-1981578710

Secondary sources:

Vsl “Teisės klinika” - Socialinių pašalpų (kompensacijų) skyrimo problematika, kai vaiko tėvas nežinomas (Law clinics “Problems of social support for families when child's father is unknown)

http://mrtenente.infosys.lt/tk/?s0=apie&s1=straipsniai&s2=socialines_pasalpos

Povilas Pipinis. Kas apgins vienisias motinas? (Who will defend single mothers?)

<http://xxiamzius.lt/archyvas/priedai/provita/20040312/2-1.html>

2005 -2007 Concept of Family policy

In 2005, under the initiative of the Commission of Family and Child Affairs, the Board of the Parliament approved the working group to draft the National Family Policy Concept. The reasons for drafting this concept were the following: the high divorce rates, the instability of the family institution, high migration, low fertility and an absence of sustainable national policy on family. In 2006 the Chair of the working group informed that the analysis of the situation was complete. It worked with municipalities and NGOs which provided information. On July 5, 2007 the chair of the Commission of Family and Child Affairs informed that the concept is finalized and registered for proceeding to the Autumn Parliament session 2007. The concept identifies the importance of marriage as an institution, which is established historically and scientifically as the most stable institution that may provide the grounds for the overall development of an individual. The family is conceptualized in terms of a married heterosexual couple and kin-related group. Thus the state policies support only such families. For this purpose, there are plans to establish a new institution – the Ministry of Family Affairs.

Source:

Report of the Commission of the Family and Child Affairs, 2006

http://www3.lrs.lt/pls/inter/w5_show?p_r=163&p_k=1

Press release of R. Baskiene, Chair of the Parliamentary Commission of Family and Child Affairs on draft National Concept on Family Policy

http://www3.lrs.lt/pls/inter/w5_show?p_d=68783&p_r=618&p_k=1

Secondary source:

Ieva Urbonaitė, I. Degutiene: Partneryste – ne seima. (I. Degutiene. Partnership is not a family). www.DELFI.lt 2007 balandžio mėn. 25 d. 10:13

2006 Draft law on Maintenance Guarantee Fund (alimony fund)

In 2006 the Board of the Parliament composed the working group on preparing the law on Maintenance Guarantee Fund (alimony fund). The initiators of this law were the Chair of the Commission of the Family and Child Affairs and MP of the Conservative party, I. Degutiene. The growing divorce rates, where more than 50 married couples out of 100 usually end the marriage by divorce, mean that very often children are left without alimony. This new law was initiated by the parliamentarians to protect the child's social interests and enforce the responsibility of a parent to provide the financial support for the child. According to the law, the state will be able to provide the support for the child and later will exact the debt from the parent.

The law was adopted without contradictory debates and will be enacted from January 2008.

Sources:

Explanatory note on law on Maintenance Guarantee Fund (alimony fund) E-text <http://www3.lrs.lt/>

Draft law on law on Maintenance Guarantee Fund (alimony fund) E-text <http://www3.lrs.lt/>

Priimtas istatymas uztikrins vaiko teise i socialine apsauga. http://www3.lrs.lt/pls/inter/w5_show?p_r=4445&p_d=62418&p_k=1

Report of the Commission of the Family and Child Affairs, 2006

http://www3.lrs.lt/pls/inter/w5_show?p_r=163&p_k=1

3.3.2 Civil partnership

2001 Civil Code

The Ministry of Justice prepared the Civil Code which regulates family relationship. It also provides the concept of civil partnership of two persons of different gender. However, the registration and further regulation of partnership relationships should be defined by other laws. The Civil Code includes regulations that limit the rights of individuals in the partnership to adopt a child. By referring to the interests of the child to be raised by married couples, the law includes only exceptional cases for unmarried persons or one of the spouses to adopt a child.

Sources

[Civilinio kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Civilinis kodeksas.](#)

(Law on endorsement and implementation of Civil Code. Civil Code)

Valstybės žinios.2000, Nr. 74-2262.

<http://www3.lrs.lt/cgi-bin/preps2?Condition1=233117&Condition2=>

[Civilinio proceso kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymas. Civilinio proceso kodeksas](#) (Law on endorsement and implementation of Civil Process Code. Civil

Process Code)

Valstybės Žinios 2002, Nr.36-1340.

<http://www3.lrs.lt/cgi-bin/preps2?Condition1=232480&Condition2=>.

2004 -2006 Draft law on partnership

In 2004 the Ministry of Interior Department of Law prepared the law on civil partnership that recognizes the family without marriage. The draft law provides the conditions of partnership registration, its annulment, ending and termination. The draft law was prepared referring to the Civil Code that identifies the form of registered partnership, but only partnership of woman and man and basically the principles of its registration are very similar to those of registering marriage. Though the Civil Code recognizes the right for

adoption, but the only married couple can adopt child (in exceptional cases single persons or single married person), partnership law does not include possibility of adoption for partners. The draft law also does not include the possibility for foreign citizen to acquire the rights to a resident permit and Lithuanian citizenship under the partnership agreement. The draft law was not passed due to the opposition of conservative forces in the parliament who argued that the law contradicts the Constitution of Lithuania, does not value the family based on marriage and provides partnership as an alternative that would ruin the nation and state.

The human rights committee discussed the draft law on Partnership, but recommended to return the draft law to initiators for improvement.

In 2006 the Ministry of Justice provided certain amendments in the Civil Code on eliminating partnership from those articles in the civil code which recognize partnership as an entity of civil relationships. The Minister of Justice provided the justifications for these amendments saying that partnership and marriage are two different institutions that need different treatment; that Lithuanian culture is based on the perception of family only in wedlock therefore, partnership is an alien concept and less important in the legislation of Lithuania.

Similarly, in 2007 concerns over partnership as a danger to the traditional family and nation were expressed by conservative members of the Parliamentary Commission of Family and Child Affairs under the Parliament of Lithuania

Due to the absence of the partnership law, the registration of partnership is not possible in Lithuania

Sources:

Lietuvos Respublikos CIVILINIO KODEKSO 2.18, 2.19, 3.16, 3.229, 3.230, 3.232, 3.234 STRAIPSNIŲ PAKEITIMO IR KODEKSO PAPILDYMO 3.229¹, 3.229² STRAIPSNIAIS

[STATYMO projekto AIŠKINAMASIS RAŠTAS (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?taktdokid=d105b0d1-c287-45da-ac22-22c0e735ab2e

Partnerystės (bendro gyvenimo neįregistravus santuokos) įstatymo projektas (Draft law on Partnership (cohabitation without marriage) Nr.IXP-3272

<http://www3.lrs.lt/cgi-bin/preps2?Condition1=2275308&Condition2=>

Stenograph of the Parliamentary session on debating the draft law on partnership

http://www3.lrs.lt/posedziai/4/klaus_stadija_14084.htm

Press release of Human rights committee at the Parliament April 21, 2004. E-text

LR Seimo Kancelirijos Teises departamento isvada del Partnerystės (bendro gyvenimo neįregistravus santuokos) įstatymo projekto (Conclusions of Parliamentary Legal Department on the draft Law on Partnership (cohabitation without marriage), No. IXP-3272, 2004-03-08; E-text

The Government of Lithuania approves the law on Partnership

http://www.infolex.lt/portal/start_visuom.asp?act=news&Tema=44&str=8801

Secondary sources:

Irena Degutiene. Valstybė turi visokeriopai remti, o ne griauti šeimos instituciją, *Elektrėnu žinios*

<http://sena.sam.lt/images/Dokumentai/sam%2020040325.html.htm>

MP Mogeniene calls to combat homophobia and strengthen traditional family

http://www3.lrs.lt/pls/inter/w5_show?p_r=3917&p_d=53602&p_k=1

On possibility to register partnership. *Laikas* February 2-8, 2007

Ieva Urbonaitė, I. Degutiene: Partneryste – ne seima. (I. Degutiene. Partnership is not a family). www.DELFI.lt 2007 balandžio mėn. 25 d. 10:13

2006 Amendment to the law on Negative Impact of Mass Media on Minors

The Commission of the Family and Child Affairs initiated the amendment to the Law on the Negative Impact of Mass Media on Minors. In its report the Chair of the Commission explained that the amendment to the law occurred due to the population complaints on propagating homosexual relations in mass media which makes a negative impact on minors, violates public interest and threatens the traditional family values. The aim of the law is to prohibit any information in mass media on non-traditional relationships due to the threat of damage to the physical, mental and moral development of the minors. The Lithuanian Guy League wrote a complaint to the Commission on the violation of democratic values and human rights; however, the Commission did not take it into consideration.

Sources:

Report of the Commission of the Family and Child Affairs, 2006

http://www3.lrs.lt/pls/inter/w5_show?p_r=163&p_k=1 .

