



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**List of issues and questions in relation to the sixth periodic
report of Lithuania**

Addendum

Replies of Lithuania to the list of issues and questions*

[Date received: 16 August 2019]

* The present document is being issued without formal editing.



Visibility and Dissemination of the Convention

Reply to paragraph 1 of the list of issues

1. The Government of the Republic of Lithuania has always emphasised the importance of the UN Convention on the Elimination of All Forms of Discrimination against Women in ensuring the human rights of women during the conclusion of related legislation and the organisation of events concerning equal opportunities for women and men. Assistance to judges with regards to increasing their knowledge of issues related to the elimination of discrimination against women was provided in the form of trainings and the coverage of the costs thereof. In 2017, judges were provided with trainings organised in accordance with the “What’s New in the Labour Code?” programme, approved by the Judicial Council, which concerned the different aspects of the application of the principle of non-discrimination. Following the entry into force of the new edition of the Labour Code of the Republic of Lithuania, these trainings were organised on two separate occasions. In 2018, judges were provided with trainings organised in accordance with the “Prevention of, and the Fight Against, Sexual Violence, Gender-Based Violence, and Human Trafficking, the Response thereto within the Context of Asylum and Migration” programme, approved by the Judicial Council. The aforesaid trainings, which concerned sexual violence and gender-based violence within the context of asylum and migration, were organised once in 2018. It should be noted that, during the period of 2017–2018, the Lithuanian National Courts Administration had also provided judges with the opportunity to take part in international trainings related to the topics of gender equality and the fight against discrimination in the European Union. The above trainings were organised abroad. Judges improved their knowledge during a total of 11 different trainings.

Definition of Discrimination against Women

Reply to paragraph 2 of the list of issues

2. Article 2 of the Law on Equal Opportunities for Women and Men of the Republic of Lithuania (hereinafter – LEOWM) establishes that discrimination means any direct or indirect discrimination, sexual harassment, harassment or an instruction to directly or indirectly discriminate against persons on grounds of sex. Indirect discrimination means an act or omission, legal provision, assessment criterion or practice that formally are the same for women and men, but their implementation or application may put or puts persons of one sex at a particular disadvantage compared with persons of the other sex, unless such act or omission, legal provision, assessment criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary. Direct discrimination means treating one person less favourably on grounds of sex than another is, has been or would be treated in a comparable situation. The Law on Equal Treatment of the Republic of Lithuania (hereinafter – LET) defines discrimination in the same way as the LEOWM, but specifies more grounds for filing a complaint with the Office of the Equal Opportunities Ombudsperson regarding discrimination experienced on any of the following bases: gender, race, nationality, citizenship, language, country of origin, social status, faith, beliefs or views, age, sexual orientation, disability, ethnicity, or religion. Neither the LEOWM, nor the LET are applicable in matters of family and private life.

Legislative and policy framework

Reply to paragraph 3 of the list of issues

3. 27 June 2018 saw the approval of the 2018-2021 Action Plan (hereinafter Action Plan) for the Implementation of the National Programme on Equal Opportunities for Women and Men 2015–2021 (hereinafter – Programme) responsibility for the implementation of the measures of which shall be borne by nearly all ministries, the Department for the Affairs of Disabled under the Ministry of Social Security and Labour, the State Labour Inspectorate under the Ministry of Social Security and Labour (hereinafter – SLI), the Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania, the Lithuanian Centre of Non-Formal Youth Education, the Education Development Centre, Enterprise Lithuania, the Agency for Science, Innovation and Technology, Statistics Lithuania, the Defence Staff of the Lithuanian Armed Forces, and the General Jonas Žemaitis Military Academy of Lithuania. The implementation of the Action Plan was proposed to municipalities, the Office of the Equal Opportunities Ombudsperson (hereinafter – OEOO), the Association of Local Authorities in Lithuania, non-governmental organisations (hereinafter – NGOs), social partners (labour unions and employers' organisations), and gender studies centres of universities. Funding of the implementation of the measures of the Action Plan is provided through the total appropriations authorised for the budgetary institutions and authorities of the Republic of Lithuania responsible for the implementation of measures, as well as European Union funds and other funds received in accordance with the procedure set forth by the legislation of the Republic of Lithuania. Responsible operators specify their fund requirements, assessment criteria, and the values thereof, in their strategic planning documents. In 2019, the total amount of funds allocated from the state budget and European Union Structural Funds for the implementation of the Action Plan was 617,000 eur. The implementation of the Action Plan is coordinated by the Division of Women and Men Equality of the Ministry of Social Security and Labour of the Republic of Lithuania. The progress of the implementation of the Action Plan is considered, and the annual information on the funding of measures, implementation outcomes, issues, challenges, achieved numerical values of the task implementation criteria, and publication is presented during the meetings of the Commission on Equal Opportunities for Women and Men (hereinafter – Commission). Responsible operators of the measures of the Action Plan submit their annual Action Plan measure implementation reports to the Ministry of Social Security and Labour by 31 January of each year. Responsible operators inform both the members of the Commission and the public at large about the events planned as part of the implementation of the Action Plan, as well as inform the public about the implementation of the respective measures by publishing their annual information on their websites, the Information Portal for Women, via the electronic network of women's organisations, etc.

4. The new Action Plan, not unlike the plan of the previous period, includes measures designed to dispel stereotypes in the education system. The Action Plan includes such measures as – Perform the Mentorship Programme “Grow”, the goal of which is to improve the competencies of employees, to encourage non-stereotypical thinking, to promote female leadership and the professional and personal growth of less experienced employees, as well as to develop their the capacity to manage ongoing changes; Support the Public Dissemination and Establishment of Gender Equality Initiatives Designed to Promote Non-Stereotypical Attitudes towards Women and Men; Conduct an Analysis of 7th Grade Workbooks from the Perspective of Equal Opportunities and Provide Recommendations for the Authors of Educational Materials; Organise a Seminar for Authors of Textbooks and Educational Materials, Entitled “How to avoid Stereotypical Attitudes towards Different Genders in

Textbooks and other Educational Materials”; Organise an International Conference for the Exchange of Best Practices in Fighting Stereotypes and Segregation.

