

Critical issues
as regards the implementation of the UN CEDAW Convention in Lithuania
Submitted to the UN CEDAW Committee for consideration in relation to the examination
of the Fifth periodic report of Lithuania
2013 September 16

Context and general concern

Regardless of some positive developments in gender equality at the legislative and institutional levels in Lithuania, there has been insufficient improvement towards accomplishing women's human rights norms and standards set by the UN CEDAW Convention, CEDAW Committee, the EU and other international bodies. Till present, a very conservative approach to gender issues prevails in the policy discourse, and policy measures promoting traditional gender roles and the so-called "family mainstreaming" rather than gender mainstreaming are undertaken.

Regarding institutional development, the Department on gender equality under the Ministry of social Affairs and labour had been eliminated and then-reinstalled after a couple of years. The matters of domestic violence are still under the disposition of the Department on family matters, which shows the continuing approach that it is a family (private) issue rather than an infringement of human rights of a woman.

Human rights organisations have highlighted widespread discrimination of disadvantaged groups in society and warned about deteriorating human rights situation in Lithuania.

Notably, the National framework on family policy (adopted by Parliament resolution No X-1569 of 3 June 2008) did not specify domestic violence against women as a problem but instead, as an example of the "family in crisis" it listed the "family which suffered violence" (point 1.6.5). It relied on the approach that "human rights are first of all implemented through family, without dividing it into separate individuals" (point 1.8.4) and classified families into "complete"(married couples with children) and "incomplete" (divorcedparents). The Constitutional Court recognized this document unconstitutional in 2011 (case 21/2008). However, various legal acts are pending, which attempt to entrench this trans-personalistic approach and create a society based on the notion of "traditional-family." Draft laws for the "protection of life in pre-natal phase", establishment of a "fundamental right of the child to the father and the mother" might limit women's reproductive rights, segregateand discriminate single mothers, or even potentially tighten divorce laws.

1. Article 1, 2 and 3

In the previous concluding observations (CEDAW/C/LTU/CO/4 para. 11), the concern was expressed on lack of regional and local equality bodies. The provided state report does not give

any information on the development of branches of Equal Opportunity offices in regional and local levels or appointing an expert on gender equality in every county and municipality administration with the view of strengthening the linkages between the national, regional and local levels in relation to gender equality activities, including through the provision of training in gender-sensitivity and gender mainstreaming. Can you provide evidences how the State party has implemented this recommendation?

The Committee recommended (CEDAW/C/LTU/CO/4 para. 17) to strengthen human and financial resources for gender equality machinery at the national and local level. Please provide the information what steps have been undertaken to strengthen human and financial resources for gender machinery.

The report indicates that efforts were made to strengthen capacities of civil servants on gender equality issues and gives data on number of trained civil servants. Please provide examples of gender mainstreaming outcomes in ministries.

In its recommendations (CEDAW/C/LTU/CO/4 para 11) the Committee urges the state to undertake professional and public awareness raising on CEDAW and gender equality issues. The report indicates that some training course on the application of European and national legal acts prohibiting discrimination were conducted. Please provide examples of effective application CEDAW, its Optional protocol and the Committee's general recommendations in investigation and judgments in cases on discrimination on the grounds of sex, rape, sexual and domestic violence (or any other cases).

The report provides evidence of the conducted external evaluation of state gender equality policies and indicates positive results on the developments in the situation of women and men in all spheres. Please provide more information how these policies affected situation of disadvantaged groups of women (disabled, migrant, ethnic and sexual minority women) (para 41-50).

The report briefly refers to the National Strategy for Combating Violence against Women indicating planned measures of Action plan in 2010-2012. Please provide information on the sustainability of the Strategy. Additionally, please explain what policy measures to combat domestic violence will be implemented and how this will ensure application of gender-based violence approach following CEDAW Recommendation No. 19 where “the definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”.

Please clarify the concerns under the newly adopted Law on protection against domestic violence (2011-05-25, No XI-1425):

1. Lack of the definition “gender-based violence”.

Please explain whether the non-inclusion of the gender aspect (in the Law, and other following documents) influences the capacity of the state officials to deal with the cases of gender-based violence.

2. Lack of definition of marital rape

Please explain the lack of definition of marital rape (intimate partner sexual violence) in the Law. Although the law mentions that “violence” can also be sexual, please provide any actual court cases where marital rape has been recognized.

Please explain the lack of measures and statistics on intimate partner sexual violence, considering that it is wide-spread, according to various research (e.g. EWL barometer on rape in the EU, 2013 reports “An anonymous survey done in Vilnius Maternity hospital with 300 women (who are married or have lived with partners) showed that 80% of respondents did not know the difference between normal sex in marriage and marital rape. 60% experienced sexual harassment and 30% per cent were forced into having sex with their husbands against their will.” P. 49)

3. Definition of domestic environment

Please explain whether the Law is also applied to former cohabitants, or women in “non-traditional” family unions (e.g. a woman living with man who is officially married to another woman, and a woman in same-sex relationship)

4. Funding and shelter system

Please specify the number of shelters in the country. Please specify the amount of funding allocated (so far) for the police and specialized assistance centers.