Secondary sources:

Personal Interview with Chair of Lithuanian Guy League Vladimir Simonko, May 28, 2007

2006 Amendment to article 18' of the law on Social insurance of sickness and maternity and art 179' of Labour Code

The parliament adopted the discriminatory amendment to law on Sickness and Maternity allowing only those fathers who are married to the child's mother to take paternal leave for one month. The member of the committee of Social Affairs and Labour, MP A. Sysas, initiated the amendment to the law on Social insurance of sickness and maternity art. 18 in order to encourage fathers to take paternal leave and proposed the opportunity for fathers to take one month paternal leave after the child's birth and receive 100% of salary. However, the conservative forces reversed this proposal in terms that only fathers in wedlock can get paternity leave. The supporters of this amendment, the Commission of the Family and Child affairs, argued for the preservation of the traditional family –a married couple. The Commission of Family and Child's Affairs of the Parliament of Lithuania pointed out that the law should provide strong support for living in marriage therefore the amendment should include that only those fathers who are in

marriage with the child's mother can get the right for paternal leave for 1 month after the child's birth. As I. Degutiene, the parliamentarian of the Conservative party, expressed: the unmarried couple is not a real family, the real one is only in marriage. Some other parliamentarians argued that this law will impose responsibility on women to think about marriage rather than having sex with anybody they want. The amendments were adopted without changing discriminatory provisions regardless of the attempts of a group of parliamentarians to change the existing provision.

Sources:

Law on amendment to article 18' of the law on Social insurance of sickness 2006 05 10 XP-874(3)

Stenography of the Forty three (247) session December 7, 2006 http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=288419&p_query=t%EBvyst%EBs%20atostogos&p_tr2=2

Seimos ir vaiko komisijos posedis (Session of the Parliamentary Committee of Family and Child Affairs) 2006-03-15. http://www3.lrs.lt/pls/inter/w5_show?p_r=163&p_k=1.

Secondary source:

Ieva Urbonaitė. I. Degutiene. Partneryste-ne seima www.DELFI.lt 2007 balandžio mėn. 25 d.

3.3.3 *Reproduction policy*

1999-2007 Law on artificial insemination

Artificial insemination has been neither legally established nor prohibited in Lithuania. Since 1999 the Decree of the Minister of Health has established the methods, condition and procedures of artificial insemination. The Civil Code adopted in 2001 stipulated that additional legal acts should regulate the methods, conditions and procedures. In 2002, the Ministry of Health drafted the law on artificial insemination which was approved by the Government of Lithuania but was not passed in the Parliament. This draft law was strongly opposed by pro-life organizations and the Catholic Church as amoral, against nature and threatening to family values.

In 2004, new initiatives came from the government on the one hand and the parliamentarians on the other. Two draft laws on artificial insemination were produced. The draft law by the Ministry of Health was reflecting the concepts and procedures of the one drafted in 2002. The draft law by the conservative parliamentarians (A. Kaseta and J. Matulevicius) included the possibilities only for married infertile couples or partners to apply to medical specialists for artificial insemination and prohibited the cells' donors. In January 11, 2006 the Parliamentary Committee of Health Affairs discussed both draft laws and agreed upon the one drafted by the MPs of the conservative party as corresponding to the needs of society. The Committee of Health Affairs undertook the further procedure to improve the law, consult with the legal department and NGOs and registered the draft to

the Spring session 2007; however, it was not discussed and was postponed to the Autumn Session 2007.

Sources:

Explanatory note on draft law No. IXP-1966(2)A, January 20, 2004 , E-text
Seimo Sveikatos reikalų komitetas apsisprendė dėl Dirbtinio apvaisinimo įstatymo projekto (Parliamentary Committee of Health make decision on draft law on Artificial insemination)
E-text; Kirstina Zamaryte 2006-12-28

Law on artificial insemination

http://www.sam.lt/lt/main/teisine_informacija/ministro_isakymai?id=25194

Explanatory Note of the Ministry of Health on the draft of Artificial Insemination

http://sam.lt/lt/main/teisine_informacija/ministro_isakymai?id=24756

Law on artificial insemination

http://sam.lt/lt/main/teisine_informacija/ministro_isakymai?id=24756

Conclusions of Legal department of the Parliament: IXP-1966(2)A : 2004 01 21 E-text

MP's M. Pavilioniene press conference "How shall we stop dissolution of Lithuanian nation? Criticising the draft law of artificial insemination in 2005

<http://www.ldp.lt/news.php?strid=1008&id=3388>

Secondary sources:

Opinions on liberal draft law on artificial insemination by pro-life organizations and Catholic Church http://www.gvyvybe.lt/uzgyvybe/200212/uzq12_03.html

Kontraversiskas dirbtinio apvaisinimo istatymas patyre nesekme

<http://www.skrynia.lt/modules.php?name=News&file=article&sid=9>

2000 Conclusions of CEDAW Committee

The CEDAW Committee in its conclusions on the primary and second report of the Government of Lithuania was concerned with the lack of commitment of the Government on the health of women, financial support for family planning programmes, limited access to contraception and information on its use, and the lack of education programmes on sexual and reproductive health.

Source:

Committee on Elimination of Discrimination against Women twenty-third session, 12-30 June, 2000.

<http://www.lygus.lt/gm/admin/files/pirmine%20ataskaita.doc>

2002-2004 Draft law on Reproduction Health

In 2002 the project on Reproductive health was prepared by parliamentarians from the Social democrats party with the support of NGO activists of the Association of Family

Planning and Sexual Health. The draft law consists of provisions of free of charge abortion and sexual education. The main controversies among the Conservative parties occurred due to medical abortion and the control of teenage girls. It was stipulated in the law that girls of 16-18 years old need the permission of parents or foster parents. The draft law was not adopted and is still pending due to opposition from conservative forces (including parliamentarians of Conservative and other right wing parties) and the Catholic Church, regardless of the commitments of Lithuania to the international treaties. The Catholic Church particularly interferes in the debates on reproductive rights. Since then the law on reproductive rights and health has not been included in any sessions of the parliament.

In 2003 the Parliamentary group for social development, reproductive health and rights resumed the talks on medical abortion. However, the conservative MPs accused the parliamentary group of propagating the medical preparation that is not registered in Lithuania and which therefore violated the laws on pharmacy and drugs advertisement.

In 2003 the Government of Lithuania, under the coordination of the Ministry of Social Security and Labour, adopted the programme of Equal Opportunities for Women and Men 2003-2004 and identified the problem of women's reproductive health. It was noted that abortion is a frequent phenomena in family life as a means of family planning. The Programme referred to the Recommendations of the CEDAW Committee to improve the availability of health services and education on reproductive health. However, no new initiatives in policies and practical measures came out from the government. In 2004 The National Strategy of Demographic Policy adopted by the Government identified similar problems of ineffective means of family planning, the limited availability of services for reproductive issues and lack of sexual education, but did not suggest effective solutions. The National Programme of Equal Opportunities for Women and Men 2005-2009 also did not raise the need for adoption of the law on Reproductive health, and indicated that good quality services are available on family planning.

As a result there is no National Strategy on Reproductive Health prepared up to the present time.

Sources:

Draft law on Reproductive Health 2002, No. IXP-1175

Konservatorių kreipimasis prieš reprodukcinės sveikatos paslaugų teikimą Lietuvoje (Petition of the conservatives against services on reproduction rights) 2003-05-12 in Stipri seima-stipri valstybe: Kodėl Lietuvai reikia reprodukcinės sveikatos priežiūros ir lytinio svietimo? Vilnius: Snoja 2005

Komisijos išvada dėl Lietuvos Respublikos Seime surengtos konferencijos "Medikamentinis abortas: politiniai, moraliniai ir medicininiai aspektai" 2003-05-12 Nr. 101-I-16

http://www3.lrs.lt/docs3/kad4/w3_viewer.viewDoc-p_int_tekst_id=24966&p_int_tv_id=43

Valstybinė moterų ir vyrų lygių galimybių 2003-2004 metų programa. Patvirtinta LRV nutarimu Nr. 712, 2003-06-03 (National Programme of Equal Opportunities for Women and Men 2003-2004) www.socmin.lt

Valstybine moteru ir vyru lygiu galimybiu 2005-2009 metu programa. Patvirtinta LRV nutarimu Nr. 1042 2005 -09-26 (National Programme of Equal Opportunities for Women and Men, 2005-2009) www.socmin.lt

Nacionaline demografines (gyventoju) politikos strategija, patvirtinta LRV Nutarimu Nr. 1350 2004-10-28 (National Strategy on Demographic Policies) www.socmin.lt

Secondary source:

Giedre Budvytiene. 2007. Seime uzvire gincai del moterims aktualiu istatymu (Disputes in Parliament on laws important to women). <http://www.kaunodiena.lt/lt/?id=6&aid=26891>

Bulotaite Evelina. 2005, *Lietuvos teisine baze visuomenes lytinei ir reprodukciniai sveikatai stiprint* (Legal Basis for sexual and reproductive health in Lithuania). Vilnius: Snoja.

Stipri seima-stipri valstybe. Kodėl Lietuvai reikia reprodukcinės sveikatos priežiūros ir lytinio švietimo? (Strong family – Strong state. Why does Lithuania need reproductive health and sexual education?) Vilnius: Snoja 2005

2002-2007 Draft strategy on sexual education at schools

In 2002 the youth and women's NGOs together with governmental bodies (Ministry of education, Ministry of Health, Parliamentary committees of Education Affairs and Committee of Health Affairs), and representatives of the World Health Organization discussed the problems of sexual education among young people and adopted the declaration on drafting the sexual education programme for schools and pre-school institutions. In 2004 the UN Human rights committee, in its conclusions on Lithuania's second report on implementation of International Convention of Civil and Political Rights, recommended starting sexual education programmes in Lithuania in order to prevent abortions amongst young women, prepare young people for family planning and to take care of their health. Two international initiatives on sexual education organized by the Swedish association of sexual education for Baltic States and UNDP Lithuanian Bureau were banned in Lithuania under the severe interference of the Catholic Church and pro-life organizations for being amoral, propagating open sexual relationships and damaging to the psychology of young people. Both these international projects were supported by the Ministry of Education and Ministry of Health, but under the pressure of the Catholic Church they withdrew from the project.