8. The EOO also implements pro-active educational and preventive measures designed to fight gender stereotypes in education. In 2019, the EOO performed a review of the assessment of (self) educational materials in relation to gender equality. The review, which included 32 (self) educational materials intended for sixth-seventh grade pupils, showed that said materials contain significantly divergent representation contexts and social roles for women and men. Women are often depicted in the background, as lacking financial resources, and their creative input typically remains underappreciated or ignored. Men, on the other hand, are depicted as active, dominant, engaged with many different interests, and their activities are often represented as important and significant. Textbooks are lacking in the depiction of women’s historical experience and roles where they assumed positions of power, as well as representations of women and men in different professions. The emphasis put on stereotypical gender roles in the reviewed (self) educational materials entrench divergent social expectations for girls and boys which have a long-term impact on pupils’ vocational choices, career opportunities, and unequal pay.

9. The Action Plan for 2018-2020 also includes educational and informational events intended to reduce the gender pay gap and to resolve issues related to market segregation. In 2018, the SLI conducted more than 60 inspections in the area of the implementation of equal treatment of women and men with regards to relations of employment. The most common violation committed by the examined companies (7 cases in total) was of the requirement, applicable to companies with over 50 employees, to approve and, using the respective company’s regular means, announce the measures implementing the supervisory principles of the implementation and performance of the equal opportunities policy. There was also 1 (one) case where employees were paid different wages for the same work or work of equal value, and 1 (one) case where an employer failed to take the measures necessary to ensure that an employee, a representative thereof, or an employee engaged in the provision of a witness statement or explanations be protected against hostile treatment, negative consequences, and other types of persecution manifesting as a reaction to a complaint or any other type of legal proceedings regarding discrimination. For the purposes of addressing the above violations, inspectors of the SLI draw up compulsory demands to eliminate the violations or submitted recommendations, the implementation of which was controlled.

10. In order to establish the assessment of the gender impact of draft legislation and preliminary decisions, the Action Plan specifies the performance of an analysis designed to identify the priority (the most sensitive) areas of public policy, as it relates to gender, to develop and introduce the gender impact assessment model and the methodological guidelines thereof, as well as the development of a gender impact assessment training programme, and the organisation of trainings for representatives of ministries and municipal authorities.

11. The “Agricultural and Business Development” and the “LEADER Programme” measures of the Lithuanian Rural Development Programme for 2014-2020 (hereinafter – RDP) were deployed to encourage the economic activity of women living in rural areas and to reduce both direct and indirect discrimination on the grounds of sex, as well as on other grounds. The Programme also seeks to encourage women in rural areas to become more involved in decision-making at the local level and, most importantly, at the national level by taking part in local action groups, rural communities, and other activities. In 2018, the proportion of select applications submitted by women or legal entities whose main shareholders are women was 77 per cent (187 applications), while the remaining 23 per cent of said applications were initiated by men (57 applications). With regards to the development of already

existing businesses, however, women were found to be less active – 31 per cent of business development projects were initiated and selected by women (34 projects in total), and 69 per cent were initiated and selected by men (75 projects in total). The implementation of the “LEADER Programme” measure of the Lithuanian Rural Development Programme for 2014-2020 is highly focused on providing equal decision-making opportunities for both women and men. Local development strategies include activities related to the assurance of equal treatment of women and men, as well as measures designed to achieve it. It should be noted that local development strategies for rural areas are being implemented by 49 local action groups, the operating area of which covers 99 per cent of Lithuania’s rural territories. Assistance related to said local development strategies is provided only to those local action groups which strive for gender balance within the collegiate management bodies thereof by ensuring that no less than 40 per cent of the bodies granted the right to adopt decisions are comprised of the same sex. Assurance of the aforesaid balance is compulsory during the entire period of the implementation of the local development strategies, i.e., 2015 to 2023.

12. In order to make sure that institutions duly perform their duty, set forth by Article 4(2) of LEOWM, to establish measures intended to ensure equal opportunities for women and men in their strategic planning documents, efforts are being made to strengthen the Commission on Equal Opportunities for Women and Men by including the representatives of ministries at the political level, namely – deputy ministers, thereby ensuring effective decision-making and speeding up the gender mainstreaming process.

13. For the purposes of implementing the Action Plan measure designed to strengthen the equal treatment of women and men at the municipal level, the EOO is also implementing a separate project with the Association of Local Authorities in Lithuania, the Lithuanian Women’s Lobby Organisation, and Statistics Lithuania. The goal of the project is to systemically reduce gender gaps in municipalities by raising awareness of gender inequality among the subjects of the public sector, as well as improving their skills at recognising the factors which lead to gender (in)equality, and developing and implementing targeted measures to ensure equal opportunities. In order to achieve the goal of the Project, the performance of the activities thereof were split into three stages: 1) analysis of the situation of women and men in municipalities; 2) implementation of specific measures designed to change the situation with regards to the equal opportunities available for women and men; 3) increasing public awareness of the issues related to gender equality. The first two stages of the Project, namely – analysis and the development and implementation of specific measures in municipalities, were performed in 2018. During the same year, a total of 169 representatives of different municipalities were trained in accordance with the developed training package. Furthermore, cooperation with Statistics Lithuania resulted in the development, which took place by having regard to the list of gender (in) equality indicators of different municipalities, of an interactive map displaying statistics disaggregated by gender, wherein as many as 29 gender equality indicators were integrated by 2018.