5. Factual implementation

Please provide the figures that demonstrate the actual implementation of the Law, and specify how many cases end up in re-conciliation of the victim and the perpetrator under Article 38 of the Criminal Code. Please provide the number of pre-trial investigations that were undertaken/terminated, the number of cases that reached the courts and the number of cases that were solved, the number of cases where the perpetrator was imprisoned. Please explain what are the sanctions for infringement of the measures of protection of a victim of violence (obligation not to approach, obligation to temporary move-out).

Article 4

Paragraph 1

The report indicates that the Action Plan of the National Programme of Equal Opportunities of Women and Men 2010–2014 envisages measure *To Develop Recommendations for the Application of Temporary Special Measures* and provide seminars and trainings on the application of temporary special measures. Please provide information on the outcomes of implementation of this measure.

Paragraph 2

The report describes various activities aimed at protecting mothers in the area of employment and ensuring social security. Please provide data on how these activities have influenced the number of women who drop out from labour market due to care responsibilities. Please also

indicate what measures have been undertaken to ensure gender parity of share of maternity/paternity leave.

Article 5

The report acknowledges that unbiased approach to women and men promoting equal opportunities for women and men in many fields, particularly in the labour market and decision-making, can be promoted by training, education and provision of information. The report also mentions seminars on gender equality for school teachers and social pedagogues. Please provide information on the positive effects of activities undertaken in education system especially in pre-, primary and secondary school education. Please also list the initiatives undertaken by various actors to minimize segregation in the labour market caused by gender stereotypes in regards to occupations.

The report indicates that Article 19(1)(3) of the Law on the Provision of Information to the Public prohibits publishing information in the media which instigates war or hatred, ridicule, humiliation, discrimination, violence, physical violent treatment of a group of people or a person belonging thereto on the grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, background, social status, beliefs, convictions, views or religion. Please provide information on cases when the provision of the article was applied in the case of humiliation and discrimination on the ground of sex.

The report indicates that authorities implement a Family Well-Being Action Plan 2008–2010 of the National Demographic (Population) Political Strategy, the main aims of which is to ensure the welfare of the family. Please clarify how in this and other documents related to family policy the concept of family is defined, if its interpretations include single parents, not married (cohabiting), same gender parents, and childless couples.

The report indicates that in 2009 a thorough study on possible signs of discrimination in general education was conducted to make scientific recommendations about how to eradicate discrimination in schools. Please provide information how these recommendations were applied and what results achieved.

In its recommendations (CEDAW/C/LTU/CO/4) the Committee calls upon the State party to speedily complete a revision of all educational textbooks and materials to eliminate gender stereotypes. Please provide information on quantitative and qualitative results of completed revision.

Please elaborate if any prevention measures related to sex-role stereotyping and prejudice are provided under the Law on protection against domestic violence (2011-05-25, No XI-1425),

Article 6

Please specify the numbers of women and girls who have been the victims of trafficking in Lithuania; please explain why there is a relatively small number of official victims and most

cases do not reach the courts (e.g. in 2011, according to the National Court Administration, 11 pre-trial investigations were terminated, 8 cases reached the courts, and 3 cases were solved).

Please explain what is the role of mediation and reconciliation in human trafficking cases, considering reporting that there has been a case where a woman (victim of human trafficking) was offered to reconcile with the perpetrator (Human rights monitoring Institute, Review of human rights implementation in Lithuania, 2011-2012, p. 29).

Please specify the amount of funding for the purpose of combatting the trafficking in women and girls and explain whether it has not been changed/ influenced by the economic crisis.

Article 10

The report indicates that no special measures are applied to ensure *de facto* equality between men and women in the higher education system in Lithuania. Please provide evidence on the progress of the implementation of Strategy for Ensuring Equal Opportunities for Women and Men in Higher Education (Order No ISAK-1600 of 2 June 2008).

Article 11

The report provides information on policy measures and resources of the EU structural Funds which aim at reduction of gender gaps in employment and labour. Please inform how policy measures and initiatives have accelerated the expansion of all-day childcare services, all-day schools and/or all-day care at schools and long-term care and assistance services for dependent adults. What steps have been undertaken to ensure access to these services for disadvantaged women? What actions have been taken to promote equal sharing of family responsibilities between women and men? Please provide evidence what has been done to reduce disproportion in sharing parental leave between mothers and fathers?

Paragraph 3

The report states that all ministries are responsible for monitoring applicable legal acts and, where a legal act can potentially discriminate women, for taking actions to withdraw such legal regulation. Please provide information on how effectively this monitoring mechanism was applied and what are the outcomes?

Article 12

The report indicates that infertility affects 10 to 15% of families in Lithuania. Please clarify what progress has been done to improve the legal framework for assisted reproduction.

The report indicates that the number of induced abortions has been gradually declining in Lithuania, over the past ten years and the number of induced abortions has dropped by more than two times. Please explain how the registered draft law on “Protection of Life in Prenatal Phase” (No. XP-432, 2005-04-20) will affect reproductive women’s health.

The report indicates that overall level of the use of contraception grew by 1.5 times compared to the level of 1994–1995 to account for 75% in 2006–2007. Please provide the data which shows impact of those overall changes made on under-age pregnancies.

The report indicates that the network of primary health-care institutions is quite well developed in Lithuania; therefore, primary health-care services are accessible to all people throughout the country. Please provide the data how many youth friendly health-care institutions are established in the country.

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