In 2004 the Ministry of Education and Sciences initiated the drafting of the Sexual education programme for schools and composed the working group of representatives of the ministry of education, pro-life organizations and women's NGOs. The working group met for two years and produced a programme in 2006. However, the programme was severely criticized by the NGOs and parliamentary group of social development, reproductive health and rights because it does not provide clear guidance on sexual behaviour, health care and reproductive health, but rather imposes moral standards. The Programme has not yet been discussed in the Government and Parliament.

Sources:

Vyriausybių ir nevyriausybių organizacijų diskusijos "Lytinis ugdymas. Strateginės priemonės situacijai gerinti" nutarimas (Decision of the discussion "Sexual education. Strategic means for improvement of situation" by governmental and non-governmental institutions) 2002 gegužės 24 www.lygus.lt

Press release of the Committee of Health affairs on limiting activities under the UNDP project on Appropriate conditions for youth in Lithuania

http://www3.lrs.lt/docs3/kad4/W3_viewer

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<http://smm.lt/naujienos/pranesimai.htm?id=312>

2004 m. Zmogaus teisiu komiteto baigiamosios pastabos (Concluding remarks of the Human Rights committee 2004)

<http://www.urm.lt/index.php?-108240482>

Secondary sources:

Documents on position against sexual education by Catholic Church, conservative forces and pro-life organizations are collected by the Association of Family Planning and Sexual Health in the volume: Stipri seima- stipri valstybe. Kodėl Lietuvai reikia reprodukcinės sveikatos priežiūros ir lytinio sveitimo? Vilnius: Snoja, 2005.

Conservative forces against sexual education 2004

http://www.straipsniai.lt/lytinis_svietimas

Personal interview with Margarita Jankauskaite, project manager at the Centre for Equality Advancement and the member of working group at the Ministry of Education on preparing the draft strategy on sexual education.

2005-2007 Draft Law on Protection of Embryo in Prenatal Phase

In 2005 a draft law was initiated by the MP Voldemar Tomasevski on prohibition of abortion allowing only cases where pregnancy is dangerous for the mother's life and health and child's health and when pregnancy occurs in the case of rape. The draft law was not included in the session of the parliament due to the negative opinion of the Legal department of the Parliament which stated that the draft law violates EU law, women's human rights and Lithuanian commitments to the international bodies to protect women's rights. Women's NGOs also united and produced a petition to the parliament pointing to Lithuania's commitments to protect human rights and values of democratic society. However, MPs initiatives to promote the law were not abandoned. The conservative MPs women, I. Degutiene and A. Abramikiene, were among the initiators to pass the draft law in 2005 July and later in March 2006. They collected supporters from various parties to start the procedure again. The Legal department again produced similar conclusions, warning about the un-Constitutionality of provisions in the draft law.

In 2007 the same group of parliamentarians, joined by the Minister of Justice, initiated the passing of a draft law on Protection of Embryo in Prenatal Phase. This time the law was stricter in terms of allowing abortion only in the case of danger to the mother's life and

health and if the pregnancy occurred in the case of rape. The initiators of the law referred to the low fertility in Lithuania and moral aspects which have to be placed above the material interests of individuals. Initiators condemned abortion as a danger to the nation's survival and criticized the consumer-driven interests of young people for their refusal to raise children due to the financial burden. The draft law was not passed to the parliamentary session as it was contradictory to the Constitution of Lithuania. However, the Conservative MPs in their interview expressed their firm position to promote further this draft law.

Sources:

Draft law on Protection of Embryo in Prenatal Phase, No. XP-432, 2005-04-20

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=2541&p_query=&p_tr2=

Draft law on Protection of Embryo in Prenatal Phase, No. XP-432 (2), 2005-07-07

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=259233&p_query=&p_tr2=

Draft law on Protection of Embryo in Prenatal Phase, No. XP-432 (3), 2006-03-14

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=271639&p_query=&p_tr2=

Petition of Women's NGOs to the Parliament on initiatives to pass the draft law on Protection of Embryo in Prenatal Phase was composed and distributed through the Women's Information centre Network calling NGOs to sign the petition and send to parliamentarians. www.lygus.lt 2005

Petition of the Association of Family planning and sexual health to NGOs on conservative MPs women to promote the draft law on Protection of Embryo in prenatal phase. 2007. Distributed on the network of Women's Information Centre.

Secondary sources:

Aistė Stankevičienė, Abortų priešininkai vėl pakilo į kovą. (Opponents of abortions again
Lietuvos žinios

2007 birželio mėn. 18 d. 07:53

2006-2007 Draft Law on Protection of Embryo and Genome

In 2006 the Members of the Parliamentary Health committee initiated the draft law on Protection of Embryo and Genome which would shorten the availability to medical services of abortion from 12 to 8 weeks. The draft law was not registered in neither the 2006 Autumn session or 2007 Spring session. However, the initiation to bring this draft law for debates in the parliament encouraged some MPs of the parliamentary group of social development, reproduction health and rights to discuss the issue with the public and involve the Minister of Health to express his opinion on attempts to ban abortion. The petition of the Parliamentary group to the Minister of Health addressed Lithuania's commitment to the international bodies and urged preparation of a National Strategy of Reproductive Health. In May 2007 the Minister of Health organized a meeting on this issue and invited influential NGOs who critically evaluated the possible approval of this law as damaging to women's rights.

Sources:

Parliamentary Health Affairs Committee Session 2006

http://www3.lrs.lt/pls/inter/w5how?p_r=4434&p_d=521978&p_k=1

Parliamentary Health Affairs Committee Session 2007

http://www3.lrs.lt/pls/inter/w5how?p_r=5146&p_d=65161&p_k=1

Secondary sources

Parlamentarų grupė kritikuoja siūlymą riboti nėštumo nutraukimą (Group of Parliamentarians criticises the proposal to restrict abortion). *ELTA* 2007 gegužės mėn. 4 d. Susikirto Seimo narių nuomonės dėl abortų (Opposing parliamentarians' opinion on abortion) 2007.05.04

<http://www.moterukoalicija.webinfo.lt/apklausesrez.htm>

<http://www.balsas.lt/naujienos/lietuva/straipsnis96139>

Personal interview with Jurate Seduikiene, programme manager at Women's Information Centre, June 8, 2007

4. Gender based violence

4.1. Introduction

The issue of gender based violence has not been a top issue in Lithuania's policy for almost all the period since the 1990s. Though feminist-academic circles and NGOs have constantly discussed the issues of domestic violence, trafficking in human beings, prostitution and others that can be identified under the notion of gender-based violence, these have not resulted in rich policy documents. There is no legal act specifically and explicitly addressing gender based violence. At a policy level, there were usually questions considered more "important" to resolve than those of domestic violence or trafficking. Regardless of the research of sociologists on the scope and spread of domestic violence and trafficking, society at large has been indifferent.⁷⁵ Lithuanian legislation is gender-neutral and the officials, particularly the Ministry of Justice, refer to the existing rich legal basis that treats women and men equally. Thus the term "violence against women" does not exist in the legal acts and policy debates because it is immediately interpreted as discriminatory against the male gender or privileging only the female. Domestic violence continues to be treated as a private issue where the state in its constitutional legal order has declared having no right to interfere. The cultural norms also influence the perception of domestic violence as something distant, out of public interference. Women usually stay silent on the problem, because society in general considers them as trouble-makers who provoke the violent behaviour. As many NGOs working in the field of domestic violence have argued since the 1990s, the situation in this field hardly changed.⁷⁶ The police are often short of motivation and resources to effectively respond to stop domestic violence. In Lithuania preliminary investigation of cases of domestic violence is not started by the police or other official body unless it is murder or involves very severe injury. Victims of domestic violence should provide complaints in the private (as opposed to state) order (see p. 60): to file the complaint to the court, and to provide evidence, witnesses and other relevant documents. Very often victims do not start such long, expensive and cumbersome procedures but apply to the court for divorce.

Trafficking in persons up until 2000 was a non-existing problem in Lithuania; the term was hardly understood by society in general. The changes occurred in Lithuania when the UN and Council of Europe broadly discussed the issue, and Lithuania as a candidate country to the EU started ratification of the international Convention against organized crime and protocol on prevention of trafficking in women and children. The active role of the Vilnius Office of the International Organization of Migration enhanced

⁷⁵ Sipavičienė, Audra, Danutė Tureikytė, Rasa Erenaitė et al. 2004. *Prekyba žmonėmis: problemos, sprendimai, žvilgsnis iš vidaus* (Trafficking in women: problems, solutions, insight from Inside). Vilnius: Socialinių tyrimų institutas

Reingardienė, Jolanta. 2001. *Socialinis prievartos prieš moterį kontekstas Lietuvoje* (Social context of violence against women in Lithuania). PhD diss. Kaunas. Vytauto Didžiojo Universitetas.

