



Convention on the Elimination of All Forms of Discrimination against Women

8 July 2008

Original: English

Committee on the Elimination of Discrimination against Women

Forty-first session

30 June-18 July 2008

Draft concluding observations of the Committee on the Elimination of Discrimination against Women: Lithuania

1. The Committee considered the third and fourth periodic reports of Lithuania (CEDAW/C/LTU/3 and CEDAW/C/LTU/4) at its 834th and 835th meetings, on 2 July 2008 (see CEDAW/C/SR.834 and 835). The Committee's list of issues and questions is contained in CEDAW/C/LTU/Q/4 and the responses of the Government of Lithuania are contained in CEDAW/C/LTU/Q/4/Add.1.

Introduction

2. The Committee commends the State party for the submission of its third and fourth periodic reports, which followed the Committee's guidelines for the preparation of periodic reports and took into account the Committee's previous concluding observations. However, the Committee regrets that the information provided in the reports sometimes was of too general a nature to permit the Committee to evaluate the specific situation of women. The Committee also commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and responses to the questions posed by the Committee. However, the Committee regrets that these responses were not always satisfactory and at times lacked an understanding of the nature of the Convention and its specific provisions.

3. The Committee further commends the State party for its delegation, headed by the Undersecretary of the Ministry of Social Security and Labour which included representatives of various Government ministries and departments. The Committee expresses its appreciation for the open constructive dialogue held between the delegation and the members of the Committee.

4. The Committee notes with appreciation that in 2004 the State party ratified the Optional Protocol to the Convention and accepted the amendment to the Convention's article 20, paragraph 1.

Positive aspects

5. The Committee commends the State party for its legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the amendments to the Law on Equal Opportunities for



Women and Men, prohibiting indirect discrimination, allowing for the application of temporary special measures, to accelerate the achievement of women's de facto equality with men, and shifting the burden of proof from the alleged victim to the person or institution against which the complaint has been lodged. It also commends the State party for the enactment of the Law of the Republic of Lithuania on Equal Treatment which prohibits any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs and provides for the ways of implementing equal treatment.

6. The Committee also welcomes the adoption and implementation of the two National Programmes for Equal Opportunities for Women and Men (2003-2004 and 2005-2009) which contain a number of measures aimed at ensuring equal opportunities of women and men in all spheres of life.

7. The Committee further commends the State party for the adoption of a long-term National Strategy for Combating Violence against Women and a Plan of Implementing Measures 2007-2009 aiming to reduce, in a consistent, complex and systematic manner, domestic violence against women.

8. The Committee welcomes the measures carried out by the State party to combat trafficking in women and girls, including the adoption and implementation of the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008, the possibility of issuing residence permits to victims of trafficking who cooperate with the relevant authorities, and the ratification, in 2003, of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition, the Committee commends the State party for its bilateral, regional and international cooperation in this respect.

Principal areas of concern and recommendations

9. **The Committee recalls the State party's obligation to systematically and continuously implement all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament (Seimas) and to the judiciary, so as to ensure their full implementation.**

10. While noting that the Convention is directly applicable and takes precedence over conflicting national legislation, the Committee is concerned that the Convention's provisions and its concept of substantive gender equality, its Optional Protocol as well as the general recommendations of the Committee, are not sufficiently known and applied by all branches of the State party. While recognizing that international law is now a mandatory part of the legal university curriculum, the Committee is also concerned that the Convention's provisions and the Committee's general recommendations are not sufficiently known by the majority of judges, lawyers, prosecutors as well as by women themselves, as indicated by the absence of any court decisions that refer to the Convention. The Committee is also concerned about the under-utilization by women, especially from rural areas, of

remedies for violations of their rights, including judicial procedures and recourse to the Equal Opportunities Ombudsman.

