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**SHADOW REPORT
on the Implementation of CEDAW and
Women's Human Rights in Lithuania**

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This Shadow Report is based on the analysis of Governmental 5th periodical Report, as well on monitoring of implementation of “*Concluding observations of the Committee on the Elimination of Discrimination against Women: Lithuania*” (CEDAW/C/LTU/CO/4) in Lithuania during the period from July 2008 until May 2014.

Critical Points in Lithuanian national Reports on implementation of CEDAW prepared in September 2013 are added to the Annex 1.

General notices

We are acquainted with the Government’s report, which is placed on the governmental website. We can say that during the last 5 years after the previous Shadow Report was passed, many different efforts from governmental, non-governmental parties, social partners (employers and trade unions) and also scientific experts have been made to improve the situation with gender equality in general as well as to implement the Recommendations, which were developed by CEDAW Committee.

However, Lithuania still experiences a number of problems in implementation of gender equality de facto, which need solutions or more careful attention from the Government. The most important areas that need attention are: the lack of social services in the field of work-life balance (childcare services; care for elderly) which influences the rather high level of unemployment among young mothers and women 55+; undeclared/hidden women’s employment in the field of childcare and care for elderly; deep horizontal segregation of the labour market, gender pay gap; existing stereotypes about women’ position in the labour market as of ‘low quality and risk group’; insufficient awareness-raising towards changing the employers’ attitude regarding women’s role in the labour market; employers’ low understanding of the importance of gender equality planning at workplace, family-friendly and equality enterprises, social wellbeing at workplace; low proportion of women in the Board of the big companies; low level of involvement of the local municipalities in the issues on women’s human rights and gender equality; insufficient governmental support for women starting businesses as well as building women’s capacity on social entrepreneurship; the CEDAW recommendations (since 2000) towards creating and implementing the governmental system for financial support of women’s NGOs are still not implemented.

Article 2. Policy measures to be undertaken to eliminate discrimination

National Machinery for the advancement of women

In the previous Concluding observations (CEDAW/C/LTU/CO/4; paragraph 73) it was recommended for Lithuania to “*take the necessary steps to ensure that the gender equality machinery at the national level be strengthened both with respect to human and financial resources*“. However, the national machinery for the advancement of women is not developed very well in Lithuania.

- 1) The Equal Opportunities Ombudsman office is located in the capital of Lithuania Vilnius and does not have its branches at regional level. The analysis of annual Reports of Equal Opportunities Ombudsman shows, that majority complains are received from largest cities of Lithuania. It means, that women from remote areas are not enough aware about the possibilities to bring up the complains to Equal Opportunities Ombudsman. The Concluding observation (No. 67)...”*It invites the*

State party to establish regional and local branches of the Office of the Equal Opportunities Ombudsman to facilitate women's access to these procedures and remedies for violations of their rights“– is still not applied. However, in our opinion, it is really necessary for Equal Opportunities Ombudsman office to have its branches in at least 10 regions (previous called counties) of Lithuania. Important to notice, that Equal Opportunities Ombudsman is not appointed since October last year. The duties of Equal Opportunities Ombudsman are fulfilled until now by the Ombudsperson of Children rights.