⁷⁶ Lietuvos moterų pažanga: issukiai ir realybe 1990-2005. Ketvirtasis Lietuvos moterų suvaziavimas. Vilnius, 2005.

cooperation between NGOs and the Ministry of Interior in drafting national programmes on prevention and control of trafficking and prostitution.

Sexual harassment at work is a less debated topic among both women's NGOs and society. It attracts attention only in certain cases. There are clear legal regulations under the Criminal Code and the Law on Equal Opportunities that provides guidelines for proceeding complaints. The introduction of the concept of sexual harassment in 1998 was debated in the parliament as an impact of western standards that to Lithuanian culture is an alien phenomenon. Currently, the Office of Ombudsperson argues that it is extremely difficult to prove cases and make accountable the guilty party

Domestic rape in terms of rape in marriage or intimate relationships is not a recognised phenomenon until it becomes a criminal act. Rape as a criminal act is regulated under the Criminal Code. No debates on this issue by government bodies and NGOs exist. Similarly, forced marriage and honour crimes are absent in the Lithuanian context.

In Lithuania the most relevant sub-issues are the following:

1. Trafficking in human persons and prostitution
2. Domestic violence
3. Sexual harassment and rape

Trafficking in human persons and prostitution

In 2000 the CEDAW Committee provided comments and recommendations for the primary and second report of Lithuania and concluded that prostitution and trafficking are not treated seriously by the government: the penalties for prostitutes only strengthen the sexual abuse against women.

The first shifts in the conceptualisation of gender-based violence occurred at the beginning of 2000s. Trafficking as a criminal offence was an important issue debated by international organizations, particularly the IOM, which started an information campaign to raise awareness of the issue as a violation of human rights and its correlation with high rates of illegal immigration from Lithuania due to high unemployment and poverty. In 2002 Lithuania ratified the UN Convention on International Organised Crime and in 2003 its Protocol on Prevention of trafficking of women and children. Influenced by the pressures of international bodies such as the US department of Government, Nordic countries' governments and commitment to the EU accession process, the Ministry of Interior was active in drafting the first programme of Control and Prevention of Trafficking and Prostitution in 2002-2004 and later the continuation of the Programme for 2005-2008. Though the programme was important to the recognition of the problem on the national level and to the change in discourse on trafficking and prostitution as a human rights problem, the NGOs criticised the implementation of the programme because allocation of funds was limited and could not produce effective results. On the national level, however, the programme produced certain results in terms of changing the attitudes of the police to the victims of trafficking and to the crime itself. As a result of the National Programme of 2002-2004 the special body at the Police Department to deal with trafficking was established that started work in 2006.

The issue of prostitution was first discussed on a political level in 2004. From 1996 the problem of trafficking and prostitution was discussed amongst NGOs as a necessity for the government to undertake policy measures to resolve the issue. However the NGOs themselves did recognise that there is no one single opinion regarding the measures to undertake – either to legalise or prohibit it. Therefore the NGOs did not draft any strategy on how to deal with prostitution.⁷⁷ The Ministry of Interior drafted the amendment to the Code of Violation of Administrative Law on penalising the consumers of prostitution. Following the adoption of this amendment, in 2005 the Women's Information Centre supported by the European Women's Lobby and the Ministry of Social Security and Labour organised the awareness raising campaign with the task to change the discourse on the accountability of consumers of prostitution. In sum, the issue of prostitution is still not widely discussed on a political level and NGOs are more often involved in advocacy campaigns.

Domestic violence

In the second half of the 1990s gender-based violence as a serious problem was indicated in the Women's Progress Programme and later in the National Action Plan of IV Beijing Conference. However, the issue was hardly considered on the state level until 2006. Women's NGOs have been the most active in the field of domestic violence, providing the shelters for victims, and social and psychological support. Up until 2004 many women's NGOs received support from international donors for their activities (Opens Society Fund-Lithuania, UNDP, US embassy Democracy program, Embassies of UK, Netherlands and Nordic countries). However, when Lithuania joined the EU in 2004 international donors withdrew and did not provide regular support for such NGO activities, and limited funding from the governmental and municipal bodies negatively affects the sustainability of support for victims.

In the period 2000-2004 women parliamentarians initiated amendments to the Criminal Code on the eviction of the perpetrator in the case of domestic violence. In 2002 the women's NGOs prepared the suggestions to the government on an action plan to resolve the problem of domestic violence. In 2003 the Human Rights Commissioner of the Council of Europe Alvaro –Gil-Robles criticised Lithuania for its lack of measures to solve domestic violence in legal, policy and social spheres. In 2004 the parliament adopted the amendments to the Criminal Code on possibilities for the Court to apply the provisional measures allowing eviction of the perpetrator in the case of domestic violence. However, the human rights NGOs were critical of the amendment because no mechanisms to apply the provisions were introduced.

NGOs were active on advocating to adopt the national action plans to reduce domestic violence. The Fourth Women's Congress adopted the resolution in August 27th, 2005 which highlighted the issue of violence against women as a violation of human rights and called on the Government of Lithuania to approve the national strategy of reduction of violence against women. The Government of Lithuania, by implementing the National

⁷⁷ Nevyriausybių organizacijų atstovių nuomonė apie faktinę moterų teisių padėtį Lietuvoje bei jų pasiūlymai moterų problemoms spręsti http://www.moterukoalicija.webinfo.lt/dg_isvados.htm#0

Programme of Equal Opportunities for Women and Men 2005-2009, was responsible to draft the Strategy in 2005. However, it was postponed until 2007. Many debates while drafting the programme occurred between the Ministry of Social Security and Labour and the Ministry of Justice which opposed changing legal acts to apply state accusation procedures in the case of domestic violence. In the final discussion with NGOs on the National strategy on Reduction of Violence against Women 2007-2009, the opposition of the Ministry of Justice was not reduced and though the strategy and action plan were approved by the government no legal changes up to mid 2007 have occurred.

The shifts in the policy on domestic violence occurred in 2006 when the topic of domestic violence against women was for the first time discussed in the Parliament as the issue that needs urgent attention. On the one hand, these debates were influenced by the European Parliament campaign calling the national state parliamentarians to unite the forces to combat domestic violence. On the other hand, it was the constant efforts by some women parliamentarians (G. Purvaneckiene in 2000-2004, V. Boreikiene, O. Valiukeviciute, M. Pavilioniene, B. Veisaite 2004-2008). As a result, the working group on drafting the concept and legal act on Prevention in the case of domestic violence was formed in December of 2006.

Sexual harassment and rape

Sexual harassment is defined in the law on Equal Opportunities for Women and Men (1999), Criminal Code and Labour Code. Currently the Ombudsperson for Equal Opportunities initiates the amendment to the Law on Equal Opportunities to introduce the provision of burden of proof in the cases of sexual harassment.

The Criminal Code, drafted by the Ministry of Justice, includes the article on sexual harassment, but highlights that only vulgar and rough behaviour is considered a crime and the abuser will be punished if he raped the victim without her consent. Arguments in legal academic literature suggest investigation into abusers and victims behaviour rather than analysing the limits of the application of law in practice. Legal academic writing does not analyse any other indicators of sexual harassment such as verbal abuse, psychological pressure or attempts to have sex with the victim, that are not considered as vulgar behaviour and do not fall under article 152 of the Criminal Code.⁷⁸

Rape as a crime against person's will is defined in the Criminal Code but it did not define rape in the family rather rape as a crime in the public sphere. Rape in the family is hardly considered as a criminal act by the population. The existing statistics are very poor and presenting the cases only committed in public. The Government of Lithuania in the National Strategy on Reduction of Violence identified the invisibility of family rape in Lithuania due to the deeply rooted myth on women's duties in family and the impossibility of family rape. There is no one case in the court and pre-trial investigation on domestic rape.⁷⁹

⁷⁸ Vidmantas Dvilaitis, Sexual Harassment and Legal Liability of it' in Jurisprudencija, 2004 vol 60 (52)

⁷⁹ LRV nutarimas Nr. 1330, 2006-12-22 del Valstybines smurto pries moteris mazinimo strategijos ir jos igyveninimo priemoni 2007-2009 m plano patvirtinimo. <http://www.socmin.lt/index.php?-1889589091>

4.2. Actors

The main **government departments** relevant to the issue of gender based violence: Ministry of Interior (trafficking and prostitution), Ministry of Justice (domestic violence, sexual harassment), Parliamentary women's group and individual women-parliamentarians after the dissolution of the group at the beginning of 2006 (sexual harassment and domestic violence), Human rights committee of the Parliament (domestic violence), Police department (trafficking, prostitution, domestic violence).