11. The Committee calls upon the State party to take additional measures to ensure that the Convention is sufficiently known and applied by all branches of the State party as a framework for all laws, court verdicts and policies on gender equality and the advancement of women, including the adoption of a new classification system of court cases. The Committee also calls on the State party to take, in line with its obligations under article 24 of the Convention and article 13 of its Optional Protocol, concrete measures to make these two treaties widely known, including the Committee's general recommendations. It urges the State party to make in-service training programmes at the Training Centre for the Judiciary for prosecutors, judges and lawyers on these treaties and their application a mandatory obligation. It recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and NGOs working on women's issues, be undertaken. It further 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.

12. While noting that article 2 (4) (6) of the Law on Equal Opportunities for Women and Men provides that temporary special measures should not be treated as discriminatory and that they can be applied if specific legislation is passed by the Parliament (Seimas), the Committee regrets that such laws have not been adopted, including in areas such as politics, public life, education and employment in the public or private sector.

13. In accordance with its general recommendation No. 25 on article 4, paragraph 1 of the Convention, the Committee encourages the State party to systematically adopt such laws on temporary special measures including goals and time-tables or quotas, enhanced by a system of incentives, and effectively implement them in order to accelerate the realization of women's de facto equality with men in the areas of political and public life, education and public and private employment. In addition, the State party is encouraged to consider amending the Law on Equal Opportunities for Women and Men to simplify the procedure of applying temporary special measures in practice and, thus, to ensure the effective use of such measures in areas and at levels where necessary. The State party is also encouraged to organize special trainings on the nature and the appropriateness of temporary special measures in order to facilitate the application of such measures at the national, regional and local levels.

14. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Lithuania, which threaten to undermine women's exercise and enjoyment of their human rights and are reflected, inter alia, in the recently adopted Conceptual Framework for a National Family Policy, the media, and in educational textbooks and materials, all of which influence women's traditional educational choices, their disadvantaged situation in the labour market and their under-representation in political and public life and decision-making positions, especially at the local level.

15. The Committee calls upon the State party to strengthen its efforts and take comprehensive and ongoing measures to eliminate gender stereotyping. It

recommends that awareness-raising and educational campaigns be directed at both women and men to promote cultural change with respect to their roles and tasks in line with article 5 of the Convention, and that the media be encouraged to project positive and non-sexualized images of women. The Committee also requests the State party to enhance the education and in-service training of the teaching and counselling staff for all educational establishments and at all levels with regard to gender equality issues, to speedily complete a revision of all educational textbooks and materials to eliminate gender stereotypes, and to apply temporary special measures according to article 4, paragraph 1 of the Convention to encourage women to move into decision-making positions in educational institutions and to increase the number of women professors among academic staff. It also urges the State party to develop and implement programmes aimed at counselling girls and women on non-traditional educational and vocational choices.

16. While noting that the Law on Equal Treatment expanded the mandate of the Equal Opportunities Ombudsman to include other grounds of discrimination in addition to sex- and gender-based discrimination, the Committee is concerned that within this new mandate the issue of discrimination against women, including its quantitative predominance and its qualitative cross-cutting nature, might lose some of its visibility and therefore receive less attention. Similarly, while welcoming the establishment of a separate Gender Equality Division within the Ministry of Social Security and Labour, which is authorized to coordinate the gender equality activities of the Ministry, including the implementation of the National Programme for Equal Opportunities for Women and Men, the Committee is concerned that the Division only has four employees. It is also concerned that the gender focal points, which have been appointed in every ministry, fulfil this function in addition to their regular tasks. With respect to the local level, the Committee is concerned that, although some municipalities have appointed gender equality officers on a voluntary basis, there is no legal obligation to appoint such officers at the municipal level and that linkages between the national, regional and local levels in relation to gender equality activities are insufficient.

17. The Committee recommends that the State party should 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. In connection with the expansion of the mandate of the Equal Opportunities Ombudsman, the State party should ensure that the issue of discrimination against women, including its cross-cutting nature, is given adequate visibility and attention. In this respect, sufficient funds should be allocated in the State budget to provide the Office of the Equal Opportunities Ombudsman with sufficient human and material resources to implement its tasks effectively. The Committee also 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. The State Party is 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. The Committee also encourages the State party to

institute a third National Programme for Equal Opportunities for Women and Men for the period 2010-2014 on the basis of an evaluation of the second Programme.