Access to justice and complaint submission mechanisms

Reply to paragraph 4 of the list of issues

14. The Law on the Legal Status of Aliens of the Republic of Lithuania provides that an asylum seeker in the Republic of Lithuania shall have the right, inter alia, to receive free of charge information on his rights and obligations and consequences of non-compliance during the asylum application process examination; use state-guaranteed legal aid; to receive free of charge essential medical, psychological and

social services at the State Border Guard Service, the Refugee Reception Center or other accommodation; and that these rights are effectively enforced by granting asylum seekers access to a free interpreter. Asylum seekers in the Republic of Lithuania are provided with a range of essential services, including legal counseling and other types of legal services, with the exception of state-guaranteed legal aid services, both at the Refugee Reception Center and within the municipality. It is also important that the asylum seekers are provided with intensive Lithuanian language and Lithuanian culture familiarization courses, so that the asylum seekers can talk to the people of Lithuania and have easier access to help. Legal advice is given to these vulnerable individuals to seek access to justice to protect their violated rights or other interests (such as divorce, labor disputes, etc.). Legal services are regularly provided by a qualified lawyer, both on a group and individual basis, as needed, both at the Refugee Reception Center and after leaving the Refugee Reception Center.

15. In October 2016, during the implementation of the European Commission's project "The Roma Platform – a Path towards Cooperation with Municipalities", the Department of National Minorities under the Government of the Republic of Lithuania organised a two-day seminar for Roma women entitled "Fundamental Human Rights and the Protection Thereof". During the seminar, a lawyer had introduced Roma women to fundamental human rights and responsibilities, the principle of official language, institutions engaged in the assurance of human rights, and the mechanisms for the assurance thereof. The seminar was attended by 15 women. In order to improve the availability of legal services to Roma people, the project "Working with the Roma – New Opportunities and Challenges", financed through the European Social Fund, employs the services of a lawyer tasked with the provision of legal consultations, the conclusion of documents, and the representation of project participants in the courts of Vilnius, Vilnius District, Šalčininkai District, and Panevėžys during civil, administrative, and criminal proceedings. The aforesaid lawyer provides an average of 50 hours' worth of services per month, and Roma women are eager to make use of them.

National machinery for the advancement of women

Reply to paragraph 5 of the list of issues

16. Since the electronic document management system of the EOO was installed in 2015, complete data is only available since 1 January 2016. The district-by-district breakdown of complaints regarding gender-based discrimination against women received between 1 January 2016 and 1 July of the present year is provided in Table 1 (Annex 1). The regional breakdown of complaints regarding gender-based discrimination against women received between 1 January 2016 and 1 July of the present year is provided in Table 2 (Annex 1). Since 1 January 2017, upon determination of any violations with regards to equal opportunities, the decisions adopted by the EOO have been regulated by Article 29 of the Law. The number of decisions adopted between 1 January 2017 and 1 July of the present year with regards to complaints regarding gender-based discrimination against women, in cases where a violation regarding equal opportunities was determined, is provided in Table 3 (Annex 1). Article 17(2) of the Law establishes that the Ombudsperson conducts preventive and educational activities, as well as the dissemination of the assurance of equal opportunities, *inter alia*, in the area of gender-based discrimination against women¹.

17. As part of conducting its educational and preventive activities, as well as the dissemination of the assurance of equal opportunities, the Office of the Equal

¹ The respective amendments of the Law came into force on 1 January 2017.

Opportunities Ombudsperson implements various awareness-raising campaigns, *inter alia*, on the topics related to gender-based discrimination against women and gender-based violence². Notable among the aforesaid awareness-raising (social) campaigns within this context are campaigns such as “Men for Women” (2015), “This is Violence, Too” (2018), and “Show Support” (2018). It should be noted that all of the above awareness-raising (social) campaigns were implemented during the performance of projects financed through the funds of different international institutions and funds, whereas the contribution to these activities from the state budget comprised no more than 20 per cent of the value of said campaigns.

National machinery for the advancement of women

Reply to paragraph 6 of the list of issues

18. The Government of the Republic of Lithuania is currently developing a draft amendment of its Order Regarding the Establishment of the Commission on Equal Opportunities for Women and Men, and the Approval of the Provisions Thereof, whereby the composition of the Commission on Equal Opportunities for Women and Men (hereinafter – Commission) will be changed not only by expanding the range of subjects entitled to delegate their representatives thereto, but also by establishing that state authorities must delegate representatives at a level no lower than that of deputy ministers, as well as in order to strengthen the mandate and the decision-making power of the Commission. The amendment also includes revisions of the goal, tasks, functions, and operational structure of the Commission by emphasising its advisory and coordinating role in order to integrate the issues related to equal opportunities for women and men into all areas of public policy at all levels. In order to improve the competencies of the members of the Commission in the area of gender equality, said members are provided with annual trainings which include such topics as violence against women and the basics of non-discrimination; integrated political measures and the collection of data; prevention; protection and assistance; the law and what must be criminalised; investigation, persecution, procedural law, and protective measures; other parts: migration and asylum, international cooperation, and supervisory mechanisms; the international undertakings of Lithuania in the area of gender equality; the jurisprudence of the European Court of Human Rights, and other relevant topics. Trainings for members of the Commission were also included into the new Action Plan.

19. The OEOO is an autonomous publicly funded state authority responsible for ensuring the activities of the Ombudsperson in supervising the implementation of the Law on Equal Opportunities for Women and Men, and the Law on Equal Treatment. Considering the above, upon submission of its funding requirements for the upcoming year, the OEOO, not unlike all other publicly funded authorities, receives the requisite funds after an assessment of the current economic situation and financial capacities. Amendments of the LEO, whereby the Equal Opportunities Ombudsperson was made responsible for the control of the implementation of the UN Convention on the Rights of Persons with Disabilities, came into force on 1 July 2019.

² For more information on the awareness-raising campaigns implemented by the Office of the Equal Opportunities Ombudsperson during the reporting period, please visit: <https://lygybe.lt/lt/socialinereklama>.

