

**The 74<sup>th</sup> Session of the  
Committee on the Elimination of Discrimination against Women  
(21 Oct 2019 - 08 Nov 2019)**

**SHADOW REPORT  
on the Implementation of CEDAW  
in Lithuania**



**LIETUVOS MOTERŲ  
LOBISTINĖ ORGANIZACIJA**



**Lithuanian umbrella association “Lithuanian Women’s Lobby” (LMLO)  
[www.lmlo.lt](http://www.lmlo.lt)  
Savanoriu pr. 1, LT-44255, Kaunas, Lithuania**

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## INTRODUCTION

This **Shadow Report on the Implementation of CEDAW in Lithuania** was drafted by the biggest umbrella association of women's organizations in Lithuania - **Lithuanian Women's Lobby (LMLO)**, which unites 39 the most active non-governmental organisations, Gender studies centres of the Universities, Trade unions. LMLO is a member of the European Union (EU) umbrella association of women's organizations of the EU member states- European Women's Lobby (EWL).

Women's organisations – members of the LMLO contributed to this Shadow Report:

- Centre Against Human Trafficking and Exploitation
- European Innovation Centre
- Kaunas Women's Employment Information Centre
- Klaipeda Social and Psychological Support Centre
- Kretinga Women's Information and Training Centre
- Lithuanian University Women Association
- Lithuanian Women's Rights Enforcement Association
- Lithuanian Women's Trade Union "*Solidarumas*"
- Marijampole Women's Activity Centre
- Social Innovation Fund
- Taurage Women's Employment Information Centre
- Women's Activity Innovation Centre
- Women's Issues Information Centre
- Women's Rights Association

The organizations, not a members of LMLO, also contributed to the development of the Report:

- Family Planning and Sexual Health Association
- National Association of Women Rights
- Women's initiative for the Development of Democracy

Women's organisations (further – WNGO) are concerned about **slow gender equality progress *de facto*** and **effectiveness of implementation Concluding Observations** of CEDAW Committee. According to the EU Gender Equality Index<sup>1</sup>, developed by the European Institute for Gender Equality<sup>2</sup>, based in Vilnius, Gender Equality rate of Lithuania (56,8 points) lays behind EU average (66,2 points).

### Articles 1-4 Concluding Observations, 1. paras 8-9

In general (not it's substance in detail) CEDAW Convention, it's Optional Protocol are known in institutions, among lawyers and politicians, less between social partners, even trade unions and very little known at local level.

WNGO are not invited or supported to carry out activities towards increasing visibility and awareness of the CEDAW Convention, systematic monitoring of implementation of Concluding Observations of the CEDAW Committee.

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<sup>1</sup> <https://eige.europa.eu/gender-equality-index/2015/countries-comparison>

<sup>2</sup> <https://eige.europa.eu/>

### **Recommendations**

1. To ensure systematic promotion of visibility and raising awareness of the Convention, it's Optional Protocol, to ensure monitoring of implementation of Concluding Observations of the CEDAW Committee involving WNGOs and supporting their activities.
2. To ensure trainings on the substance of the Convention and it's Optional Protocol, including for social partners, and local municipalities.
3. To raise awareness among women of their rights and opportunities provided by the Optional Protocol.

### **2. paras 10-11**

Protection of women, submitting complaints on discrimination, sexual harassment, gender-based harassment and instruction to discriminate and witnesses of such conduct exist only de jure, in practice it does not work. Annual Report<sup>3</sup> of the Equal Opportunities Ombudsperson (EEO), state that women avoid to submit complaints, because are afraid of negative consequences, of being condemned by colleagues or persecuted by the employer or even dismissed, though such persecution of forbidden by the Law.

### **Recommendations**

1. In cooperation with WNGO's, to explore reasons of ineffective protection from persecution of women, submitting complaints, to implement necessary measures.
2. To ensure continuous capacity building of social partners, on protection from discrimination and persecution of victims and witnesses.

