

|                           |                  |
|---------------------------|------------------|
| <b>Country</b>            | <b>Lithuania</b> |
| <b>SIGI 2019 Category</b> | <b>Very low</b>  |
| <b>SIGI Value 2019</b>    | <b>16%</b>       |

| Discrimination in the family                                                      |                                                                                                                | 27%  |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|------|
|  | Legal framework on child marriage                                                                              | 0.5  |
|                                                                                   | Percentage of girls under 18 married                                                                           | 0%   |
|                                                                                   | Legal framework on household responsibilities                                                                  | 0.5  |
|                                                                                   | Proportion of the population declaring that children will suffer if mothers are working outside home for a pay | 43%  |
|                                                                                   | Female to male ratio of time spent on unpaid care work                                                         | 1.9  |
|                                                                                   | Legal framework on inheritance                                                                                 | 0    |
|                                                                                   | Legal framework on divorce                                                                                     | 0.25 |

| Restricted physical integrity                                                     |                                                                  | 9%    |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------|-------|
|  | Legal framework on violence against women                        | 0.5   |
|                                                                                   | Proportion of the female population justifying domestic violence | 2%    |
|                                                                                   | Prevalence of domestic violence against women (lifetime)         | 24%   |
|                                                                                   | Sex ratio at birth (natural =105)                                | 105.1 |
|                                                                                   | Legal framework on reproductive rights                           | 0     |
|                                                                                   | Female population with unmet needs for family planning           | 13%   |

| Restricted access to productive and financial resources                             |                                                                                                                          | 5%   |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------|
|  | Legal framework on working rights                                                                                        | 0.25 |
|                                                                                     | Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay | 4%   |
|                                                                                     | Share of managers (male)                                                                                                 | 61%  |
|                                                                                     | Legal framework on access to non-land assets                                                                             | 0    |
|                                                                                     | Share of house owners (male)                                                                                             | -    |
|                                                                                     | Legal framework on access to land assets                                                                                 | 0    |
|                                                                                     | Share of agricultural land holders (male)                                                                                | 52%  |
|                                                                                     | Legal framework on access to financial services                                                                          | 0    |
|                                                                                     | Share of account holders (male)                                                                                          | 47%  |

| Restricted civil liberties                                                          |                                                                                            | 20% |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----|
|  | Legal framework on civil rights                                                            | 0   |
|                                                                                     | Legal framework on freedom of movement                                                     | 0   |
|                                                                                     | Percentage of women in the total number of persons not feeling safe walking alone at night | 60% |
|                                                                                     | Legal framework on political participation                                                 | 0.5 |
|                                                                                     | Share of the population that believes men are better political leaders than women          | -   |
|                                                                                     | Percentage of male MP's                                                                    | 79% |
|                                                                                     | Legal framework on access to justice                                                       | 0   |
|                                                                                     | Share of women declaring lack of confidence in the justice system                          | 55% |
|                                                                                     |                                                                                            |     |

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0, 0.25, 0.5, 0.75 or 1.

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Lithuania

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Women and men have equal rights to enter into marriage (Civil Code, Article 3.7). The law requires the consent of both spouses to be valid (Civil Code, Article 3.13) and prohibits polygamy (Civil Code, Article 3.16). Spouses should register the marriage according to the procedure given by law for a civil marriage (Civil Code, Article 3.18) or established by Church in case of a religious marriage (Civil Code, Article 3.24). Coercion, threat or any act resulting in a lack of free will are grounds on which a marriage should be declared null and void (Civil Code, Article 3.13). However, the law also states that a marriage contracted without free will of one of the spouse should not be declared null and void if the spouses have lived together for more than one year, have given birth or are expecting a child (Civil Code, Article 3.45.5). In the event of marriage, women and men have the right to retain their respective surnames or to choose the surname of the other spouse as their common surname or to have a double surname by adjoining the surname of the other spouse to one's own surname (Civil Code, Article 3.31).

#### b) Child marriage

Legal age to enter into marriage is 18 for women and men (Civil Code, Article 3.14.1). Nevertheless, the court can decide to reduce the minimum age by no more than two years at the request of the person who intends to marry before 18 (Civil Code, Article 3.14.2). In case of pregnancy, the court may allow a person to marry before the age of 16 (Civil Code, Article 3.14.3). In deciding whether to grant approval for a marriage between spouses under 18, the court should take into account the person's mental and psychological condition and hear the opinion of the parents or legal guardians. Parental consent is not a prerequisite to allow the marriage. Pregnancy is considered to be a strong ground for reducing the age of marriage (Civil Code, Article 3.14.4). A marriage entered into violating the above-mentioned conditions should be declared null and void (Civil Code, Article 3.38.2).