Equality bodies: Ministry of Social Security and Labour (domestic violence); Office of Ombudsperson on Equal Opportunities (sexual harassment)

NGO

Women's Information Centre (Active in writing petitions and recommendations for the Government on Domestic Violence, umbrella organization of women's NGOs in terms of sharing information and calling for common actions)

Vilnius Women's House (reactions to the amendments on legislation in the field of domestic violence)

Women's Forum – Coalition of Women's NGOs (petitions on gender based violence)

Human rights monitoring institute (Annual report on human rights situation presented for the parliament and president of the Republic of Lithuania)

International actors:

IOM (active in providing recommendations for preventive work against trafficking and prostitution)

UNDP (supported research of civil society on domestic violence)

US Embassy (annual reports on Trafficking ranking the level of progress)

Council of Europe (Human Rights Commissioner Report on progress in human rights)

European Women's Lobby

Policy experts/research

Much research on gender based violence was completed in the period 1995-2000 under the support of international donors, particularly by the UNDP and Open Society Fund. Social scientists of the Gender department of Vilnius University, Kaunas Vytautas Magnus University, Centre for Social Studies, completed the main body of research on trafficking, prostitution and domestic violence. On trafficking, much research was completed by the Institution of Social research and International Organization for Migration Vilnius office. Limited research on sexual harassment at work was produced by some legal scientists at the Mykolas Riomeris University.

The **main controversies** on the adoption of policy documents of gender based violence occurred between the Ministry of Social Security and Labour and Ministry of Justice on the

issues of changing the treatment order of the cases of domestic violence. The Ministry of Justice argues that Lithuania has enough laws and legal acts to protect victims. By changing the order from private to state accusation, the pre-trial investigation must be completed by police, therefore more human and financial resources must be allocated. Though these provisions on improvement of the legal basis were included in the National Strategy on Reduction of Domestic Violence 2007-2009, no activities have yet been undertaken.

Women NGOs have been active in the field by providing support for women parliamentarians in their efforts to amend legal acts and later in adoption of national programs on trafficking and reduction of domestic violence. Formally, women's NGOs participate in the discussions and working groups on drafting the policy documents.

4.3. Timeline of policy debates

4.3.1 Trafficking and prostitution

1996 Women's Progress Programme

The programme named prostitution as an issue of women's rights that needs to be resolved on the policy level. This should include guidelines for policy makers and trainings for police. There were no further developments in this trend before 2000.

Source:

Programme on Progress of Lithuania's Women (Order No. 1299)

<http://www.lygus.lt/gm/article.php?id=3>

2000 CEDAW Conclusions

In its report on Lithuania's initial report and second periodic report the Committee on the Elimination of Discrimination against Women concluded that the government of Lithuania provide limited commitment, information and resources for resolving the problems of trafficking and prostitution.

Sources:

Advanced united version. Committee on the Elimination of Discrimination against Women
Twenty-third session. 12-30 June, 2000

<http://www.lygus.lt/gm/admin/files/pirmine%20ataskaita.doc>

2000 Art 147 of Criminal Code

The Ministry of Justice (under the pressures of international organizations such as the UN and Council of Europe, and Lithuania's commitment to join the EU) drafted legal definitions of trafficking as a crime in Art 147 of new Criminal Code which was effected in 2003. The definition of trafficking that occurred in the UN Convention against International Organized

Crime was transposed to the Criminal Code of Lithuania. Lithuania signed the Convention and ratified it in 2002.

Sources:

LR Baudžiamasis kodeksas. Žin., 2000, Nr. 89-2741. Nr. [X-272](#), 2005-06-23, Žin., 2005, Nr. 81-2945 (2005-06-30)

Secondary Sources

Palavinskiene Brigita, Nacionalinis reglamentavimas in *Prekyba žmonėmis: prevencija, auku apsauga, problemos sprendimo budai*. Vilnius: Zmogaus teisiu centras 2006

Prekyba Moterimis: problemos, sprendimai, žvilgsnis iš vidaus (Trafficking in Women: Issues, Resolutions and Insight Approach) Vilnius, 2004

2002 National Programme on Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004

Department of Preventive crimes of the Ministry of Interior prepared and developed the National Programme on Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004. The programme was adopted by the Order of the Minister of Interior. This means that the programme was not sent to the Parliament for adoption. The drafting of the programme was directly connected to the Lithuania's commitments to join EU by implementing the National *acquis* plan and measures. The programme aimed to start developing the system and mechanisms to reduce prostitution and trafficking and destroy criminal networks of trafficking. The programme designed for three years had three main stages:

- 1) to analyze the situation of human trafficking and prostitution and investigate the legal basis and mechanisms of control and prevention of human trafficking and prostitution
- 2) to develop the system of social, economic, financial, legal, organizational, information and analytical measures to control and prevent trafficking and prostitution
- 3) to identify new strategies of trafficking and prostitution control and prevention.

The programme was formulated without a budget for each year but included the provision that financing be assigned from the National Budget each year when the annual Budget is composed.

The International Organization of Migration (IOM) and Institute of Social Research evaluated the programme and published its results. The IOM stated that the Ministry of Interior composed the working groups from various governmental and nongovernmental institutions to coordinate the implementation of the programme and met regularly (each month). However, the director of Missing Persons' Families Support Centre for Families of Missing stated that there were no regular meetings and the budget was very poor to implement the programme.

Sources:

Prekybos žmonėmis ir prostitucijos kontrolės bei prevencijos 2002-2004 metų programa, Lietuvos Respublikos Vyriausybės Nutarimas, 2002 m. sausio 17 d. Nr. 62 (National Programme of Control and Prevention of Trafficking in Human Beings and Prostitution for 2002-2004 years)

http://sos.vrm.lt/mod_richtext.php?pid=13

Bazylevas I., Prekybos žmonėmis prevencija (Prevention of trafficking). Conference material, 2004

<http://www.missing.lt>

Secondary sources

Prekyba Moterimis: problemos, sprendimai, žvilgsnis iš vidaus (Trafficking in Women: Issues, Resolutions and Insight Approach) Vilnius, 2004

Ona Gustiene interview, Director of the Centre for Support of Missing family members, 07/01/2005

2003 National Programme of Equal Opportunities for Women and Men for 2003-2004

The programme included legal measures on issues of victims of trafficking. The Ministry of Interior and Ministry of Justice had to prepare the amendments to the articles Code of Violations of Administrative Law, Criminal Code and Legal Status of Alien. The latter law should introduce the definition of the concept of the victim of trafficking that is still lacking.

Source:

National programme of equal opportunities for women and men, 2003-2004

www.socmin.lt

Report on implementation of National programme of equal opportunities for women and men for 2004

www.socmin.lt

2005 Amendment to the Code of Administrative Law Violations

The Ministry of Interior, as a measure of the National Programme of Control and Prevention of Trafficking and Prostitution, drafted the amendment to Art. 182¹ of the Code of Administrative Law Violations that involves liability for the consumers of a prostitute's services. This amendment was adopted by the Parliament of Lithuania; as NGO activists noted, without Parliamentary opposition.

Sources:

Amendment to the Code of the Administrative Law Violations

Law No: X-249, 2005, enacted from July 1, 2005 (No. 83-3040)

Secondary sources:

Press release of the Women's Information Centre

<http://www.lygus.lt/ITC/news.php?id=772>

2005 Second National Programme on Prevention and Control of Trafficking and Prostitution in Lithuania for 2005-2008

The Ministry of Interior, following the results of the first National Programme on Prevention and Control of Trafficking for 2002-2004, identified new issues and challenges working in this sphere. Since 2003 the US Government evaluated highly the developments of

Lithuanian policies in dealing with the problems of trafficking. The Ministry of Interior is the coordinating body of this programme. The new programme covers: analysis and collection of data and information and improvement of legal regulations, education for youth, risk groups, law enforcement, social workers, municipal personnel, teachers, medical personnel, media, support of victims, strengthening of institutional capacity, and internal and external cooperation (Ministry of Interior, Ministry of Foreign Affairs, General Prosecutor's Office, International Organization for Migration Vilnius Bureau, Ministry of Justice, Ministry of Education and Science, Ministry of Health, Ministry of Social Security and Labour, NGOs, IMO, Department of Migration). All activities mainly start from 2006 except for victims' support that is annually assigned 400000 litas (115,490 euros) for each year 2005-2008. The programme provides the necessary sum for its implementation – 6, 200, 000 litas (1,795,644 euros). The programme is gender-neutral.

Sources:

PREKYBOS ŽMONĖMIS PREVENCIJOS BEI KONTROLĖS 2005–2008 METŲ PROGRAMA (Programme of Prevention and Control of Trafficking in Persons and Prostitution for 2005-2008), p. 4-6; <http://www.vrm.lt/index.php?id=567&lang=2>
Lietuvos tekstas. 2006. Kovos su prekyba žmonėmis ataskaita (Report on Lithuania 2006) <http://usemabssy.gov/Text/Docs/Other/TIPLT.pdf>

4.3.2 Domestic Violence

1996 Women's Progress Programme

The programme portrays the issue of women's rights that needs to be resolved on the policy level. This should include guidelines for policy makers and trainings for police. There was no further development in this trend until 2000.

Source:

Programme on Progress of Lithuania's Women (Order No. 1299)
<http://www.lygus.lt/gm/article.php?id=3>

2000 CEDAW Conclusions

In its report on Lithuania's initial report and second periodic report the Committee on the Elimination of Discrimination against Women concluded that the government of Lithuania provide limited commitment, information and resources for resolving the problems of domestic violence and pointed to the need for cooperation among local authorities, police and NGOs to prevent violence against women and provide effective support for victims.