### **3. paras 14-15**

WNGOs are concerned, that draft amendments of the Regulation of the Commission on Equal Opportunities for Women and Men (CEOWM), suggested narrowed mandate of the CEOWM<sup>4</sup>, it might negatively affect gender equality policies on national and local level.

Only Ministry of Social Security and Labour and couple of other Ministries invite WNGOs to cooperate implementing concrete measures of the National Programme on Equal Opportunities for Women and Men (NPEOWM).

The duty of municipalities to implement gender equality programmes and measures, is rather formal, ineffective, very poor involvement of WNGOs. Accountability and systematic monitoring is absent. No publicly available information on the funding.

Since 1997 Statistics department published annual edition "Women and Men in Lithuania", which contains gender segregated statistics. In 2018 only the short leaflet "Women and Men in Lithuania, 2017<sup>5</sup>" was published instead.

Though several pilot projects on gender budgeting were held at municipal level, this concept was not formalised and is not used in budgetary processes, neither in the annual audits.

<sup>3</sup> <https://www.lygybe.lt/lt/veikla/metines-ataskaitos/405>; Annual Report 2018, page 22, <https://www.lygybe.lt/data/public/uploads/2019/04/lgk-2018-m.-veiklos-ataskaita-.pdf>

<sup>4</sup> The goals, tasks and functions of the CEOWM appeared to be mainly oriented to EU and international commitments rather than increased attention to effective, result-oriented implementation of gender equality *de facto* on national and, in particular, local level.

<sup>5</sup> <https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=30580>

**Repeatedly submitted recommendations of CEDAW Committee regarding involvement and support to women's NGOs are not implemented.** The duty of state and municipal institutions prescribed by the LEOWM - **remain only formal and does not work in reality.**

### **Recommendations**

1. To ensure that every Ministry allocates a special budget for the effective implementation of the NPEOWM measures and involves women's NGOs.
2. To ensure that duties of municipalities, established by the LEOWM are fulfilled, budgetary means allocated, accountability, monitoring and evaluation ensured, reports made public and **WNGOs involved in implementation of gender equality measures.**
3. **To ensure adequate funding of women's NGOs activities towards gender equality *de facto*.**
4. To introduce gender budgeting into national and local budgetary processes, to empower Audit institutions to include gender elements in their ordinary inspections.
5. to promote use of the tools for effective gender mainstreaming<sup>6</sup>.
6. To ensure annual publication gender segregated statistics, instead of limited version-leaflet.

## **Articles 5 and 10** **Concluding Observations** **paras 20-21, 32-33**

NPEOWM insufficiently prioritise combating gender stereotypes. No consistency and systematic continuity of measures addressing gender stereotypes was identified.

With the full respect to independent media, WNGOs think that freedom of expression should not negatively affect gender equality. WNGOs, if adequately supported, might greatly contribute to gender-sensitization of media.

### **Recommendations**

1. In cooperation with WNGOs, to conduct continuous awareness raising activities, addressing persistent stereotypical attitudes.
2. To promote positive, non-stereotyped images of women and men in media.
3. To ensure systematic monitoring of gender issues in media, involving WNGOs.
4. To include issues of combating gender stereotypes into the curricula of raising qualifications of different professionals, including teachers, journalists, etc.

Gender equality in education is ineffective. The results of the research<sup>7</sup>, highlighted stereotypical attitudes in the educational materials. Much more tasks, more time is devoted to the analysis of the production of men-authors, men-personages. Educational materials, in particular on career education, frequently present stereotypical examples of professions<sup>8</sup>. Stereotypical approaches embed in the textbooks are replicated in the behaviour of teachers.

Gender equality principles are poorly integrated to the legislation, regulating education field and it affects practices. NPEOWM Action plans<sup>9</sup> foresee some measures towards equality in education, no publicly available information on budgetary allocations to implement measures and their results.

<sup>6</sup> LMLO is ready to create user-friendly database, or e-platform based resource centre of these tools.

<sup>7</sup> Carried out in the framework of the EU-supported project GENDER-ED, implemented by Women's issues information centre.