In 2013, 100 marriages involving boys and girls under 18 were reported in Lithuania (US Department State, 2014). No further details are provided regarding the persons that contracted those marriages.

#### c) Household responsibilities

Women and men have equal rights to move and choose their place of residence (Constitution, Article 32). They also have equal rights to property and ownership (Constitution, Article 23).

Married women and men have equal rights and duties (Civil Code, Article 3.26). They must be loyal to and respect each other; they must support each other morally and financially and contribute toward the common needs of the family or the needs of the other spouse in proportion to their respective capacities (Civil Code, Article 3.27). The statutory legal regime of spouses is joint community property, meaning that property acquired by the spouses after the commencement of their marriage is to be considered part of their joint property (Civil Code, Article 3.87). They both retain personal rights on

their respective individual property (Civil Code, Article 3.89). Spouses can also decide on a different legal regime contractually (Civil Code, Article 3.101).

Informal or de facto relationships are regulated by Articles 3229-3235 of the Civil Code. In those cases (Civil Code, Article 3.229), the law provides for community property (Civil Code, Article 3.230) with a presumption of equal shares in case of division of assets (Civil Code, Article 3.234). A Draft Law for establishing civil partnership between a man and a woman is currently debated in the parliament (CEDAW, 2014a).

Parents have the right and duty to properly educate and bring up their children, care for their health and, having regard to their physical and mental state, to create favourable conditions for their full and harmonious development (Civil Code, Article 3.155). Women and men have equal rights to be the legal guardian of their children irrespective of their marital status (Civil Code, Article 3.156). All questions regarding the education of the children should be decided through mutual agreement (Civil Code, Article 3.165.3). Women and men have an obligation for maintenance of their underage children (Civil Code, Article 3.192). If a parent fails to pay for maintenance, the court can issue a maintenance order (Civil Code, Article 3.194).

The CEDAW committee (2011) has observed that the sharing of domestic responsibilities in Lithuanian families was changing at a slow pace. Women often carry most of the childcare and household responsibilities, reflecting the heavy influence of discriminatory cultural stereotypes.

#### **d) Divorce**

Women and men have equal rights to initiate divorce. A marriage can be dissolved under mutual consent (Civil Code, Article 3.51), on the application of one of the spouse (Civil Code, Article 3.55) or based on the fault of one spouse or both spouses (Civil Code, Article 3.60).

Divorce by mutual consent may be granted if the marriage has been contracted for at least a year and if the spouses have agreed on a contract regulating the consequences of their divorce (property, children, maintenance payment...) (Civil Code, Article 3.51.1). The court must take some measures to encourage reconciliation (Civil Code, Article 3.54.1). However, if the spouses have been living apart for more than one year, or if reconciliation measures are contrary to the interest of one of the spouse or the children, the court should not set such measures (Civil Code, Article 3.54.4).

In the case of dissolution of marriage requested on the application of one of the spouse, at least one of the four conditions listed by law must be fulfilled. Those include if the spouse have lived separately for over a year, if one of the spouse is declared missing or has been imprisoned for over a year (Civil Code, Article 3.55.1). In case where a mutual agreement for matters relating to the residence and maintenance of the minor children, maintenance of one of the spouses or adjustment of the community property of the spouses has not been reached between spouses, the court must resolve those (Civil Code, Article 3.59).

Divorce on the basis of the fault of one or both spouses may be granted if the fault of one spouse has made matrimonial life impossible (Civil Code, Article 3.60.2), if they have committed adultery or been violent toward the other spouse or another family member (Civil Code, Article 3.60.3). With regards to the interest of the spouse and children, the court may order provisional protection measures for

the period where the divorce is pending such as order to live separately, prohibition of close contact with the minor children or from visiting certain places (Civil Code, Article 3.65). For a divorce on the basis of the fault of one spouse, the spouse at fault loses the rights of a divorcee under the law (Civil Code, Article 3.70).

Joint property ceases to be from the moment of the commencement of divorce proceedings (Civil Code, Article 3.67.1). The shares are presumed to be equal when dividing assets (Civil Code, Article 3.117).

The court may grant a maintenance order in favour of the spouse in need unless maintenance has been agreed between the spouses (Civil Code, Article 3.72.1). Maintenance is presumed necessary when one the spouse raises a minor child (Civil Code, Article 3.72.2). When the former spouse receiving maintenance remarries, the maintenance payment ends (Civil Code, Article 3.72.13). The state has established the Child Support Fund in 2008 offering financial support for a “needy” parent that does not receive child maintenance from the other parent. The Fund supports annually 25 thousand children on average. The parent raising the child, the mother is most cases, often has to face challenges including poverty, social inequality and a narrowing of opportunities (Emery, R., 2013).