- 2) The Gender equality unit in the Ministry of Social Security and Labour was annulled in 2010 and newly re-established in 2012 and composed of new employees without sufficient capacities. Human resources – 3 persons. In 2014 employees were moved to other departments and 2 new employees were employed on the basis of temporary contracts. It might lead to the thought, that this unit will be annulled once again. Conclusion – the division of 3 employees including head of division is rather small and almost all of it employees (except one) are working on temporary working contracts and have no sufficient knowledge, due to the short term contracts. Therefore, this body's capacity to implement gender equality *de facto* at national level is extremely limited and it is at risk of annulment once again.
- 3) The research on gender equality machinery, which was organized in year 2013, has revealed that Gender Equality Commission members, representing each ministry, do not have enough time to pursue their equality-oriented mandates within their ministries. It means that Concluding Observation (No.73)... *“The Committee recommends that the gender focal points in the ministries at the national level will be relieved of some of their original tasks in order to have more working time to pursue their equality-oriented mandate”*– is not fully implemented.
- 4) The third National Programme on Equal Opportunities for Women and Men 2010–2014 and its Action plan have been implemented successfully, although the position of Government regarding the next National Programme on Equal Opportunities for Women and Men 2015–2020 still remains unclear. The women's NGOs are concerned about closing this National Programme on Equal Opportunities for Women and Men in general or transferring the administration of this Programme to a lower Ministerial level. Lithuanian women's NGOs have applied to the Minister of Social Security and Labour Mrs. A. Pabedinskiene with the request to continue National Programme on Equal Opportunities for Women and Men with it high national status expressing the position of entire government.
- 5) In the previous Concluding observations (CEDAW/C/LTU/CO/4; paragraph 73) Lithuania was *“... encouraged to amend its Law on Equal Opportunities for Women and Men to include a mandatory obligation that an expert on gender equality be appointed in every county and municipality administration and that the linkages between the national, regional and local levels in relation to gender equality activities be strengthened, including through the provision of training in gender-sensitivity and gender mainstreaming”*. By the moment this recommendation is implemented partly and the efficiency of measures taken by the Government to amend the Law of Equal Opportunities for Women and Men (this is described below) is not very clear as gender equality experts are not appointed in municipality administration.

The Law of Equal Opportunities for Women and Men was amended by adding the paragraph No. 2 to the article 3. This paragraph will come into force from 1st of

October 2014 obliging each municipality to ensure gender mainstreaming in their strategic development or/and strategic activity plans. However, taking into account that Municipalities do not have gender equality experts among their administration staff it is still not clear how effective the amendment of the law will be.

Lithuanian women's organizations several times applied to Lithuanian Governmental on the basis of above mentioned Concluding observations (paragraph 73) and asked to strengthen institutional gender equality machinery at national and municipal level by appointing gender equality expert in every municipality. We would like to know, how and when gender equality machinery at municipal level will be established? Would gender equality unit remain on national level?

- 6) As well, we would like to emphasize that women's NGO are not still considered to be an effective part of gender equality machinery as still they are not strong as social partners in implementing gender equality *de facto* due to inefficient financial support for their activities.

Article 7. Political and Public life

Non-governmental organizations

We would like to draw your attention the fact that the CEDAW recommendations (since 2000) towards creating and implementing the governmental system for women's NGOs financial institutional support are still not fully implemented despite the promises to implement institutional support for women's NGOs given by the Government several times during the period 2000-2014.

Lithuanian women's NGOs face difficulties to build their capacities for fulfilling their various roles and functions in supporting women's human rights in Lithuania due to a lack of funding.

Lithuanian Law on Equal Opportunities for Women and Men determines the responsibility of Government and all administrative institutions to support the women' NGO activities, however, until now this support is fragmentary, based on special competitions, it is not constant and continuous. Besides, competitions and tenders on specific gender equality issues are still organized by limited number of ministries, and more by Ministry of Social Security and Labour. However, the initiatives of the other ministries in taking care of this issue are not sufficient, despite the fact that this duty for all the ministries is prescribed by the law.

In year 2000 the UN CEDAW Committee recommended the Lithuanian Government "to develop clear criteria for rendering and ensuring governmental financial support on the national and local level for the work of women's NGOs". It also was recommended that "Government has to increase awareness among individuals and corporations regarding possible donations to women's organizations".

In year 2008 the UN CEDAW Committee reiterated "its recommendation that the State party develop clear criteria for rendering and ensuring sustained and sufficient governmental financial support at the national and local level for the work of women's NGOs to increase their capacity to support women's human rights."

Unfortunately, until now there is no clear system developed for funding of the NGOs in Lithuania. Lithuanian NGOs have applied several times to Lithuanian Parliament and

Government with Declarations asking to prepare the strategy for funding of women's NGOs, but such strategy has not been developed yet.