Temporary special measures

Reply to paragraph 7 of the list of issues

20. Lithuania has not taken legal measures to increase the number of women in politics or in decision-making in other organizations (including companies) yet. However, the draft amendment of Article 10 (6) of the LEOWM was prepared, which was intended to facilitate the adoption of provisional special measures. Compared to the existing legal framework, the Project proposed to expand the list of sources where temporary special measures could be imposed, which means not just in the law, but in every other piece of legislation. In view of the decision of the Constitutional Court of the Republic of Lithuania of 29 September 2015, the most important public relations must be regulated by laws. It has been repeatedly noted that according to the Constitution of the Republic of Lithuania, legal regulation related to the definition of the content of human rights and freedoms or the establishment of guarantees for their implementation may be established only by law (decisions of 26 October 1995, 19 December 1996, 13 December 2004, 5 May 2007, 28 September 2011). Under no circumstances any other legal act can establish the conditions for the emergence of a person's right or limit the scope of the right (ruling of 5 May 2007). In this regard, in the opinion of the Ministry of Justice of the Republic of Lithuania, temporary special measures should be treated as permissible sex discrimination and therefore should be regulated only by law. At the same time, it should be noted that, if necessary, temporary special measures established by law could be elaborated and the procedure of their implementation could be regulated by implementing acts of the law.

21. The Government of the Republic of Lithuania organized a public consultation on 24 April 2019 with the intention to engage all interested experts in the area of gender equality for the purposes of identifying specific measures and actions, which could ensure consistent efforts to establish the de facto quality of men and women in the labour market, the area of education, and the public sector. Representatives of various state institutions, non-governmental organizations, academia, trade unions and business participated in the consultations. The panelists agreed that the problem was relevant and that measures were needed to achieve gender equality. One of the ways is to provide gender-based funding and incorporate gender mainstreaming into the strategic plans of the Government of the Republic of Lithuania. The Ministry of Social Security and Labor of the Republic of Lithuania will also consider the possibility of specifying temporary special measures for LEOWM.

Discriminatory gender stereotypes and harmful practices

Reply to paragraph 8 of the list of issues

22. The Action Plan for the implementation of the Program sets out the objective of promoting non-discriminatory treatment of women and men in textbooks and other teaching materials. 2018 A workshop was organized for textbook and teaching aid evaluators on how to recognize and understand gender stereotypes in textbooks and other teaching aids. Workshop for Authors of Textbooks and Training Tools How to Avoid Stereotypical Approaches to Gender in Textbooks and Other Training Tools (planned for 2019). Please also see paragraphs 4-7 of this document.

Gender-based violence against women

Reply to paragraph 9, 10 and 11 of the list of issues

23. Preparations for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) have included the conclusion, and the eventual approval on 16-07-2019, of the Draft Amendment of the Criminal Code (hereinafter – the CC) No. XIIIIP-3468(2), whereby, among others things, the rules on jurisdiction established in national criminal law are have been made compatible with the requirements of the Istanbul Convention. Regarding the ban on spousal rape, we hereby direct your attention to the comprehensive position of the Ministry of Justice, which claims that no additional criminalisation is necessary in this case. Since the currently valid CC already imposes criminal liability for any type of rape and sexual assault (Articles 149 and 150 of the CC) regardless of the form of the manifestation thereof, there is neither legal, nor factual basis for artificially singling out one of the different types of rape (domestic or spousal rape, etc.). It should be noted that the elements of the crime of rape established in the CC include all instances of rape regardless of the subjects involved, the relationship between them, the place of the crime or any other circumstances, and there are no practical hurdles with regards to qualifying said elements, which means that persons can be effectively imposed with criminal liability for domestic rape without furnishing the CC with any redundant elements thereof. As regards ‘spousal rape’, it should be noted that, pursuant to the case law of the courts of Lithuania, criminal liability for the crimes specified in Article 149 (‘Rape’) and Article 150 (‘Sexual Assault’) of the CC is imposed on men and women no younger than 14 years of age. This also includes persons with whom the victim has had sexual intercourse or to whom the victim is related in terms of friendship, family ties (e.g., father, daughter, or brother), or marriage (husband or wife). Marriage does not constitute a circumstance which exempts persons from criminal liability for coercive sexual intercourse or satisfaction of sexual desires³. Laws regulating familial relations do not contain any provisions which impose any mutual spousal rights and duties with regards to sex life. There are no cases in case law where an offender was acquitted, or the criminal proceedings were terminated, because the crime of rape took place in the family (within the domestic environment). On the contrary, there have been many judgements in case law whereby current or former spouses or partners were found guilty of rape. Furthermore, the Ministry of Justice would like to highlight that domestic rape is already a priority in the Republic of Lithuania because, pursuant to Article 167(3) of the Code of Criminal Procedure of the Republic of Lithuania (hereinafter – CCP), in cases where the criminal acts specified in Article 145, Article 149(1) (rape), Article 150(1) (sexual assault), and Article 151(1) of the CC are found to contain elements of domestic violence, a pre-trial investigation is initiated regardless of whether the victim had submitted a complaint or whether the victim’s legal representative had submitted an application. Articles 149(5) and 150(5) of the CC also separately note that a compulsory pre-trial investigation is initiated in accordance with the general procedure (i.e., even given the lack of any complaint submitted by the victim, or an application submitted by the victim’s legal representative, etc.) in every case where the relevant criminal acts were committed within the domestic environment, which confirms the fact that the aforesaid articles of the CC encompass criminal acts committed within the domestic environment.

24. Ministry of Social Security and Labour of the Republic of Lithuania coordinates the inter-sectoral working group, established by the Government of the Republic of

³ Ruling “Regarding Case Law in Rape and Sexual Assault Cases” of 30 December 2004 of the Senate of the Supreme Court of the Republic of Lithuania.