#### **e) Inheritance**

Inheritance is regulated by will or by law (Civil Code, Article 5.1.1).

When inheritance takes place through intestate succession, daughters and sons have equal rights to inherit as first degree heirs (Civil Code, Article 5.11). Female and male surviving spouse have equal rights to inherit through intestate succession together with first of second class heirs. When there are no more than three heirs (the spouse excluded), the surviving spouse inherits one fourth of the inheritance together with the first degree heirs. In cases where there are more than three heirs, the spouse inherits in equal shares with the other heirs. When the spouse inherits as a second class heirs, he or she is entitled to half of the inheritance (Civil Code, Article 5.13).

Women and men have the same right to make a will (Civil Code, Article 5.15). Through the concept of joint will, spouses can appoint each other as heirs, meaning that after the death of one of the spouses, the whole property is inherited by the surviving spouse (excluding mandatory shares) (Civil Code, Article 5.43). The deceased's children, spouse or parents entitled to maintenance at the day of the death should inherit half of what they would have been entitled by intestate succession, irrespectively of the content of the will (Civil Code, Article 5.20).

There are no customary, religious, or traditional practices that discriminate against daughters or female surviving spouse's rights to inherit.

## **2. Restricted Physical integrity**

### **a) Violence against women**

Lithuania has not ratified the Istanbul Convention on preventing and combating violence against women and domestic violence.

A National Strategy on Reduction of Violence against Women was in place for years 2007-2012 with goals set until 2015. There is currently no holistic national plan, policy or law addressing the whole scope of violence against women in Lithuania.

The CEDAW committee (2014) identified the fight against violence against women (VAW) as a key concern in Lithuania. It also expressed concerns regarding the lack of information on the evaluation of the National Strategy for Combating Violence against Women 2010-2012. According to the 2014 survey of the EU Fundamental Rights Agency (FRA), 31% of Lithuanian women have experienced physical and/or sexual violence. It is however difficult to estimate the full extent of violence against women in Lithuania given the insufficient data on reported acts of VAW, their investigation and prosecution (CEDAW, 2014).

### **b) Domestic violence**

The Law on Domestic Violence came into force in 2011. According to Article 2 of this Law, violence is defined as intentional physical, psychological, sexual, economic or other influence on a person by act or omission, whereby the victim suffers physical, material or non-pecuniary damage. Domestic environment comprises persons currently or previously linked by marriage, partnership, affinity of other close relations as well as persons having a common domicile and a common household. The law contains a significant provision stating that domestic violence, due to public damage, is attributed to acts of public importance (Law on Domestic Violence, Article 1). Consequently, the investigation procedure no longer needs the victim's consent to initiate or continue the proceedings. Pre-trials investigations must be initiated in all cases where domestic violence elements are present, even in the absence of complaint by the victim. Protection measures are contained in the law and include expulsion from the common residence, prohibition to approach or communicate with the victim (Law on Domestic Violence, Article 5). Police officers are given the power and the duty to "immediately" transfer information of a supposed victim of domestic violence to special assistance centres (Law on Domestic Violence, Article 9). The law also provides for concrete mechanisms for better cooperation and coordination between state institutions and establishes a comprehensive scheme of assistance. Latest amendments of the law clarified elements of funding: while municipalities must provide for these measures in their strategic plan, the Government has to fund prevention activities of NGOs (Law on Domestic Violence, Article 4).

Protection orders are found in civil, administrative and criminal law. The Civil Code provides for protection orders as provisional measures pending the outcomes of divorce or separation. The criminal law provides protection orders at the pre-trial and post-trial stage. However, legal uncertainty in respect to who should address the court with a request for protection orders and based on what ground result in protection orders being quite rarely granted. Even in cases where those are granted, there is no clear sanction for a perpetrator breaching them (Human Rights Monitoring Institute, SOS Children's Villages Lithuania and Centre for Equality, 2016).

In 2013, the Lithuanian police launched a programme to improve data collection and support the implementation of the Domestic Violence Law (Order of the Police Commissioner General on Implementation of the Law on Protection Against Domestic Violence, No. 5-V-196, 7 March, 2013).

Further complementing the legal and policy landscape on domestic violence, a National Programme for the Prevention of Domestic Violence was launched in 2014 and the Provision of Assistance to Victims for 2014-2020 was adopted. The Plan emphasizes on public awareness raising, better protection of the victims as well as training for the people working with victims of domestic violence. The gender-neutrality of the Programme however fails at reflecting the reality of domestic violence, which affects women disproportionately (HRI, 2014).

Lithuania has 17 centres providing social assistance to women victims of domestic violence (EIGE, 2016). Other forms of specialised help are available at crisis centres. For more long-term solutions, women can seek temporary accommodation at centres for mothers and children. According to the Ministry of Social Affairs and Labour, there are currently 29 crisis centres and five temporary accommodations for mothers and children (Council of Europe, 2017). There are no rape crisis centres. A national women's helpline provides emotional assistance to victims of domestic violence (EIGE, 2016).