The following suggestions on the possible ways to organize the women's NGOs funding were presented to the Government.

The financial support for women NGOs should be applied not only in the form of the programme funds, but also as an institutional support, which is intended to secure the existence and stability of organisations. Several times women's NGOs suggested Lithuanian Government some structures on how the institutional support could be organized, for example:

- Criteria for institutional support should be set very clearly. For example, in order to apply for institutional support an organisation must be active not less than 5 years in the field of the women's human rights, and have implemented not less than 5 projects, hold not less than one conference, organized trainings or provided services for not less than 500 persons during the last 5 years. Such criteria should be set in accordance with the specifics of women's NGO activity. At the same time, organisation should present its activity report.
- Institutional support should be granted not for some specific activity; it has to ensure the existence of organisation. Such support has been granted by Baltic – American partnership programme in Lithuania for several years and it was used by organizations at their own discretion: to keep the premises, administrative expenses, staff costs for the Manager (in reality none of the projects award resources for preparation of the project, only for its implementation. Therefore, NGO loses its potential and has difficulties to survive when support is given only for its project's activity). Institutional support should be granted for a longer period. It could be prolonged after having analysed and evaluated the report of organisation's activities.

In year 2013 women's non-governmental organizations have established formal non-governmental organization 'Lithuanian Women's Lobby organization (LMLO). In our opinion, this umbrella organization could be reliable partner for the Government and play an effective role in distributing institutional support for Lithuanian NGOs.

Article 11. Employment

In the previous Concluding observations (CEDAW/C/LTU/CO/4; paragraph 77) Lithuania was "*encouraged to consider amending the Law on Equal Opportunities for Women and Men to include mandatory equality plans by public and private employers, also covering pay issues and family-friendly policies, to be monitored by the Equal Opportunities Ombudsman.*" Several initiatives concerning the trainings on gender equality planning for the employers were supported by European Structural Funds and National Programme on Equal Opportunities for Women and Men 2010–2014 and were recognized as successful ones. However, the recommendation to amend the Law on Equal Opportunities for Women and Men by including mandatory equality plans for public and private employers is not implemented yet. In addition previously gender mainstreamed nominations of corporate social responsibility in 2014 lost all gender equality criteria and no attention is given to gender equality when selecting enterprises for nominations. Such important player as Tripartite Council does not discuss gender related issues any more. It leads to the conclusion about stepping back from previous achievements. In our opinion, the implementation of

gender equality planning at workplace is extremely important for Lithuania as it would help to achieve gender equality *de facto* in nowadays labour market by decreasing gender pay gap, supporting gender balanced leadership policies in businesses, empowering women for leadership positions and career-seeking.

This could be done by introducing special measures to ensure the reconciliation of private and professional life (for example by implementing flexible work environment), implementing gender equality in the recruitment policy, providing the carrier-guidance for women returning to work after the maternity leave, ensuring equal payment for the equally-treated work, etc. This process is rather difficult therefore, it would be important to support the employers, who would like to implement gender equality planning at workplaces. As well, this could be done by giving some tax reduction to the enterprises with the gender mainstreamed social responsibilities as well as by establishing the special national Award for the enterprises implementing gender equality in practice. Enterprises could also be encouraged to implement gender equality measures by offering them Gender Equality Awards which could be awarded to enterprises implementing gender equality measures, as well giving Gender equality labels for those enterprises which apply gender equality policies within their organization. These measures for creating awareness have to be organized constantly. The successful projects have to be implemented continuously.

In 2012 the gender pay gap in Lithuania was 13,3% in public sector and 16,1 in private sector (2012 year, data from the Statistical Department of Lithuania). The main reason for this situation is a very high horizontal and vertical segregation. Therefore special measures and programs have to be implemented in order to support young women willing to become entrepreneurs and social entrepreneurs. The projects aiming to involve more women into leadership and decision-making positions have to be supported as well. In order to solve the problems of horizontal segregation the Governmental has to act in two ways:

- 1) increase wages in sectors where women are dominating (social, educational)
- 2) support programmes aimed at counselling girls and women in non-traditional educational and vocational choices (informatics and programming, technical specialities).