Lithuania on 15 April 2019, on prevention and protection against violence against women and domestic violence, which main goal is to prepare and submit proposals to the relevant authorities regarding the improvement of legislation on the prevention and reduction of violence against women and domestic violence and the improvement of cooperation between state institutions and non-governmental organizations in these fields. The working group is revising the Law on Protection from Domestic Violence with intention to strengthen the mechanisms of victims protection; to broaden the scope of application of this aforementioned Law so that it would be applicable not only in cases of domestic violence but also when violence occur in public between non-relatives; to establish the definition of gender-based violence against women and to suggest new measures for the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014–2020 so that it would reflect the issue of gender-based violence against women and girls, as it is gender neutral at the moment. The Ministry of Social Security is going to submit the draft amendments of the Law on Protection from Domestic Violence to the Parliament of the Republic of Lithuania in spring 2020.

25. The National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014–2020 is being implemented by various national institutions. It is also recommended for municipalities to get involved into implementation of the Action Plan of this Programme. It is foreseen, that the responsible implementers of the measures of the Action Plan of the National Programme for the Prevention of Domestic Violence and Provision of Assistance to Victims for 2014–2020 after the end of each quarter of the calendar year, shall provide the Ministry of Social Security and Labor of the Republic of Lithuania with information on the implementation of the Action Plan by the 15th of the first month of the next quarter.

26. Since 2012, all Lithuanian Special Assistance Centres (hereinafter – the SAC's) provide complex specialised assistance to persons experiencing violence within the domestic environment (more than 80% of the victims of domestic violence are women). In order to provide assistance to female victims of domestic violence and to ensure the effectiveness and complexity of the complex specialised assistance they provide, the SACs cooperate with employees of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour, municipal bodies, elderships, NGOs engaged in the provision of assistance to victims of violence, establishments and (or) organisations which provide overnight stay, accommodation or other vital services, as well as the police, health care institutions, and establishments and authorities responsible for the provision of legal assistance. In order to ensure complex specialised assistance, the funding of the SACs was increased from 168,000 eur in 2012 to 1,500,000 eur in 2019.

27. According to the police register, the annual breakdown of reports of domestic violence is as follows: 18,268 reports in 2012, 21,615 reports in 2013, 29,339 reports in 2014, 38,510 reports in 2015, 50,285 reports in 2016, 47,941 reports in 2017, and 41,531 reports in 2018. According to the integrated system of criminal procedures, the annual breakdown of pre-trial investigations terminated through reconciliation is as follows: 92 pre-trial investigations in 2016, 2,730 pre-trial investigations in 2017, 2,919 pre-trial investigations in 2018, and 1,290 pre-trial investigations during the first half of 2019. The police did not collect any data on the above for the years 2014–2015.

Trafficking in human beings and exploitation for the purposes of prostitution

Reply to paragraph 12 of the list of issues

28. The Republic of Lithuania is implementing measures related to the fight against trafficking in human beings in accordance with a measure of the Interinstitutional Action Plan Implementing the Programme for the Development of Public Safety (2015-2025) (hereinafter – Action Plan) designed for the purposes of implementing the task entitled “Develop Effective Means of Fighting against Trafficking in Human Beings”, as well as the Action Plan for the Fight against Trafficking in Human Beings (2017-2019) (hereinafter – Action Plan for the Fight against Trafficking in Human Beings) which implements said measure, as well as measures and actions not included in the aforesaid plan which were implemented by institutions, authorities, and organisations using total appropriations and international resources, as well as by joint efforts of responsible institutions and organisations without any additional funds. It should be noted that the Action Plan and the Action Plan for the Fight against Trafficking in Human Beings include the following activities: the training of specialists, public education and prevention, assistance to victims, and interinstitutional cooperation.

29. The implementation of both plans and activities is subject to quarterly assessments conducted by the Commission for the Coordination of the Fight against Trafficking in Human Beings, the National Reporter on the Fight against Trafficking in Human Beings, and the Committee on Human Rights of the Parliament of the Republic of Lithuania, which also provide suggestions regarding the improvement of said plans and activities. It should be noted that Lithuania also regularly implements preventive campaigns against trafficking in human beings. Relevant institutions have published over 30,000 information (preventive) cards entitled “This is not what John is Offering You” (“Tai nėra tai, ką tau siūlo Kęstas” in Lithuanian) about the dangers of trafficking in human beings and how to recognise it, as well as providing contact information to be used in case of the need for assistance. The aforesaid cards were transferred to municipal administrations, the Lithuanian Criminal Police Bureau, and NGOs for further distribution within target groups. The cards were also distributed to passengers by officers of the State Border Guard Service under the Ministry of the Interior at the security checkpoints of the Vilnius Airport. In addition, the police had implemented different annual measures related to the fight against trafficking in human beings specified in the Action Plan, the Action Plan for the Fight against Trafficking in Human Beings, and the Interinstitutional Action Plan Implementing the National Crime Prevention and Control Programme. Furthermore, the Police Department of the Republic of Lithuania also contributes to the various initiatives of the institutions and agencies of the European Union, as well as other international organisations, and takes part in bilateral and multilateral meetings organised to discuss the fight against trafficking in human beings. Also of note is the Police Department’s active participation in the projects of the European Multidisciplinary Platform against Criminal Threats (hereinafter – EMPACT). For the purposes of implementing said projects related to the EMPACT, Lithuania organises and conducts annual international operations designed to identify persons affected by trafficking in human beings who are being exploited for the purposes of forced labour under slavery, or equivalent, conditions.

30. Since 2018, the coordination of activities related to the fight against trafficking in human beings is performed by the Chancellor of the Government of the Republic of Lithuania. The year 2018 also saw the change of the composition of the Commission for the Coordination of the Fight against Trafficking in Human Beings (which, it should be noted, was established in 2016). The aforesaid changes facilitate

the coordination of issues related to the fight against trafficking in human beings, and, in cases where such is required, provide the conditions necessary for the more expedient amendment of legislation and the coordination of mutual positions. Moreover, the Commission now also contains representatives of the Vilnius Office of the International Organisation for Migration, and the British Lithuanian Society.