18. The Committee notes the various efforts undertaken by the State party to combat violence against women, including domestic violence, since the submission of its previous periodic report, including the adoption of the National Strategy for Combating Violence against Women, a number of recent amendments to the Criminal Code, the establishment of a network of crisis centres providing support to victims of violence and the extension of a specialized assistance by telephone for battered women countrywide to a continuous (24 hours a day) service in 2008. The Committee also notes that a working group has been set up to draft a conceptual framework for the protection against domestic violence as a basis for drafting a specific law on the protection against domestic violence. However, it remains concerned at the high prevalence of violence against women in Lithuania, particularly domestic violence, and, particularly in these circumstances, at the absence of a specific law on domestic violence. The Committee is concerned that this absence may lead to such violence being considered a private matter, in which the ramifications of the relationship between the victim and the perpetrator are not fully understood by police and health officers, the relevant authorities and society at large. The Committee is also concerned that the State party has not set a timeframe for the adoption of the conceptual framework or the subsequent specific law and it regrets that the number of crisis centres, many of which have been established and are operating on the initiative of NGOs, is insufficient due to lack of financial governmental support.

19. In accordance with its general recommendation No. 19, the Committee urges the State party to ensure that comprehensive legal and other measures are in place to address all forms of violence against women, including domestic violence. The Committee calls upon the State party to allocate sufficient financial resources to ensure the effective implementation of the National Strategy for Combating Violence against Women and to closely monitor its results. The Committee also calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders and access to a sufficient number of safe and adequately funded shelters as well as to legal aid, if necessary. The Committee recommends that the State party elaborate a specific law on domestic violence against women, which provides for redress and protection, without delay and set a timeframe for its adoption. It urges the State party to improve its research and data collection on the prevalence, causes and consequences of violence against women, including information on the relationship between the perpetrator and the victim in the instances of violence.

20. The Committee notes women's high level of participation in the labour market and the significant decrease in their unemployment rate from 13.9 per cent in 2000 to 5.1 per cent in 2008. While noting a number of initiatives taken by the State party to support such participation and facilitate the reconciliation of work and family life, including the new Labour providing for flexible opportunities of child-care leave, the recently established opportunity for men to take paternity leave, opportunities for flexible working arrangement and the encouragement of family-friendly policies in enterprises, the Committee continues to be concerned about the

significant vertical and horizontal occupational segregation between women and men in the labour market, the persistence of a gender-based wage gap, and the low percentage of men taking parental leave.

21. The Committee urges the State party to prioritize the realization of women's de facto equality with men in the labour market, so as to achieve full compliance with article 11 of the Convention. It recommends the State party to take concrete measures, including temporary special measures, to eliminate both vertical and horizontal occupational segregation and close the gender-based wage gap between women and men. In this context the State party is 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. Furthermore, the Committee recommends that the State party 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.

22. While noting the efforts of the State party to support families, the Committee is concerned at the recent adoption of the Conceptual Framework for National Family Policy as the basis for the substance of laws and policies relating to the family, given that this Conceptual Framework relies on a restricted notion of family, which may have a negative impact on women's exercise and enjoyment of their human rights in marriage and family relations.

23. The Committee calls upon the State party to effectively monitor the impact of the Conceptual Framework for National Family Policy on non-traditional families as recognized in the Committee's general recommendation No. 21, including single parent families, unmarried parents of children born out of wedlock, partnerships of lesbian couples with children and families composed of grandparents and children.

24. While noting that some efforts were undertaken by the State party in the area of reproductive health, including the publication and dissemination of booklets on sexual education and reproductive rights, the Committee remains concerned at the remaining high rate of abortion and the limited access of girls and women to methods of family planning, including contraceptives, especially among women in rural areas. In this respect, the Committee also expresses its concern at the information that more than half of young women between 15 and 25 years do not use any contraceptives and that sexual education is not mandatory in schools. The Committee is deeply concerned at the draft law on the protection of human life in the prenatal phase, which stipulates only three situations, in which abortion would be lawful within very strict time-limits. Since, according to the draft law, abortion under circumstances apart from these three situations may be considered a punishable offence under Lithuanian law, the Committee is concerned that the adoption of such a law may lead women to seek unsafe illegal abortions, with subsequent risks to their health and lives and contributing to a rise in maternal mortality.