Furthermore, in paragraph 77 the Committee recommended that Lithuania will “*continue its efforts to ensure reconciliation of family and professional responsibilities and to promote equal sharing of domestic and family tasks between women and men, including by increasing the incentives for men to use their right to parental leave*”. Although, the European Structural Funds have already supported projects on reconciliation of family and professional responsibilities for several years, nevertheless, the system which could help women facing work and family life reconciliation problems is not created yet and thus the problem remains unsolved.

Current practice shows that there are not enough services for child care and care for dependent people (disabled and elderly) supported by the State. Moreover such services are not flexible in terms of time, complexity; no services are available in urgent cases. There is a big gap between the demand of such services and the possible offers. Therefore, such services often are provided by unemployed women, and in most cases this job is illegal, female nursemaids and caregivers do not possess any social guarantees themselves, thus their work is like a so called “shadow market”. Currently, the legitimate base that could allow establishing private kindergartens, hospices and care centres for elderly people is not sufficiently fixed. The creation of business incubators which would assist women in starting their businesses in the field of care services for children and dependent people could be possible solution for these two inter-related problems: insufficient services for reconciliation

of work and family life and illegal work of unemployed women in providing such services. However, there is no any initiative taken yet. The development of the network of work-life balance support services (which could be organized and managed by women's NGOs) could be also one of the effective possible solutions.

Thus, we would like to ask the Government of Lithuania what steps it plans to take during the period 2014-2020 to ensure reconciliation of family and professional responsibilities and to promote equal sharing of domestic and family tasks between women and men.

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Critical Points on Lithuanian National Reports on implementation of CEDAW

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Below we have provided short notes on the questions which are suggested in "Guidelines for Writing Shadow Report". The wider answers on these questions will be provided in the Shadow Report which we plan to send in the year 2014.

Article 1: Definition of discrimination

- Has the definition of discrimination as given in Article 1 of the CEDAW Convention been incorporated into the Constitution and laws of your country? **Yes,**
- Do the laws of the land also address both direct and indirect discrimination? **Yes.**

Article 2: Policy measures to be undertaken to eliminate discrimination

- Has the government legally provided for the principles of substantive equality and non-discrimination of the CEDAW Convention to be incorporated into domestic laws at the national level?

Yes, these principles are fully introduced by the Law on Equal Opportunities for Women and Men and the Law on Equal Treatment, forbidding discrimination on all grounds.

- Is the CEDAW Convention applicable in the courts?

As all International treaties, CEDAW is applicable to the courts. However, no information is available on the number of cases.

- Has any of the provisions of the CEDAW Convention been directly invoked in domestic courts to gain equal rights for women? Is there case law?

No information is publicly available.

- Are lawyers and advocates able to directly cite the CEDAW Convention in court?

Several trainings for lawyers have been arranged during the period covered by this alternative report. However, no information is available regarding this knowledge whether it was used or not.

- What measures, if any, has the government undertaken to ensure the practical realization of these principles of equality and non-discrimination?

There are the practical measures foreseen in the long-term National programme on Equal Opportunities for Women and Men. However, the budget for implementation of this program is rather small and not all Ministries are clearly visible with their measures (and especially budgets for them) to ensure the practical realization of equality *de facto* within the area of responsibility of these Ministries. The measures sometimes lack indicators on how the gender equality will be achieved.

- Are there provisions to ensure that non-State actors, such as individuals, also comply with these rights and principles?

Non-governmental organisations are invited to cooperate in implementing measures of National Programme on Equal Opportunities for Women and Men, financed by the

state budget. The Law on Equal Opportunities for Women and Men forbids discrimination of non-governmental organisations, dealing with discrimination issues.

- Are there competent and sensitised tribunals to hear such cases? Have all relevant government officers in all sectors as well as the judiciary and relevant legal personnel been trained to carry out their obligations under the CEDAW Convention?

