Executive Summary for Lithuania

Introduction

European integration spurred many changes to the legal framework in Lithuania, including those related to gender equality, and since 2002 a number of amendments have taken place. In particular, the Law on Equal Opportunities for Women and Men was amended several times in the period 2002–2004 to include the missing provisions of the EU Directives, taking into account the new Equal Treatment Directive.

In 2002, with the support of the United Nations Development Program and the Office of the Equal Opportunities Ombudsperson, the Lithuanian Government initiated the development of a new law on anti-discrimination that would prohibit the violation of a person's rights on grounds of age, sexual orientation, disability, racial and ethnic origin, religion or belief. The new Act on Equal Treatment was passed on 18 November 2003 and entered into force on 1 January 2005. The new legal act was passed with a considerable majority in the Parliament; nevertheless women's activists raised concerns about attributing its supervision to the Office of the Equal Opportunities Ombudsman. In particular, risks were expressed that the Office will be overwhelmed with complaints of other forms of discrimination, thereby severely diminishing the attention paid to gender problems.[1] The expansion of the mandate has been referred to by others, though, as an undoubtedly positive development that will allow combining investigations of several grounds of discrimination.

Despite positive changes in field of legislation enshrining the principle of gender equality, shortcomings remain in terms of complete alignment with the *Acquis Communautaire*. For example, definitions still fail to reflect certain aspects of the principles set forth in the Directives. The term *equal opportunities* in the Act on Equal Opportunities of Women and Men is vaguely defined as the implementation of human rights guaranteed in international instruments of human and civil rights and in the legislation of the Republic of Lithuania. It does not include equal treatment in relation to conditions to self-employment and membership of, or involvement in, an organisation of workers or employers or any organisation whose members carry on a particular profession as required in the new Equal Treatment Directive. The term *direct discrimination on grounds of sex* fails to address situations where one person is treated less favourably than another person would be in a comparable situation.

[1] Lyties dimensija socialinės kaitos procese (Gender Dimension in the Process of Social Change) by Giedrė Purvaneckienė, 2003, available from Internet at http://www.lygus.lt.

Although the Act on Equal Opportunities of Women and Men obliges employers to implement the equal rights of women and men in the workplace, no legal act encourages them to promote the principle of equal treatment in a planned and systematic way, for example by having to produce equality plans or other pro-active means to improve gender equality in the workplace.

Institutional mechanisms

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

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

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

By 2003, the Equal Opportunities Ombudsperson had investigated 218 complaints and conducted 53 investigations at its own initiative. Between January and August 2004, the Ombudsperson received 34 complaints and started 10 investigations on her own initiative. Statistics by gender vary each year; on average, more complaints are submitted by women, though men are active as well.

The recommendations of the Equal Opportunities Ombudsperson have a binding character, and persons obstructing the Ombudsperson to exercise his/her duties are held liable under the law and face administrative sanctions. The majority of the decisions of the Ombudsperson have been duly implemented by public institutions as well as private companies so far. For the first time, in 2004, a decision of the Ombudsperson was appealed to the court by the chief of a private company who was obliged to discontinue a discriminatory commercial on TV and in other public places and to pay an administrative fine to the state budget. Court proceedings were still underway at the time of writing.

In ten months of 2004, 11 violators of the principle of equal treatment as set in the Act on Equal Opportunities of Women and Men were sanctioned with administrative fines.

Policies, programs and awareness raising

A big impetus to the implementation of various programs on gender equality was given by the European integration. A number of women's NGOs, public agencies and state institutions coordinate or participate in projects within the framework of programs administered by the EU (PHARE, SOCRATES, INTERREG and others).

Although under the Act on Equal Opportunities of Women and Men (1999) state institutions are obliged to draw up and implement programmes aimed at assuring equal opportunities for women and men within the field of their competence, they would find it difficult to undertake any serious action of gender mainstreaming because of the lack of resources. Accordingly, state institutions are very limited to provide assistance to the programs of public organisations that assist in the implementation of equal opportunities of women and men as required by the law.

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

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

An analysis of several national programs reveals that a number of actions overlap through several programs, thereby diminishing the total amount of measures which are successfully implemented. Not all actions foreseen in the programs correspond to the actual need of measures to be undertaken in terms of their scale, funding and efficiency. It can be said that the actions are more striking on paper than in reality, and

they are not given sufficient attention at the governmental level. Moreover, the ministries implementing the actions assigned to them by the National Program on Equal Opportunities of Women and Men rarely undertake additional actions or develop strategies in the field of their competence.