<sup>8</sup> Career Guide. Schoolbook. Lithuanian non-formal education centre of schoolchildren.

<sup>9</sup> NPEOWM, Action plan for 2015-2017.

In education plans<sup>10</sup> there are no gender-related goals. Absence of gender-segregated statistics in different aspects of education is obvious.

The Lithuanian Research Council introduced a requirement to indicate the age of researchers when submitting a project on research. Such requirement raises risk of age-related discrimination in the project evaluation<sup>11</sup>.

### **Recommendations**

1. To conduct gender impact assessment of the content of educational materials.
2. To involve gender equality experts of WNGOs to the preparation of educational plans curricula, training programs, educational materials and relevant trainings.
3. To integrate gender issues into the programmes, implemented and funded by the Ministry of Education and Science.
4. To conduct extensive gender impact assessment of the laws regulating education area.
5. To strengthen supervision of the duties of educational establishment, prescribed by the LEOWM, to ensure systematic accountability.
6. To ensure non-discriminatory provisions of the selection and evaluation criteria of the research projects.

### **Articles 2, 3, 6**

#### **1. Concluding Observations, paras 26-27**

WNGOs, carrying out activities related to combating THB and sexual exploitation of women identified slow progress.

Legislation defines sexual exploitation as "prostitution services"<sup>12</sup>. Support and assistance for victims of sexual exploitation, their re-socialization, rehabilitation and reintegration and prevention are far from sufficient.

Gender-sensitiveness of prosecutors is limited. F.i., the prosecution has denied three times to accept a sexual assaulted woman's complaint on the grounds asserting that she had self-inflicted bodily harm (including genitalia) in an attempt to falsely accuse a man who raped her<sup>13</sup>.

### **Recommendations**

1. To change the language of legislation defining sexual exploitation as "prostitution services", to decriminalize the sale of sexual acts, to recognise testimony of a victim of sexual abuse, to forbid refusal to recognize the victim's injury as a meaningful evidence of assault.
2. To implement in cooperation with WNGOs an exit programs for victims of sexual exploitation, their re-socialization, rehabilitation and reintegration, on prevention and combating of THB.
3. To appoint and fully resource law enforcement teams for investigations of THB for sexual purposes and sexual assault, to appoint National Rapporteur.

<sup>10</sup> LR Order of the Minister of Education and Science on the Approval of the General education plans of the general and secondary education curricula for 2017–2018 and 2018–2019.

<sup>11</sup> Project applications on LMT internal page

[https://junkis.lmt.lt/KALBA/XXXXX/pradzia\\_baigta\\_1\\_nulinis.php?Kalba=](https://junkis.lmt.lt/KALBA/XXXXX/pradzia_baigta_1_nulinis.php?Kalba=)

<sup>12</sup> Code of Administrative Offences, Article 487.

<sup>13</sup> Pre-trial investigation No. 01-1-31701-18.

4. To organise trainings for the police in co-operation with WNGOs to ensure gender-specific, victim-centred, trauma-centred approach.
5. to prepare specialized lawyers to represent victims of sexual violence.

## **2. paras 22-25**

Network of specialised support centres (SSC), was established by women's organisations, supported by the Ministry of Social Security and Labour. However, involvement of municipalities in preventing and combating violence against women (VaW) and support to victims is insufficient.

Municipalities in general do not value activities of SSC, in particular in cases, when the victim is directed to the municipal centres for safe accommodation. Only limited number of municipalities (5 out of 60) allocates funding for the prevention of VaW.

No specialised assistance mechanisms are available for the victims of sexual violence, Marital sexual violence is not criminalised. According to the data of Eurobarometer survey<sup>14</sup>, even 42 percent of Lithuanians think that women frequently invent and exaggerate reports on the sexual violence, rape, in particular by intimate partner.