Just ad hoc trainings.

- Are there specific sanctions for discrimination on the basis of gender included in the domestic legislation?

Yes, sanctions are ensured by the Law on Equal Opportunities for Women and Men.

- Has any other appropriate legislation been enacted to make discriminatory acts in the public and private sectors actionable? Such legislation could take the form of an Equal Opportunities Act or an Anti-Sex Discrimination Act.

Yes, the Law on Equal Opportunities for Women and Men, also Law on Equal Treatment (forbids discrimination on all grounds).

- What sanctions are in place for discrimination against women by the private sector or public sector?

Administrative penalties, applied by the Equal Opportunities Ombudsperson, compensation of damage in the order of Civil process, in case of sexual harassment - criminal sanctions.

- What steps have been taken by the government to ensure that women are informed about their rights?

Information portal for Women is annually supported by means of state budget. Equal opportunities Ombudsmen's Office ensures easily accessible free consultations for women, who feel to be discriminated against.

- What legal remedies are available to women who have been discriminated against or have their rights violated?

Everyone, who feels being discriminated against, might submit a complaint to the Equal Opportunities Ombudsperson. However, most of complaints registered are received from the citizens of two main cities Vilnius and Kaunas. This shows that citizens from small towns and rural areas are not much aware on how to protect their rights. It could be also influenced by fact that Ombudsperson office does not have its branches in smaller towns and rural areas.

Are the remedies also available to women whose perpetrators are from the private sector or public sector? **Yes**

- Are there specific institutions and procedures laid out in order for women to have access to the remedies such as Office of the Ombudsman or special tribunals? **Yes**
- If these institutions and procedures are in place, how effective are they in addressing the violations and providing the remedies?

As we can see from official Ombudsman annual Reports they are effective, however they are effective mostly in two largest cities of Lithuania.

- Has an inter-sectorial monitoring mechanism been established to gather data on compliance with the obligations under the CEDAW Convention?

Every year Statistics department collects and publishes "Women and Men in Lithuania" providing data segregated by sex in all the fields of the Convention. However no other separate mechanisms are established.

- Are there assessments carried out to measure the effectiveness of laws and policies that are meant to promote women's equality?

Yes. Some surveys are in place. The next assessment will be done in 2014. It will be financed by European Structural Funds. As well, European Institute on Gender Equality (EIGE) assesses gender equality policies and effectiveness of institutional mechanisms. It has prepared gender equality index for all EU countries, including Lithuania.

Article 3: Guarantees basic human rights and fundamental freedoms on an equal basis with men

- Has the government created national machineries which address the development of women, create equal opportunities for women and ensure women's equal access and results to those opportunities?

Yes. Institutional mechanisms are established and are in line with indicators agreed on the EU level in 2006. The functions of the machinery are well described in State Report. However, we would like to underline some gaps:

- ✓ **There is still no responsible person on gender equality at municipality level. Thus, in many cases strategic plans of municipalities are not gender mainstreamed.**
- ✓ **We also think that capacity of the Gender Equality inter-ministerial Commission has to be strengthened. It is necessary to establish a special full-time staff position- gender equality expert - in each Ministry with clear job description. Now the representatives from the Ministries are working on gender equality issues along with other duties, thus, their capacities to work effectively in the Commission are rather low. Trainings on capacity building have to be done periodically for the Members of the Commission to ensure that Commission will work effectively.**

- What level of progress has been achieved in addressing the development and advancement of women in your country in all spheres i.e. political, economic, social and cultural?

Moderate level in average, however, in some areas, like employment rate; gender gap is almost closed, while in decision making –it has a very low progress.

- Can these machineries be more effective?

Yes, definitely. Our recommendations will be provided in the Shadow Report.

- In the national development plans, has the government incorporated macro-economic and social policies that will ensure women's access and enjoyment to overall economic and social development?

No gender impact assessment was carried out.

- What percentage of the budget in the national development plans is geared towards the goals for the development and advancement of women?