Measures implemented in the framework of the Program on Equal Opportunities in many cases give the impression of having more of a one-time nature, instead of foreseeing the planning and continuous development of strategies and policies. Although it must be said that the successfully implemented tools will have some long-term results, more attention should be paid to the sustainability and regularity of their implementation. It has often been the case that surveys carried out in one field or another revealed major shortcomings, but these were not transformed into meaningful follow-up actions.

Research and statistics

Although equal pay for equal work is strictly regulated by legislation, the pay gap constitutes another big discrepancy with regard to women's employment. As of 2003, the pay gap was 16.8% in the private sector and 24.8% in the public sector, despite the fact that women dominated in tertiary education. This wage differential is due to the fact that female-dominated activity fields in the public sector (social care, education, etc.) are generally paid less than those sectors dominated by men (energy, etc.). In 2003, women were dominant in the sectors of health and social work (85.6% of all employed), education (79.3%), hotels and restaurants (81.3%).

The pay gap is due to vertical segregation in the labour market, where men as a rule occupy senior positions. This can explain the discrepancy between the female and male pay in the same employment field. In 2003, women earned less than men in all the sectors covered by the data of the Statistics Department (the total of 14). The biggest pay gap was observed in the financial intermediation sector.

Key recommendations

- Final amendments and supplements should be made to existing legal acts to fully harmonise them with the requirements of the EU law in the field of gender equality;
- Equal retirement ages should be set for women and men;
- A methodology should be developed to evaluate jobs in terms of equal pay for equal work and work of equal value;
- A gender equality expert should be given a position in every ministry, county and municipality administration;
- Programmes should be developed to train specialists on gender issues;

- The Commission on Equal Opportunities should be strengthened in terms of administrative staff to give its activities more weight, visibility and effectiveness;
- Better coordination should be ensured between the institutions within gender equality machinery;
- Cooperation between social partners should be intensified (the legal framework is provided for in the labour code, but it must be implemented in practice);
- Appropriate allocations from the state budget should be ensured to the state institutions working in the field of gender equality so as to provide them with sufficient human and material resources to implement their tasks effectively;
- Mechanisms should be established to enable effective implementation of the Article 3 of the Act on Equal Opportunities of Women and Men, obliging state institutions to provide assistance to the programs of public organizations aimed at assisting in the implementation of equal opportunities of women and men;
- A centre for legal, economic and social gender studies (think-tank) should be established and receive national co-funding;
- Institutions and organisations should be obliged to collect and analyze gender-segregated statistical data related to their activities;
- National funding conditions of European programmes on gender equality that request national co-funding should be reviewed; the possibility of establishing a separate national fund for the purpose of co-funding should be discussed;
- The Ministry of Finance should be encouraged to review existing rules for budgetary allocations and to adapt them to the requirements of European programmes;
- The Ministry of Finance should be encouraged to undertake the initiative of developing methods for gender responsive budgeting, possibly in cooperation with Nordic experts;
- National funding should be allocated to non-governmental initiatives in the field of education, de-stereotypisation of the public sphere, and changing gender attitudes;
- Sufficient information on gender equality policies and concepts should be provided on the websites of gender equality institutions;
- New national measures aimed at easing the reconciliation of family and work responsibilities should be developed;
- Programs should be created to raise gender sensitivity, knowledge on gender equality policies and gender mainstreaming among civil servants and to develop effective methods of their implementation;

- Trainings should be provided to non-governmental organisations on how to participate in European gender equality programs as well as to make use of the Structural Funds;
- The visibility of gender issues should be increased in the public sphere by means of broad awareness raising campaigns;
- Programs on gender equality should be included in the training of teachers and curricula of education institutions;
- Women should be assisted with career counselling to support them in pursuing "non-traditional" occupations;
- The establishment of women resource centres in rural areas should be encouraged, so as to provide rural women with necessary assistance;
- Methodologies should be developed to overcome gender stereotypes in textbooks;
- Methods should be developed to encourage women to take a more active part in politics through NGOs and party policies;
- Project experience and the activities of NGOs should be brought together in one source of information available on the internet;
- The network of NGOs working in the field of gender equality should be strengthened in order to develop an effective and powerful source of lobbying for state policies in the field of equal opportunities.