31. The period between 2016 and 2017 also saw the implementation of the pilot project STROM II designed to strengthen the role and capacities of municipalities in the fight against trafficking in human beings in the Baltic Sea Region. The implementation of the project in Lithuania was coordinated by the Ministry of the Interior of the Republic of Lithuania. Project participants: municipalities of the Kaunas City and the District of Tauragė. Implemented measures: information campaigns against trafficking in human beings, trainings for municipal employees, community education, and targeted preventive measures for groups at risk of victimisation by trafficking in human beings. The project also included the development of a sample description of the coordination of the fight against trafficking in human beings performed by municipalities, which was implemented in the municipalities of Kaunas City and the District of Tauragė, and later proposed to other municipalities.

32. The activities and measures established in the Fight against Trafficking in Human Beings Action Plan for 2017–2019 are being implemented in 10 municipalities of the Republic of Lithuania. Activities and measures established in the Plan: the formation of a group for the coordination of the fight against trafficking in human beings and the organisation of measures for raising public awareness of trafficking in human beings, as well as trainings in the identification of the victims thereof and sending for assistance.

33. In order to prevent trafficking in human beings, Lithuania is also implementing an initiative whereby police officers arrange meetings with parish parsons, eldership representatives, school social workers, and social workers employed by crisis centres. Municipal schools organise discussions, competitions, and seminars on the topic of trafficking in human beings.

34. Lithuania is also now providing more frequent trainings on trafficking in human beings to different types of specialists. Specific training plans are provided in the Fight against Trafficking in Human Beings Actions Plan for 2017-2019, which includes trainings for law enforcement and court employees, prosecutors, municipal employees, ambassadors, and labour inspectors. It should be noted that, in 2018, officers and specialists were engaged in improving their qualifications during interdepartmental, cross-sectoral, and international trainings. According to estimates, in 2018, qualification trainings were provided to more than 600 officers and different types of specialists. The most common courses included in the trainings were concerned with the identification of victims of trafficking in human beings and the provision of assistance thereto, prevention, criminal investigation, and case law. It should be noted that, during the aforesaid trainings, the different types of trafficking in human beings are discussed simultaneously.

35. Moreover, it should also be noted that officers of the Police Department of the Republic of Lithuania are provided with annual trainings on the topics related to the fight against trafficking in human beings. In 2014, said trainings consisted of the following two courses – “The Prevention, Investigation, and the Provision of Assistance to Persons Affected by, Trafficking in Human Beings” and “The Prevention and Investigation of Trafficking in Human Beings”. The courses were attended by 46 officers. In 2015, 8 separate trainings were organised in accordance with the training module “The Prevention of Trafficking in Human Beings”, approved by the Commissar-General of the Lithuanian Police, and were attended by 160

officers in total; in 2016, 2 separate trainings were organised and attended by 32 officers; and in 2017, there were 2 training sessions attended by 33 officers. In 2017, the Commissar-General of the Lithuanian Police approved a new qualification programme entitled “The Prevention and Investigation of Trafficking in Human Beings”. Trainings in accordance with the Programme took place on 25 October 2017 at the Lithuanian Police School, and were attended by 22 officers. In 2018, trainings were organised on 7 and 21 of November, and were attended by 30 officers. There are currently plans to organise 5 separate training sessions in accordance with “The Prevention and Investigation of Trafficking in Human Beings” programme in 2019, wherein 75 officers will be invited to take part. In addition, Lithuanian police officers take part in annual qualification trainings organised by the European Union Agency for Law Enforcement Training (CEPOL) and other institutions on the topic of the fight against trafficking in human beings.

Reply to paragraph 13 of the list of issues

36. In the Republic of Lithuania, persons using prostitution services are subject to administrative liability. Pursuant to Article 487 of the Code of Administrative Offences of the Republic of Lithuania, liability is imposed on persons using prostitution services for consideration. The use of prostitution services for consideration incurs a fine of 90 to 140 euros. Furthermore, the CC establishes criminal liability for offences related to prostitution and pornography of other persons, e.g., gaining profit from another person’s prostitution (Article 307 of the CC), involving another person in prostitution (Article 308 of the CC), as well as trafficking in human beings (Article 147 of the CC) and purchasing or selling a child (Article 157 of the CC). In summary, any and all coercive actions performed for the purposes of involving another person in prostitution or gaining profit therefrom are punishable pursuant to the norms established in the CC.

37. In 2018, Provisions for the Organisation of Selection Procedures for Projects Designed to Provide Assistance to Persons Affected, or potentially affected, by Trafficking in Human Beings, approved by the Minister of Social Security and Labour of the Republic of Lithuania, of 22 January 2016, extended the funding of projects, selected during the selection procedures which took place in 2016, which have duly implemented their designated activities, namely – the provision of social assistance to persons affected, or potentially affected, by trafficking in human beings. Project funding was extended for the following non-governmental organisations (hereinafter – NGOs): the Missing Persons’ Families Support Centre, SE Klaipėda Social and Psychological Services Centre, the Men’s Crisis Centre, Caritas Lithuania, and the Vilnius Archdiocese Caritas.

38. In 2018, the provision of assistance to persons affected, or potentially affected, by trafficking in human beings was allocated 165,000 euro in funds from the state budget. All of the NGOs have collectively provided complex assistance to 244 persons in total (as compared to 219 persons in 2017): 128 men (as compared to 103 men in 2017), 111 women (as compared to 78 women in 2017), and 5 children (as compared to 38 children in 2017). Out of the 239 persons provided with social assistance: 139 were deemed affected by trafficking in human beings (identified by law enforcement authorities following pre-trial investigation), 69 were deemed victims of trafficking in human beings (identified by non-governmental organisations), and 36 were deemed potentially affected by trafficking in human beings (risk of victimisation by trafficking in human beings undetermined). In 2018, slightly more than half of the persons assisted by NGOs were deemed affected by trafficking in human beings during pre-trial investigation (58.2 per cent) (in 2017 such persons comprised 52.2 per cent, and 51 per cent in 2016), a smaller proportion

thereof were deemed potentially affected (identified by NGOs) (28.9 per cent), and the rest were deemed of undetermined risk of victimisation by trafficking in human beings (12.9 per cent). It should be noted that most of the assistance (88.9 per cent) was provided to foreigners identified by NGOs as potentially affected by trafficking in human beings, with the remaining part (11.1 per cent) of foreign persons being subject to an undetermined level of risk of victimisation by trafficking in human beings. Moreover, it should also be noted that most of the persons deemed affected by trafficking in human beings during criminal proceedings were victimised by trafficking in human beings at the international level (75.9 per cent) (as compared to 64.5 per cent in 2017).