### **Recommendations**

1. To strengthen cooperation between SSC and municipalities, to organise joint trainings for SSC and municipalities, to raise awareness on the role of SSC.
2. To ensure that all municipalities foresee concrete measures on preventing and combating violence against women and support to victims and allocate sufficient funds, to ensure monitoring and evaluation on municipal level.
3. To ensure on the basis of SSC specialised support, including medical treatment, for victims of sexual violence.

Number of reports on the occurrence of domestic violence started decreasing. SSC presume, that people avoid calling the police as if domestic violence occurs, institutions in charge of the rights of child might withdraw the child from the family. Often women will better suffer, than will call the police, as it raises the risk of losing children.

Legislation (Criminal Code (Article 145 (2) is insufficient to effectively protect women from stalking, psychological violence. Psychological violence of intimate partner, stalking and manipulation is not sanctioned or criminalized, as not treated as a real violence. No court practice is available on criminal liability applied in case of psychological violence.

### **SSC are particularly concerned about:**

- disability of the police in case of psychological violence. The police do not react, if there are no undoubted signs of physical violence, when restraining order is violated, even in case of systematic stalking and terrorization.
- non-application by prosecutors of custody measures regarding children.
- disability of the institutions of the rights of child to help women, who is persecuted by perpetrator, to ensure safety of children.

### **Recommendations**

1. To transpose fully into national law the provisions of the EU Directive 2012/29/EC:
  - in case of domestic violence all persons present in this environment must be recognized as victims of crime;

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<sup>14</sup> Special Eurobarometer 449: Gender-based violence.

- respectful behaviour should be ensured with victims, protection and assistance shall be provided and the opportunity to apply to the court ensured.
- 2. To unify the work order of SSC and specialists of the rights of child in case of domestic violence.
- 3. To ensure that meetings of the case management are organized by the SSC and all related institutions attend them.
- 4. to introduce definition of psychological violence/stalking, actions to be treated as psychological violence, evaluation criteria (intensity, duration, frequency etc.) to Criminal Code, article 145.
- 5. To foresee restriction of liberty for the persons who are suspected in psychological violence/stalking, on the basis of evidence, provided by victim.

In cases of VaW, a forensic medical examination must be carried out in order to determine the gravity of a crime. It often occurs that FME consider only outward and/or visible injuries, but do not consider inner invisible injuries<sup>15</sup>, Often FME draw inadequate conclusions about health damage. FME do not consider the consequences of psychological violence, though are obliged<sup>16</sup>.

People from distant rural areas cannot get quick conclusions of FME. This service is available only in towns.

### **Recommendation**

Ministry of Justice should initiate inter-institutional working group, including SSC to draft necessary amendments to legislation, including regarding protection of psychological violence and FME.

The Law on Mediation does not forbid mediation in case of domestic violence. Conciliation is frequently applied in pre-trial investigations. Case managers (in case when there are children in the family) apply conciliation procedure with the view of the protection of the needs of child.

### **Recommendations**

1. To introduce to the Law on Mediation and related legislation the provision, that mediation is not possible in case of VaW.
2. To ensure continuous trainings, in cooperation with the SSC, for the case managers.

## **Article 7**

### **Concluding Observations, paras 28-29**

Politics is still “masculine job”. Some political parties apply quotas voluntarily. Slightly better situation with women in leading positions.

In 2017 women occupied 39 percent of all leading positions (EU average - 34 percent). In public sector women leaders comprised 58 percent, in the highest positions of public sector - 37 percent. In private sector women occupied 34 percent of leading positions, women on the boards of listed companies comprised only 14 percent (EU average - 25 percent) and among Presidents of such companies’ women comprised 17 percent (EU average - 5 percent)<sup>17</sup>.

<sup>15</sup> F.i, trachea injury in case of strangling.

<sup>16</sup> Paragraph III.6.9 of the Rules for Determining the Extant of Health Damage.

<sup>17</sup> Annual Report of Equal Opportunities Ombudsperson for 2018, page 4.

<https://www.lygybe.lt/data/public/uploads/2019/04/Igk-2018-m.-veiklos-ataskaita-.pdf>

Difference between number of women in politics and women in leading positions is rather high and this difference needs to be explored. WNGOs might contribute to women's leadership carrying activities, supported by adequate funding.