Sources:

Advanced united version. Committee on the Elimination of Discrimination against Women
Twenty-third session. 12-30 June, 2000
<http://www.lygus.lt/gm/admin/files/pirmine%20ataskaita.doc>

2003 National Programme of Equal Opportunities for Women and Men for 2003-2004

This programme was adopted by the Government of Lithuania as the complex part of the National Governmental Plan for 2001-2004 and in response to Lithuania's international commitments to UN, EU and Council of Europe. Following the recommendation of the CEDAW committee, the Ministry of Social Security and Labour drafted the programme and was responsible for coordination of the programme. Concerning the part on violence against women, the programme covered trafficking issues and domestic violence. The programme included the measures to support NGO activities in providing support for victims. Also, among the measures of legal reform, the programme included the amendment to the Criminal Process Code on the possibility to separate the perpetrator from the victim.

Source:

National programme of equal opportunities for women and men, 2003-2004

<http://www.socmin.lt/index.php?-1889589091>

Report on implementation of national programme of equal opportunities for women and men for 2004

<http://www.socmin.lt/index.php?-1889589091>

2004 Initiative on drafting the Strategy of reduction of violence against women

The Ministry of Social Security and Labour, as coordinating body of the Commission for Equal Opportunities for Women and Men, initiated the talks in the commission on the necessity to draft the Strategy on Reduction of Violence against Women. The Ministry of Social Security and Labour was responsible for drafting the report on progress in the field of employment, reduction of discrimination and domestic violence against women to CEDAW. The Ministry also initiated the drafting of the Second National programme on Equal Opportunities for Women and Men 2005-2009. This Second Programme was drafted and approved at the end of 2004; however the strategy for reduction of violence against women was not drafted.

Similarly in 2005 before the IV Women's Congress, the Ministry of Social Security and Labour announced that it was ready to draft the National Strategy on Reduction of domestic violence against women. The IV Women's Congress adopted the Resolution that required drafting the National Strategy. However, the programme was not drafted but included within the measures of the National Programme for Equal Opportunities of Women and Men.

Sources:

Press release of the Ministry of Social Security and Labour

2004-08-27 <http://www.lygus.lt/ITC/smurtas.php?id=144>

Resolution of the IV Women's Congress in Lietuvos Moteru pazanga: issukiai ir realybe. 1990-2005.

Third Report under UN CEDAW. November 25, 2004.); <http://www.socmin.lt/index.php?-1889589091>

Secondary sources:

G. Purvaneckiene. Smurtas seimoje. 27 <http://www.lygus.lt/ITC/smurtas.php?id=144>

2004 Amendment to the Criminal Process Code on separation of perpetrator in the case of domestic violence.

Under the National programme on Equal Opportunities for Women and Men for 2003-2003 the Ministry of Justice had to prepare the amendments to the Criminal Procedure Code on eviction of the perpetrator in cases of domestic violence. The drafting of amendment was highly influenced by the Report of the Human Rights Commissioner of the Council of Europe in 2003 where he mentioned that Lithuania is not fully committed to solving the problem of domestic violence. The Ministry amended article 120 and 132¹ of the Criminal Code. The Parliament adopted the amendment in 2004, though some conservative forces were against the amendment as the introduction of this amendment limits the property rights of a perpetrator. However, under the lobbying of the women-parliamentarian group and NGO activities the amendment was passed. The amendment itself did not provide the legal orders for how to practically implement the eviction of the perpetrator. There were no other legal provisions on how implement this amendment in practice, thus the amendment itself is not an effective measure.

Sources:

Nacionaline Lygiu moteru ir vyru galimybiu programa 2003-2004);

<http://www.socmin.lt/index.php?-1889589091>

LR BK *Istatymas* IX-2553 Žin., 2004, Nr. 171-6307

Press release of the Government of Lithuania; June 2, 2004

<http://www.lygus.lt/mp/article.php?id2=158>

Secondary sources:

Mr. A. Gil-Robles'o vizito Lietuvoje ataskaita 2003 (Mr. Alvaro Gil-Robles commissioner for Human rights on his visit to Lithuania 23 – 26 November, 2003)

<http://www.lygus.lt/qm/article.php?id=84>

Press release of the Women's Information centre on the adopted legal provisions on perpetrator's separation

<http://www.lygus.lt/mp/article.php?id2=158>

Zmogaus teisiu igyvendinimas Lietuvoje 2004 apzavalga (Annual Report on human rights in Lithuania, 2004). Vilnius: Zmogaus teisiu monitoringo institutes, 2005.

2005 Amendment to Civil Code on temporal provision to separate perpetrator spouse in the case of domestic violence

One attempt to start solving the problem of violence against women by protecting the victims of violence in divorce litigation was initiated by Ona Valiukeviciute, a member of the Seimas (Parliament) on October 18, 2005. She submitted the draft law on the

amendment to Article 3.65, Part 2, Item 1 of the Civil Code of the Republic of Lithuania, Book III, Section Four: Divorce on the draft law of the amendment addresses part 2, item 1: “if circumstances permitting, order one of the spouses to live separately” and suggests deleting the words “circumstances permitting,” because this wording contradicts the priorities of the application of legal acts which protect the rights of children.

The draft law on the amendment of Article 3.65, Part 2, Item 1 of the Civil Code has been commented upon by the Legal Department of the Office of Seimas (Parliament), the Committee of Legal Affairs at the Seimas, the Commission on Family and Child Affairs, the Department of European Law, and the Supreme Court of Lithuania.

Many comments and remarks on the draft law of the amendment of Article 3.65, Part 2, Item 1 of the Civil Code (CC), as indicated below, suggest that changing the words “circumstances permitting” would not improve the situation of the children and the spouse who is suffering physical or any other violence, but might even worsen it.

It is stated in the remark that an order to live separately contradicts the Constitution and limits the constitutional rights of free choice for settlement and even ownership rights (when a person is ordered to live separately and move from the privately owned property) [Articles 32 and 33 of the Constitution of the Republic of Lithuania]. The comment of the Committee of Legal Affairs suggests that the court has to take into consideration the financial situation of a spouse when an order is given to live separately from a family, and restore the balance of the constitutional values after evaluating whether or not a spouse has enough resources to live separately.

The advisor at the Committee of Legal Affairs argues that the words “circumstances permitting” would make the situation worse because the court would avoid applying this measure. The concept of living separately is not defined very concretely and therefore the words “circumstances permitting” includes financial circumstances and additionally any factual circumstances which might include the separation of the family by limiting the spouse’s right to utilize a part of the living quarters. Therefore, the court should evaluate these circumstances. There is another danger that a spouse can blackmail the other spouse with accusations about violence, with the goal of appropriating a larger part of the property. Meanwhile, the CC includes the equality principle for both spouses and their interests.

The Supreme Court also presented the opinion that the suggested amendment would not improve the situation, because the provisional measure is applied to protect the interests of young children and one spouse until the conflicts between spouses or the children’s parents are solved [in the divorce litigation]. In addition, this provisional measure to order one of the spouses to live separately is not seen as resolving the underlying social problem of violence against women.

No comments from women’s NGOs were presented. There was only the petition to the Women’s MPs group, Human rights committee and the Committee of the Law and legal order by the NGO Vilnius Women’s House calling on MPs to support the initiative of the MP Ona Valiukeviciute.

The draft law has been returned to the promoters to provide new arguments for the amendment to Article 3.65, Part 2, Item 1.

By the end of 2006, the Human rights committee at the Parliament initiated the discussion on the amendment to the Civil Code. The chair of the committee, a member of the liberal centrist party, presented an opinion that domestic violence is a crime and effective legal acts should be introduced to solve the problem. Therefore, the Human rights committee supported the initiatives to introduce the amendments to the Civil Code allowing the court to apply the protective measures to separate a perpetrator from the family in cases of domestic violence.

Sources:

[Explanatory Note on the Amendment to Article 3.65 of the Civil Code in Lithuania](#), 18 October 2005.

Comments are summarized from the Conclusion of the Committee of Legal Affairs to the draft law XP-862, May 10, 2006. The conclusions were received by Jurius Petreikis, the advisor of the Seimas member Ona Valiukeviciute.

Petition of the Vilnius Women's House to the Women's MPs group, Human Rights Committee and the Committee of the Law and Legal Order on support for the initiatives to amend the Civil Code. Vilnius, 06-04-14 Reg. Nr. 04/02

(Petition was distributed within the network of the Women's Information Centre)

Secondary sources:

A. Lydeka: smurtas seimoje – nusikaltimas visuomenei .Seimo Liberalu ir centro sajungos frakcijos sekretoriatas (A. Lydeka: domestic violence – crime for society. Secretariate of Social Liberals political http://www3.lrs.lt/pls/inter/w5_show?p_r=3347&p_d=61469&p_k=1

2006 National Strategy for Reduction of Violence against Women 2007-2009

Under the National Programme of Equal Opportunities for Women and Men the Ministry of Social Security and Labour drafted the National strategy for Reduction of the Violence against Women. It was adopted by the government of Lithuania in September 2006. The coordinating body – the Ministry of Social Security and Labour- composed the working group of the representatives of all ministries and one NGO. Originally the strategy was initiated in 2004 but was not drafted. Lack of resources was the official explanation. The other obstacle in adoption of the strategy was the opposition of the Ministry of Justice which is obliged to make amendments to the legal acts that investigate crimes committed in the family under private accusation (when victim submits the complaint, collects evidence and witnesses by herself), while crimes committed in public are investigated under the state accusation (when the pre-trial investigation is organized by the law enforcement). The objectives of the programme are to introduce complex measures to reduce the problem of VAW in Lithuania. This strategy identifies three main priorities to contribute effectively to solving the problem of VAW. First, it points to the improvement of the legal basis. Second, it introduces complex measures of support for victims of domestic violence. Finally, it involves prevention measures; guidelines to help perpetrators in changing their aggressive behaviour.