39. For more statistical information regarding the number, ages, and nationalities of women and girls affected by trafficking in human beings, the number of pre-trial investigations, and court decisions adopted since 2014 please see Annex 4.

Participation in political and public life

Reply to paragraph 14 of the list of issues

40. On 16 July 2018 the amended Law on Civil Service was adopted. Apart from the other amendments, a new incentive – up to 5 paid days off (but no more than 10 business days a year) or shorter working hours accordingly was established. Also the remote work of public servants was approved. It is considered that the proposed provisions can also contribute to a more flexible balance of the private life and work of civil servants.

41. For question regarding temporary special measures please see paras. 20–21 of this document.

42. At the end of 2017, the courts of the Republic of Lithuania were staffed with 767 judges, 476 of whom were women, as compared to 758 judges in 2018, 474 of whom were women. For data regarding Gender equality in managerial positions within diplomatic service please see Annex 3.

Education

Reply to paragraph 15 of the list of issues

43. The Ministry of Education, Science and Sport of the Republic of Lithuania approved the General Programme for Education in Health and Sexuality, and Family Education. The implementation of this programme in schools of general education commenced at the beginning of the school year of 2017. The Programme was developed by having regard to developmental psychology and adjusted to different age groups, and encompasses grades 1 through 12. The implementation of the Programme in 2017–2019 included the organisation of public consultations, conferences, and qualification seminars for teachers, public health specialists and other educators responsible for the implementation thereof. Total number of participants – 1,150. Furthermore, the Programme included the development of the methodological measure The Development of Respect for others in Primary School – a methodological publication for the school community designed to assist teachers, the school community, and parents in understanding diversity, the meaning of respect for others and the relevance and state thereof in Lithuania, the origins of stereotypes, as well as which of them are still prevalent in our schools and society at large, the importance of recognising stereotypes, and what to do in order to promote a more tolerant, democratic, and humane society. When implementing social justice in relation to gender, it is important to eliminate gender stereotypes and to encourage

the media to promote positive images of women and the equal status of women and men both in private and public life. One of the means of achieving the above is by reducing the effects of stereotyped femininity and masculinity on the educational process and ensuring that textbooks and other educational materials are free of negative gender stereotypes.

44. Having regard to the above, the Description of the Procedure for the Assessment of the Contents of General Education Textbooks specifies the requirement that educational materials provided in textbooks be unbiased with regards to gender, sexual orientation, beliefs or views, and free of stereotypical attitudes towards different genders. For the purposes of meeting said requirement, a criterion was set whereby the text and images contained in textbooks must be free of negative gender stereotypes, and both girls and boys, as well as women and men, must be depicted without bias. By approving the request for the respective textbook to be assessed, the publishers thereof assume all liability with regards to its compliance with the aforesaid criterion.

45. The following seminars were organised to help textbook authors, as well as the assessors thereof, to recognise gender stereotypes and avoid stereotypical attitudes towards different genders: Gender Roles and Stereotypes (2015), Gender Stereotypes in Textbooks and the Potential Consequences Thereof (2016), and the lectures Education without Stereotypes (2017) and How to Ensure Equal Opportunities in Educational Materials (2019).

Employment

Reply to paragraph 16 of the list of issues

46. The new Labour Code, which came into force on 1 July 2017, brought several positive innovations in the area of equal rights and non-discrimination by expanding and complementing previous regulations. First of all, the Labour Code establishes the general principle of equality, i.e., employment relations are regulated in accordance with the principles of legal certainty, the protection of legitimate expectations and the comprehensive protection of labour rights, the provision of safe and healthy working conditions, the stability of employment relations, the freedom to choose one's occupation, fair wages, the equality of the subjects of labour law regardless of gender, sexual orientation, race, nationality, language, country of origin, social status, faith, intentions of having a child(ren), marital and familial status, age, beliefs or views, membership in political parties and associations, and circumstances unrelated to workers' occupational characteristics, as well as the principles of the freedom of association, free collective bargaining, and the right to engage in collective action. Employers are obligated to implement the principles of gender equality and non-discrimination on other grounds both when hiring new employees and providing uniform working conditions, assessing the work performed by employees, paying equal wages for work of equal value, etc.

47. The establishment and availability of the remuneration system provide the conditions necessary to strive towards fair remuneration policies. The establishment of the remuneration system is mandatory to those employers who don't have collective agreements which require it at their companies, and who employ 20 or more workers. The Code establishes that the aforesaid system must not only avoid all types of discrimination on the grounds of gender, or any other grounds, but also ensure the payment of equal wages for the same work, or work of equal value, to employees regardless of their gender. Although the above provision is not new, it has been reinforced by new definitions absent from the old Labour Code. The terms "the same work" (meaning similar or equivalent functions which may be performed by

interchanging employees without incurring any significant expenditure) and “work of equal value” (meaning work requiring the same qualifications which is no less important to the employer than the work used for comparison), together with the requirements applicable to the contents of the system of remuneration under the Code, allow employees to defend themselves more effectively against discrimination because the burden of proof in these cases is borne by the employer. It is the employer that will have to prove that remuneration is provided without violating the requirement of equal rights, and that it was determined in accordance with objective and impartial criteria. The new Code also establishes the mandatory elements of the system of remuneration: employee categories set by occupational duties and qualifications; the forms and amount (minimum and maximum) of remuneration to be provided for each category; the grounds and procedure for the provision of additional remuneration (bonuses); and the remuneration indexing procedure. In companies and organisations which have this type of system of remuneration in place remuneration is more transparent and objective.