### **Recommendation**

To explore reasons of small number of women in politics; to implement in cooperation within WNGOs measures addressing obstacles identified.

## **Article 11**

### **Concluding Observations, 1. para 35**

The most painful problem- **increasing gender pay gap (GPG)**. GPG leads to gender gaps in pensions, unequal economic independence and feminisation of poverty. GPG being 14,2 percent in 2015, increased to 14,4 in 2016 and to 15,2 in 2017<sup>18</sup>. GPG in private sector was bigger as in public by about 3 percent. GPG is present in all sectors, except of transport and storage<sup>19</sup>. The largest GPG is recorded in financial and insurance activities (38,3 percent) and information and communication (29,9 percent).

One of the main reasons of GPG – vertical and horizontal segregation of the labour market. In 2017 gender segregation in occupations in Lithuania was 28 percent (EU average- 24 percent) and gender segregation in sectors was 22,3 percent (EU average 18,8 percent)<sup>20</sup>. Health protection and social work (80 percent of women), accommodation and food sector, education (about 75 percent women) are the most feminised fields. The most masculine fields: construction – men comprise 90 percent and transportation and storage – more as 75 percent<sup>21</sup>. Lower salaries are in female-dominated sectors.

Selection criteria de jure are equal for women and men in recruitment process. In practice, employers still want men or women in one or another position. Young women-job seekers sometimes complain about sexist behaviour of employers, or (though it's legally forbidden) questions about her family status and intentions to have children. Stereotypical approaches on what is “women's job” or “men's job” are more visible in smaller towns, of older women and men.

Young boys and girls, influenced by attitudes of the society, which are echoed in media and social networks, still choose traditionally feminine or masculine studies, occupations, professions. According to the statistics of graduates of the universities, women comprised 30,8 percent of graduates of engineering studies and 34,8 percent of physical sciences in 2017.

**LMLO is deeply concerned about increasing gender pay and pensions gap and worsening economic situation of women and calls on the CEDAW committee to address as a matter of urgency stopping increase of the gender pay gap, so preventing long term**

<sup>18</sup> EU Report on Gender Equality, 2019

[https://ec.europa.eu/info/sites/info/files/aid\\_development\\_cooperation\\_fundamental\\_rights/annual\\_report\\_ge\\_2019\\_en.pdf](https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2019_en.pdf)

<sup>19</sup> Women and Men in Lithuania, 2017. <https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=30580>

<sup>20</sup> EU Report on Gender Equality, 2019 ,

[https://ec.europa.eu/info/sites/info/files/aid\\_development\\_cooperation\\_fundamental\\_rights/annual\\_report\\_ge\\_2019\\_en.pdf](https://ec.europa.eu/info/sites/info/files/aid_development_cooperation_fundamental_rights/annual_report_ge_2019_en.pdf)

<sup>21</sup> Women and Men in Lithuania, 2017. <https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=30580>



**negative consequences.** According to the data of research, socio economic inequalities in Lithuania are deepest in the EU<sup>22</sup>.

### **Recommendation**

**Urgent** legal, organisational, awareness raising and capacity building measures to be implemented in cooperation with WNGOs addressing **GPG, it's causes.**

New Labour Code requires mandatory Equal Opportunities Plans, but no monitoring mechanisms are known. No publicly accessible information on accountability is available. No targets and indicators to measure the results. This absence leads to the formal approach of employers to gender equality planning.

### **Recommendations**

1. To develop monitoring and accountability mechanisms of gender equality plans, targets and indicators, to make results public.
2. To conduct, in cooperation with WNGOs continuous training and awareness raising activities for social partners on gender equality plans.
3. To include gender equality planning issue to the documents which are mandatory for employers willing to establish their business<sup>23</sup>.

Different institutions are responsible for reconciliation of work and family life, but nobody is in charge of entire issue.