At the same time the alternative strategy was prepared by NGO Vilnius Women's House, the organization which was involved on an advisory basis in the working group to draft the strategy. The alternative strategy pointed out the political commitment to solve the problem of violence and provide sustainable resources for crises centres in providing the shelters and support. In March 2006 the EU Committee of Economic and Social Affairs presented an opinion on domestic violence and called on national governments to adopt national strategies to solve the existing problem. This was additional motivation for the Ministry of social security and labour to finalise the National strategy. During the preparation stage and in the final discussion among NGOs and the working group for the National strategy, which was composed of the representative of various ministries, tense discussions occurred between the Ministry of Justice and Ministry of Social affairs on changing the investigation of domestic violence order. It has not been finally resolved but the programme was adopted.

Sources:

LRV nutarimas Nr. 1330, 2006-12-22 del Valstybines smurto pries moteris mazinimo strategijos ir jos igyveninimo priemoni 2007-2009 m plano patvirtinimo
<http://www.socmin.lt/index.php?-1889589091>

Europos Socialiniu ir ekonominiu reikalu komiteto isvados del seiminio smurto pries moteris. Europos Sajungos Ofialus Leidinys. 2006/C110/15.

Valstybine Smurto pries moteris mazinimo strategija, Vilniaus Moteru namu projektas 2006 (Draft National Strategy for Reduction of Violence against Women, prepared by the Vilnius Women's House and distributed in the network of the Women's Information Centre. 2006)

Secondary sources:

Discussions of working group with NGOs on the draft of National Strategy on Reduction of Violence against Women. (Personal participation, 2006 June)

2006 Amendments to the articles 42, 60, 129, 135 and 138 of Criminal Code

The MP V. Boreikiene (who in 2007 changed her political party membership from Liberal and Centre Union to Social Democrats) provided the amendments to the Criminal Code on increasing liability for crimes committed by a perpetrator on his/her family members and establishing new forms of impact on security of family members and perpetrator's rehabilitation. Also, special measures are introduced for law enforcement to deal with cases of domestic violence. These amendments occurred as the result of the resolution of the National Conference on reduction of Violence against women in March 2006 organized by the women MPs group to facilitate cooperation among governmental bodies, law enforcement and non-governmental institutions. The resolution points out that the NGOs provided a number of resolutions since 2002 to solve the problem of violence against women, including the IV Women's Congress. The resolution provides a number of measures. Following the resolution, the Women's MP group initiated the amendment to

the Criminal Code. The Law on amendments was adopted by the Parliament without debates.

Sources:

Seimas pradejo svarstyti siulyma smurtautojui uzdrausti prisiartinti prie savo auku. Liberalu sajuzdio frakcijos sekretoriatas (Seimas adopted the proposal to forbid any contacts of perpetrator with the victims)

http://www3.lrs.lt/pls/inter/w5_show?p_r=3944&p_d=58309&p_k=1

Konferencijos "Smurtas pries moteris" rezoliucija 2006 kovo24 (Resolution of the conference "Violence against women" March 24, 2006)

2006 Resolution on the Council of Europe initiative "Parliamentarians unite to combat domestic violence against women"

Under the initiative of MP M. Pavilioniene a one day conference was initiated and MPs were invited to read the presentations on domestic violence against women. The Conference was organized following the initiative of the Council of Europe "Parliamentarians unite to combat domestic violence against women" and adopted resolution. The Resolution provides for the commitment of MPs to prepare legal acts that would clearly identify the concepts of physical, psychological, sexual and economic violence against women and liability for any violence against women. Also, it includes the preparation of complex measures for protection of women in cases of domestic violence.

As a result, on December 13 2006, the Board of Parliament adopted the Decision to compose the working group for preparation of the concept and legal acts on protection against domestic violence. The working group is composed by parliamentarians, government and representatives of women's NGOs.

Sources:

Rezoliucija del parlamentaru iniciatyvu iveikti smurta pries moteris. Lietuvos Respublikos Seimas, 2006 lapkricio 24 d. (Resolution on the initiatives of Parliamentarians to combat violence against women, November 24, 2006).

Seimo Valdybos nutarimas del darbo grupes sudarymo Smurto pries moteris koncepcijai parengti. Decision of the Board of the Parliament on Composing the working group to draft the concept on prevention against domestic violence. No. 210, December 13, 2006.

2006 the initiatives to amend the Criminal Code on changing the order of pre-trial investigation

The Minister of Interior R. Sukys initiated the amendment to the Criminal Code to change the order of private accusation in cases of domestic violence. The Minister suggests the possibility to start pre-trial investigation without the formal complaint of the victim. The proposal was received by the Committee of Law and legal order of the Parliament in

November 2006. The Committee agreed to consider the proposal, but currently the proposal of the Minister is still pending.

Sources:

Seimo Liberalu ir centro sąjungos frakcijos sekretoriato informacija (Information of the Secretariat of the Liberal Centrists political group at the Parliament)

http://www.3.lrs.lt/pls/inter/w5_show?p_r=3347&p_d=61020&p_k=1

Secondary source

Mindaugas Jackevičius. *Kas apsaugos nuo smurto seimoje?* November 20, 2006

http://www.delfi.lt/news/DELFI_for_women/Home_and_family/article.php?id=9919404

4.3.3 Sexual harassment at work

1999 Law on Equal Opportunities for Women and Men

This law provides the concept of sexual harassment at work and administrative liability for committed acts. While adopting the Law on equal opportunities for women and men in 1998 there were discussions on this concept in the parliament. Some parliamentarians were against the concept as an invasion of western alien phenomenon and of feminist influence on Lithuanian culture.

The UNDP Lithuania Office provided much technical support for the Office of Ombudsperson of Equal Opportunities in further development on constructing the mechanism of investigation of sexual harassment phenomenon.

Sources:

Law on Equal Opportunities for women and men. December 1, 1998. No VIII-947// Official Gazette 1998 No. 112-3100

Parliamentarians' Debates on passing the law on Equal Opportunities for Women and Men, 38 (264) irregular session December 1, 1998; 36 (262) session, November 26, 1998,

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=68894&p_query=Lygi%F8%20galimybi%F8%20%E1statymo%20projektas&p_tr2=2

Report on work of Office of Ombudsperson for 1999

<http://www.lygus.lt/gm/admin/files/MTVLGK%20met.atask.doc>

Secondary sources:

Vaiciuniene Laima. *Seksualinis pikabiavimas: nekaltas flirtas ar zmogaus teisiu pazeidimas*. Vilnius 2003.

2003 Criminal Code

The Ministry of Justice that prepared the new Criminal Code included the definition of sexual harassment for the first time in criminal law. It defines sexual harassment as

striving for sexual contact or satisfaction by taking vulgar actions. Liability arises when the harasser and the victim are in work or other relations of subordination. The latter prohibited acts constitute a criminal offence and shall be punished with a punitive fine which may include arrest. The concept of sexual harassment emerged occurred under the influence of the EU accession process while harmonizing the national legislation with EU law. The necessity in to joining the EU prevented many debates in Parliament as the concept has already existed in the Law on Equal Opportunities for women and men. On the other hand, the law stipulates the private accusation procedure in the court where the victim is obliged to file a complaint, provide witnesses and witness in the court, thus preventing frequent appearance in the court.

Sources:

Lietuvos Respublikos Baudziamasis Kodeksas (Criminal Code of Republic of Lithuania). Vilnius: VI Teises informacijos centras 2000

Baudziamojo proceso kodekso komentaras. 2 knyga. Vilnius: VI Teises informacijos centras 2003

Secondary source:

Dvilaitis V. 2004. Sexual harassment and legal liability for it. *Jurisprudencija*, 60 (52)

4.3.4 Rape

2000 CEDAW Committee conclusions

The Committee evaluated the primary and second report of the Government of Lithuania and issued conclusions urging adoption of article 118 into the Criminal Code on the explicit definition of rape as sexual intercourse without consent.

Source:

Committee on the Elimination of Discrimination against Women Twenty-Third session 12-30 June 2000

<http://www.lygus.lt/gm/admin/files/bendrosios%20rekomendacijos.doc>

2001-2003 Criminal Code

In response to the conclusions of the CEDAW committee in 2000, the Ministry of Justice drafted an article on the liability for sexual rape and provided a definition of rape without any reservations as sexual intercourse against a person's will. The law changed the private accusation order to the state accusation order. This is presented in the Third Report of the Lithuanian government, but it did not include the concept of sexual rape in a family.