48. The Labour Code also establishes another relevant provision of equality, the implementation of which is borne both by employers and employee representatives. Upon request of the above, employers who have more than 20 employees on average are obligated to provide the anonymised data thereof (with the exception of data on employees who occupy managerial positions) with regards to the average wages by occupation group and gender, provided the respective groups have more than two employees per group. This new obligation is intended to encourage employee representatives to take an interest in the conditions prevalent at their companies in terms of equality and non-discrimination. Discrimination can be reduced only by the interested parties themselves, i.e., employees, employee representatives, and employers.

49. Another means of encouraging equal opportunities within employment relations is the obligation to adopt, announce, and publish the measures of the respective policy on equal opportunities at the company internally. The above duty is applicable only to employers who have more than 50 employees on average, yet it may also be implemented in smaller companies seeking to attract and maintain their workforce. Since the Labour Code does not provide any detailed account of the contents of the aforesaid measures, nor does it establish the minimum requirements applicable to this document, companies would do well to determine the following as it pertains to their own operations: the actions of the employer in cases of discrimination or the violation of the principle of equality; the procedure and form of investigation; the definition of applicable informational and consultational procedures; planned preventive measures; work-life balance options available at the company for the purposes of ensuring equal career planning opportunities for men and women; incentives and motivational measures applied for the purposes of ensuring equal opportunities, etc. Employee representatives have the opportunity to contribute to the development and implementation of this policy. The provisions of the Labour Code are designed to promote transparency, publicity, and openness in employment relations. The new obligations are intended to encourage both employers and employee representatives, or even employees themselves, to take initiative in resolving issues related to discrimination.

Reply to paragraph 17 of the list of issues

50. According to Statistics Lithuania, in 2018 there were 8913 men who took state social insurance on maternity / paternity leave benefit from a child’s age of 1 year until a child reaches 2 years (in 2014 there were 4 779 men).

51. The integration of Roma women into the labour market is ensured by implementing both general measures, the responsibility for which is borne by the Lithuanian Labour Exchange under the Ministry of Social Security and Labour in collaboration with the territorial branches thereof, and projects designed to integrate Roma people into the labour market. According to the Labour Exchange, in 2018, Roma people were active in registering at the Labour Exchange and making use of the services provided. The ESF-funded “Working with the Roma – New Opportunities and Challenges” project has been implemented since 2016. The Roma Community Centre is implementing the project together with the following partners: the Lithuanian Gypsy Association “Gypsy Fire”, the Lithuanian Roma Community, the Roma Integration House, the Roma Integration Centre, and the Šalčininkai Regional Division of the Lithuanian Gypsy Association “Gypsy Fire”. The project includes 163 women, most of whom were provided with social and sociocultural services. All of said women are registered with the Employment Service. Project results: 21 women acquired an occupation or are currently undergoing training, two of them are employed in their respective fields; 7 women were provided with mentorship services in agriculture; 17 women took driving courses, 5 obtained their driver’s licences, and 37 found gainful employment.

Health

Reply to paragraph 18 of the list of issues

52. In Lithuania, surgical termination of pregnancy is performed in accordance with Order No. 50 “On the Procedure for the Performance of Surgical Termination of Pregnancy” of the Minister of Health of the Republic of Lithuania of 28 January 1994. All persons with Compulsory Health Insurance who have the right to personal health care services covered by the Compulsory Health Insurance Fund, provided said services are compliant with the service provision requirements approved by the Minister of Health, and provided the respective personal health care establishment has entered into an agreement with a territorial branch thereof, are provided with all the necessary services in full scope.

Marriage and familial ties

Reply to paragraph 19 of the list of issues

53. No assessment has been conducted on the current or future impact of the Law on Strengthening of the Family of the Republic of Lithuania on women’s right and freedom of choice. When proposing the draft law, the initiators thereof have indicated its compliance with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as all relevant documents of the European Union. The Law does not define the meaning of ‘family’. Even though the Constitution of the Republic of Lithuania does not provide a definition of the term ‘family’ either, the Article 38 thereof establishes that marriage is concluded by free agreement between a man and a woman, and that both spouses are subject to equal rights within the bounds of the family. Section XV of the Civil Code of the Republic of Lithuania (hereinafter – Civil Code) establishes the property rights applicable to men and women who, upon registration of a partnership in accordance with the procedure set forth by the law, cohabitate for no less than one year without registering a marriage (partners) with the goal of starting a family. Pursuant to the Civil Code, in Lithuania, a marriage may be entered into only with a person of the opposite sex.

Reply to paragraph 20 of the list of issues

54. Pursuant to Article 3.14 of the Civil Code, a marriage may be entered into only by persons who have reached 18 years of age. Upon request of a person below the age 18 who wishes to enter into a marriage, a court may apply a simplified procedure to reduce the marriageable age of such a person, but by no more than two years, except in cases where such is compelled by significant circumstances. Pursuant to Article 3.14 (4) of the Civil Code, pregnancy constitutes a significant circumstance for the reduction of the marriageable age. During the court proceedings regarding the reduction of the marriageable age, the respective court must consider the opinion of the parents or guardians (providers) of the person who wishes to enter therein, as well as examine the latter's mental and psychological condition, financial situation, and the significance of the reasons for marriage. It is not foreseen to amend Article 3.14 (3) of the Civil Code in the near future. The State Child Rights Protection and Adoption Service must provide its conclusions regarding the necessity of the reduction of the marriageable age, and the compliance thereof with the interests of the underage person in question.

55. Statistics on the marriages entered into by underage persons during past 5 years, disaggregated by age and gender, are provided in the Annex 2. The statistics do not include any data on children's nationality.