There are not enough services for childcare, care services for dependents (disabled and elderly). Sometimes such services are provided by unemployed women illegally (so called "shadow market"), thus, they do not possess any social guarantees. No services are available in urgent cases.

The Law on Social Insurance allows reimbursement for 14 days, when the employee has to nurse his/her child, who is ill, and only 7 days, when the employee has to nurse/care about his/her elderly/disabled parents, who became ill.

Young fathers take paternity leave, but not parental (childcare) leave. Care for dependants (elderly or disabled) - more on women's shoulders.

### **Recommendations**

1. To improve accessibility and quality of social services for dependants, childcare services.
2. To promote establishment of pilot business incubators or networks of work-life balance support services, which could be run by WNGOs.

## **Article 12**

### **Concluding Observations, paras 36-37**

There is no contraception reimbursement system in Lithuania. Contraception is especially inaccessible for vulnerable groups, as frequently contraception is too expensive.

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<sup>22</sup> Scientific study "Socio- economic inequalities in Lithuania. (Prof.O. Rakauskiene, prof. S.Puskorius and others). Vilnius, 2017.

<sup>23</sup> F.i., General provisions of the evaluation of knowledge on health and safety at work.

Abortion is legal in Lithuania. However, from time to time discussions are initiated by political groups seeking to limit or prohibit legal abortion. Medical abortion is not legal in Lithuania. Voluntary sterilization is not legal in Lithuania.

### **Recommendations**

1. To create contraception reimbursement mechanism so ensuring accessibility of modern contraception for women of disadvantaged groups, rural women, and low-income women.
2. To draft reproductive health law, which would include a section on legal and medical abortion and section on sterilization.

## **Article 14**

### **Concluding Observations, paras 38-39**

Rural women have fewer opportunities for employment. Poorly developed services: childcare facilities and social services for dependants (disabled, elderly), public transport, worse education opportunities. Specialised support to women experiencing violence is also less accessible.

Crucial for older rural women, living alone -access to health services, to polyclinics, hospitals<sup>24</sup> is limited also due to limited public transport services.

Rural women willingly lead communities, local activities groups, actively participate in cultural life. Their leadership in economic activities, such as big agriculture-firms or even family farms is limited<sup>25</sup>.

Young people from rural areas cannot compete equally with urban youth, have no financial means to hire private tutors, have less access to higher education.

### **Recommendations**

1. To improve accessibility of services (social, health, etc), specialised support for women-victims of violence by the means of public transport, to apply compensations and discounts.
2. To ensure monitoring of the situation of women in rural areas and women of disadvantaged groups (disabled, elderly, Roma women, etc.).
3. To strengthen leadership and entrepreneurship capacities of rural women in cooperation with WNGOs.
4. To create equal conditions for all entrant to the universities and colleges, to abandon the competitive score calculator.

<sup>24</sup> Research "Difference of situation of Women and Men in Lithuania", 2017 page 66.

[https://socmin.lrv.lt/uploads/socmin/documents/files/veiklos-sritys/moteru-vyru-lygybe/Moter%C5%B3%20ir%20vyr%C5%B3%20pad%C4%97ties%20skirtumai%20Lietuvoje%20\(2017%20m\\_%20tyrimo%20ataskaita\).pdf](https://socmin.lrv.lt/uploads/socmin/documents/files/veiklos-sritys/moteru-vyru-lygybe/Moter%C5%B3%20ir%20vyr%C5%B3%20pad%C4%97ties%20skirtumai%20Lietuvoje%20(2017%20m_%20tyrimo%20ataskaita).pdf)

<sup>25</sup> I. Skurdėnienė, D.Šeškauskaitė. Rural Leadership: trade and gender aspects.

[http://www.su.lt/bylos/mokslo\\_leidiniai/ekonomika/2010\\_3\\_19\\_2/skurdeniene\\_seskauskaite.pdf](http://www.su.lt/bylos/mokslo_leidiniai/ekonomika/2010_3_19_2/skurdeniene_seskauskaite.pdf)