25. The Committee calls on the State party to take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the

Committee's general recommendation No. 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives and family planning methods more widely available and affordable, including emergency contraception, by providing mandatory sexual education in schools and by increasing knowledge and awareness about family planning among women as well as men. The Committee also calls on the State party to raise awareness of the impact on women of the draft law on the protection of human life in the prenatal stage if adopted and thereby ensure that women will not seek unsafe medical procedures, such as illegal abortion, which may seriously risk their health and lives.

26. While noting that article 3 of the Law of Equal Opportunities for Women and Men obliges State institutions to provide assistance to the programs of organizations aimed to assist in the implementation of equal opportunities for women and men as well as the creation of a special committee to prepare the financing strategy of NGOs, the Committee remains concerned about the insufficient funding of NGOs, including women's NGOs, and notes with concern that such funding is fragmented, competition-based and not constant and continuous.

27. The Committee reiterates 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. The State party may consider issuing a public annual report on the support provided by the State to such NGOs. The Committee also recommends that the State party increase awareness among individuals and corporations regarding possible donations to women's organizations and develop training programmes for NGO representatives on how to participate effectively in European gender equality programmes.

28. While noting various measures taken by the State party, including the Programme for Roma Integration into Lithuanian society (2000-2004 and 2008-2010) and the Lithuanian Rural Development Programme for 2007-2013, the Committee notes with concern that vulnerable groups of women, as, for example, rural women, women with disabilities, women belonging to ethnic minorities, including Roma women, migrant women and elderly women continue to suffer from discrimination in education, employment, health, housing and other areas based on their sex and gender and on other grounds, thus being exposed to multiple forms of discrimination. In this respect, the Committee regrets that the information presented in the State party's reports was not sufficiently women-specific and did not cover the situation of all of these groups of women adequately.

29. The Committee urges the State party to intensify its efforts to eliminate discrimination against vulnerable groups of women, including rural women, women with disabilities, women belonging to ethnic minorities, including Roma women, migrant women and elderly women both within their respective communities and in Lithuanian society at large. It encourages the State party to increase their awareness of the availability of social services and legal remedies as well as to familiarize them with their rights pertaining to substantive gender equality and non-discrimination. The Committee urges the State party to take effective measures to integrate these women, where appropriate into programs

of life-long learning and the Lithuanian labour market, including by establishing women resource centres in rural areas. The Committee reiterates its recommendation that the State party monitor existing programmes and develop additional policies and programmes aimed at the economic empowerment of rural women, ensuring their access to productive resources and capital as well as to health services and to social and cultural opportunities. In addition, the Committee calls upon the State party to conduct regular and comprehensive studies on intersectional forms of discrimination against such vulnerable groups of women, to collect statistics on their educational, employment and health situation as well as on their access to decision-making positions in political life and on all forms of violence that they may experience, and to present such information in its next periodic report.

30. The Committee is concerned that the State party's current legislation on distribution of assets, including intangible assets and potential future earnings, as well as property upon divorce may not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work and potentially interrupted career patterns due to family responsibilities.

31. The Committee calls upon the State party to undertake research on the economic consequences of divorce on both spouses, with specific attention to the existence of enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career patterns. The Committee recommends that the State party review its current legislation in light of the outcome of this research and include information to this effect in its next periodic report.

32. The Committee urges the State party to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

33. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals and requests the State party to include information thereon in its next periodic report.

34. The Committee notes that States' adherence to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Lithuania to consider

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

35. The Committee requests the wide dissemination in Lithuania of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

[Follow-up to concluding observations]

[36. The Committee requests the State party to provide, within [one or two] year[s], detailed written information on the implementation of the recommendations contained in paragraphs [19 and 25] above.]

Date of next report

37. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in 2011.