There was no such calculation/ assessment performed.

- Did the development of these national plans utilize the definition as provided for in Article 1 of the CEDAW Convention in ensuring that the plans do not discriminate against women, either directly or indirectly?

Yes, gender equality as a horizontal priority mostly included as a principle and the requirement.

- Do the national development plans include specific provisions for specific groups of women in your country including rural women, indigenous women, disabled women, migrant women, minority women and marginalised women in your country?

Yes, in particular as regards rural women.

- Are there mechanisms in place to address the shortfall of the national development plans implementation especially in relation to women's development?

No such information available.

- Is there adequate data to assess progress made in the implementation of the CEDAW Convention such as data disaggregated by sex, by ethnicity and other relevant variables?

Yes, Annual Publication of the Statistics department "Women and Men in Lithuania".

- Is there a plan for implementation of the CEDAW Convention that sets out benchmarks for progress?

Majority of CEDAW provisions, as well as recommendations of CEDAW Committee are incorporated into National Programme on Equal Opportunities for Women and men. However the financial support for these measures is insufficient and could not cover sufficiently the whole Lithuanian regions.

- Are there plans for special programmes to enable women to access rights given in the law, or plans that delineate responsibility, identify inter-sectorial cooperation, allocate budgets and integrate capacity building measures for the implementers?

No such information available.

- Has the government involved NGOs in planning any of the above?

Representatives from women's' organisations have their full membership in the Commission of Equal Opportunities for women and men, which is in charge of drafting the policies, coordination and monitoring the implementation.

- Does the government/state party report mention specific commitments and institutional arrangements for implementation of the Beijing Platform for Action that includes accountability to NGOs? **Yes.**

- What is your analysis of the efficiency or effectiveness of state machinery or national institutions meant to promote human rights in general and women's rights in particular?

It is insufficient with regard to Women's rights as we are still far away from gender equality *de facto* in many different spheres: pay gap, number of women in decision-making position, women's economic independence, work-life balance, vertical and horizontal segregation.

Article 4: Temporary special measures to achieve equality

- Has the government taken any temporary special measures to improve specific situation of women in your country that would bring them closer to experiencing equality with men, i.e. the implementation of affirmative action policies in education, decision-making participation?

Just legal provision *de jure*, but not *de facto*.

- Are there specific temporary special measures that address specific groups of women such as rural women, indigenous women, disabled women, migrant women, minority women and marginalised women in your country?

No. However, we really need it and this need is clearly expressed in European Women's Lobby Recommendations to Lithuania: *to apply special measures to support women's entrepreneurship and provide support for women.*

- Are there mechanisms in place to monitor the implementation of temporary special measures and to measure their progress in accelerating de facto equality for women in your country? **No**

Article 5: Sex roles and stereotyping

- What did the government do to overcome negative perceptions of women and stereotyping of their roles within the family and the society?

Several concrete measures have been implemented in the Framework of National programme on Equal Opportunities for women and men. However the stereotyping of the women's roles still exists in Lithuania, especially on women's role in the labour market and it is clearly visible in the high level of horizontal segregation. In this concern, we can mention that European Women's Lobby also provides recommendations to Lithuania: *to support awareness-raising and training in order to promote women in male dominated sectors of economy and men in female dominated areas.*

- How have gender equality campaigns address the issue of stereotyping of women and men and the roles that they play within the family and the society?

During the last years no such campaigns were held.

- Is there political will by the government and other related institutions and organisations in overcoming cultural and religious obstacles to women's equality? If so, how is this shown?

No such information available.

- What concrete actions are taken by the government to eliminate harmful traditional practices?

It is not relevant for Lithuania.

- Initiatives to raise awareness on harmful traditional practices are critical but not sufficient to change harmful cultural and religious practices. Has the government taken steps to put in place relevant laws and legislations to eliminate these harmful practices?

It's not relevant for Lithuania.

The answers on Articles 6 - 16 will be provided at the later stage while writing the shadow report.