Source:

Lietuvos Respublikos Baudziamasis Kodeksas (Criminal Code of Republic of Lithuania).
Vilnius: VI Teises informacijos centras 2000

Government Republic of Lithuania Resolution No. 1497, November 24, 2004 On the
Endorsement of the Report under the UN Convention on Elimination of all Forms of
Discrimination against Women www.socmin.lt

Secondary sources:

Vidrinskaite Saule, Istatymai ir moteru teises.

<http://www.lygus.lt/gm/admin/files/Moteru%20teisine%20padetis.doc>

5. Conclusions

5.1. General gender equality policies

In Lithuania gender equality policies were not a priority during the period 1995-2007. Though Lithuania adopted the law on equal opportunities for women and men in 1998, the policies on equal opportunities mainly addressed discrimination issues against gender. The principle of gender equality was not an important issue debated in the negotiation process as Lithuanian politicians usually emphasized the economic and social issues distancing them from gender equality. Women politicians showed limited solidarity in debating important questions for women. Following EU membership, Lithuania has experienced a backlash in equality policies when politicians - by supporting the values of the traditional family and marriage - openly expressed their discriminatory positions against homosexual partnership and other possible forms of families. Women politicians of conservative right and populist political parties became the initiators of policies discriminating against single mothers, unmarried fathers, homosexual couples and women in general by limiting their rights to reproductive health.

5.2. Relevance of the sub-issues and key shifts in the policies

5.2.1 Non-employment

During the Soviet period in Lithuania employment for women and men was obligatory and this influenced the state to provide a well-organized system of child-care. However, in the beginning of 1990s, the system was almost ruined due to the soviet heritage of a double burden of women's formal and informal work, transition pressures, lack of state resources to maintain childcare institutions and policies encouraging the familialization of care work. As a result, women's unpaid care work has increased. The 2000-2004 accession process to the EU did not bring substantial shifts in the policy debates on reconciliation of family and professional life, active parenthood and encouraging shifts in care work.

The main shifts in the policy debates on non-employment are about the issues of sharing parental responsibilities between mothers and fathers, involving fathers in child-care activities and reconciliation of family and work obligations and they included social policies on maternity/paternity after EU membership. This was highlighted in the National Programme for Equal Opportunities for Women and Men 2005-2009, and later in the other governmental programmes such as National Lisbon Strategy Implementation Programme 2005-2008, and the National Plan Combating Poverty and Social Exclusion 2007-2008. Additional to the active fatherhood policy, the programmes included such measures as developing a network of pre-school education institutions and their flexible working hours.

5.2.2 Intimate citizenship

The policies in Lithuania on intimate citizenship cover the strategies of the preservation of traditional families which are understood only as advancing married couples with children and consequently discriminating other possible forms of civil partnerships. In the period from 1995 till the membership of the EU the traditional family discourse was limited in the policy process. Legally any other forms of civil partnership are not banned, but the politicians postpone approving the necessary acts on introducing practical instruments to allow registering other forms of family. After 2004 the policies on intimate citizenship have followed the moralising discourses of the Catholic Church and conservative forces on the preservation of traditional families and national values. Any diversity of family forms and control over fertility is often interpreted as a threat to Lithuanian nation and statehood. As a result, the policies on family in Lithuania discriminate against cohabitating unmarried couples, homosexual couples, stigmatise single motherhood, deepen poverty of single parents (usually single mothers) after divorce and limit women's rights to reproductive health.

Not many shifts occurred in policy discourses during the whole period, and policy initiatives on legalising civil partnership, homosexual couples and reproductive rights and health are pending. Remarkably, after EU membership the discourse on preservation of the traditional family and marriage as national cultural values has become stronger amongst politicians and the population in general.

5.2.3 Gender based violence

The issue of gender based violence has not been a top issue in Lithuania's policy for almost the whole period since the 1990s. It was the preoccupation of women's NGOs that provided the necessary services for victims of violence. There is no legal act specifically and explicitly addressing gender based violence in Lithuania up until the present.

The major shift in changing the discourse occurred under the influence of international organizations – the UN, EC and EU - that resulted in the adoption of national programmes on prevention of trafficking and prostitution from 2002 and in protection programmes in the case of domestic violence since 2006.

5.3. Women's NGOs and other non-governmental bodies

The development of civil society in Lithuania during the period from 1990 till 2004 was strongly supported by international donors. However, many experts argue that civil society is still weak and only reacts to the policy development instead of bringing powerful initiatives to change policy discourse. Also, civil society is still ignored by state bodies as a potential social partner.

Many women NGOs lost the support of international donors after membership to EU and became more dependent on the governmental funds for their activities. Thus NGOs had to become less critical of the governmental policies in order to get the funds for their survival.

5.3.1. Non-employment

Since 2004, many NGOs have been directly involved in the implementation of projects on reconciliation of family and work and access to labour market of elderly and disabled women. The projects were co-funded by EU structural and national funds. This made an impact on the general policy debates on employment opportunities in society as many activities such as seminars, trainings and social advertising targeted the policy makers, social partners and direct target groups. These activities are closely connected to the topic of **non-employment** in the QUING project.

Academia is mainly involved in the issues on **non-employment** by conducting sociological research on attitudes of politicians, social partners and the population in general on paternity leave, reconciliation of family and work, care and domestic work and gender role stereotypes and by presenting their findings in seminars and trainings

5.3.2. Intimate citizenship

As was shown in chapter 3, the policies in Lithuania discriminate against unmarried fathers, single mothers and homosexual partners. Therefore, NGOs in the field of intimate citizenship mainly address public discourse on the diversity of family forms and homosexuality and aim to contribute to public awareness by public campaigns, petitions and letters in the complex context of Lithuanian society, the obligations of the state to international organizations and the commitment to promote democratic values.

Intimate partnership is covered by academia in terms of the diversity of family forms and homosexual relationships. Sociological research on attitudes towards homosexuality at work and in the public sphere among the population and politicians reveals the deeply rooted culture of intolerance to homosexuality in Lithuania.

5.3.3. Gender based violence

Gender based violence has been the field mostly covered by women's NGOs during the QUING period. The activities concentrated on services for victims of trafficking and prostitution and domestic violence. Not one shadow Report to the CEDAW Committee was prepared by NGOs. However, under the impact of women's NGOs, the issue of gender based violence as a violation of women's human rights has been gradually introduced since 2002.

Gender based violence has been subject to only limited academic research in Lithuania, and therefore the construction and testing of theories are at a very early stage of development. The field is mostly characterized by descriptive work, with little causal modelling, explanations, contextual analysis, or attempts to construct integrated theories of different types of family violence.

Trade-unions are still weak. Having the negative heritage of the Soviet period, the trade-union movement was almost destroyed during the 1990s. The trade-unions participate in the process of negotiation of new employment regulations; however, gendered aspects such as flexible work hours, reconciliation and parenthood are not yet a priority in the trade-unions' work.

Intersectionality is hardly addressed by NGOs, trade-unions and academia.

5.4. Impact of international bodies UN, EC and EU

The impact of international bodies is very important for the national policies of Lithuania. The support of the UN in the 1990s influenced the introduction of a women's rights and gender equality discourse, and the recommendations of the international bodies made an impact on amending the legislation in the field of equal opportunities, discrimination and gender based violence. Transposition of EU Directives has also influenced the changing discourse on parenthood, child care, and equal pay.

5.4.1. Non-employment

Women's unemployment, unequal pay, and discrimination in the labour market were the issues addressed by the UN CEDAW Committee in the comments on the primary and secondary reports of the Government of Lithuania in 2000. The main impact on the issue of developing national women's employment strategies in Lithuania was made by EU. In the period of the EU accession process 2000-2004, Lithuania transposed many directives concerning equal opportunities for women and men in the labour market including the Employment directive 2000/78/ EC. Under the guidelines of the EU Employment strategy, the national action plans for employment, social inclusion, poverty reduction and other gender mainstreaming were adopted. However, the practical implementation of these documents, as many experts noted, produces limited results due to the lack of commitment of Lithuanian policy makers to mainstream gender and implement gender equality *de facto*.

5.4.2. Intimate citizenship

Less impact has been made by international organizations on changing discriminatory provisions on civil citizenship and solving the problems of reproductive

rights in Lithuania, despite the recommendations of the UN CEDAW Committee, the Committee on Human rights, and the Committee on Economic, Social and Cultural Rights on the commitments of Lithuania to resolve questions of reproductive health in Lithuania. Although Lithuania signed the EU Constitution in 2004, it has not prevented discriminatory policy discourses against cohabitation and homosexual partnerships.

5.4.3 Gender based violence

The policy discourses on gender-based violence were strongly affected by the UN, the Council of Europe and the EU. Many NGOs - supported by the UN, EC and other international donors - provided awareness raising campaigns that had an influence on policy discourses. Trafficking in human beings and prostitution were the first issues that caught the attention of the government under the impact of the UN when Lithuania signed and ratified the Convention on International Organized Crimes in 2000. The discussions on trafficking in the Council of Europe and the EU accelerated the adoption of national programmes on prevention and control of trafficking and prostitution. Domestic violence as a policy issue was also influenced by the European Parliamentary campaign "Parliamentarians unite to combat violence against women" in 2006. Sexual harassment as a concept in the legislation on equal opportunities was also suggested by the UNDP.