Despite a comprehensive legal framework, cases of domestic violence prosecuted remain low. The Police Department reported a growing number of complaints in 2015. Yet the number of cases resulting in pre-trial investigations represented less than 30% of those complaints and even less were moved to the trial hearing (Human Rights Monitoring Institute, SOS Children's Villages Lithuania and Centre for Equality, 2016). Although the law grants protection to former spouses or long-term partners not sharing a common household, there are reports that the law is interpreted more narrowly in practice, in line with the Criminal Code of Procedure that does not cover former spouses or long-term partners not sharing a common household (Human Rights Monitoring Institute, SOS Children's Villages Lithuania and Center for Equality, 2016). The use of "reconciliatory mediation" methods in cases of domestic violence has sometimes been qualified as excessive and reported as a reason for the low number of prosecuted cases (Council of Europe, 2017). The low rate may also be affected by the fact that family doctors tend not to report such cases because of their obligation not to disclose personal information without the person's consent (Council of Europe, 2017).

### c) Rape

Acts of sexual violence are outlawed by Articles 149-151 of the Criminal Code. Rape is criminalised in Article 149 of the Criminal Code. It is characterised by use of force or threat and consent. Heavier sentences are prescribed for gang rape or rape against a minor person (Criminal Code, Article 149(2) and (3)). The Criminal Code requires terms of imprisonment up to seven years. While there is no legal provision addressing specifically marital rape, the criminal law does not exclude it from its scope either. Lithuania has stated in a CEDAW report (2014a) that criminal acts of sexual nature were always punishable, whether or not between spouses.

Data on sexual violence cases are freely available online on the Information Technology and Communication Department's website. Yet statistics of sexual violence crimes are not separated according to their type. Logically, no statistics exist on marital rape (European Women's Lobby, 2014). The European Barometer survey (2016) reports that more than a quarter of Lithuanians believe that forcing a partner to have sex should not be prohibited by law while only 57% of the respondents reported that sexual violence between partners should be prohibited by law.

#### d) Sexual harassment

Sexual harassment is assimilated to discrimination (Law on Equal Opportunities for Women and Men, Section 2(1)). There are two parallel sets of provision related to sexual harassment in the Lithuanian legal framework. It is defined in the Law on Equal Opportunities for Women and Men (EOWM). Section 2(6) defines sexual harassment as unwanted insulting, verbal, non-verbal or physical conduct of a sexual nature by a person with the purpose or effect of violating the dignity of another person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Articles 4 and 5 of the Law mandate for measures to prevent sexual harassment in educational establishments and in the workplace. The Equal Opportunity Act only defines harassment but section 7 states that the employer must take measures to prevent sexual harassment of any employee or civil servant. The European Commission (2017) highlighted the lack of clear provisions specifically prohibiting sexual harassment. Pursuant to Section 9(1) of the EOWM, a person who believes that they have become the subject of sexual or any other harassment shall have the right to appeal to the Equal Opportunities Ombudsperson for objective and unbiased help. A provision in the Criminal Code (Section 152) covers cases of sexual harassment where the victim is in a position of subordination. A major obstacle in the criminal proceedings comes from the requirement to prove the sexual nature of the purpose (European Commission, 2012).

The EU Fundamental Rights Agency (2014) reported that 35% of women have experienced sexual harassment in Lithuania. In most of the cases, women do not report their case because the harasser is their employer or because of the perceived lack of support from the civil society (European Commission, 2012).

#### e) Female genital mutilation

Lithuania does not have any specific law addressing female genital mutilation (FGM). Nevertheless, the general legal framework offers protection against FGM to a certain extent. In particular, Article 135 of the Penal Code provides for crimes of grievous bodily injury, Articles 7 and 10 of the Law on Fundamentals of Protection of the Rights of Child refer to violence against a child as a serious crime that can possibly result in the removal of the child from the family or even removal of parental custody. Based on a decision by the Migration Department at the Minister of the Interior, girls who are at real risk of FGM can apply for asylum (EIGE, 2013).

There is no FGM prevalence data available or evidence that FGM is a concern in Lithuania.

#### f) Abortion

There is no separate law regulating abortion in Lithuania. Abortion is provided by a Decree of the Minister of Health adopted in 1994 (Order No. 50 Of 28 January 1994 of The Ministry of Health of The Republic of Lithuania, On Procedures For Performing A Surgical Termination Of Pregnancy). Abortion is available upon a woman's request until the twelfth week of pregnancy (Order No. 50 Of 28 January 1994, Section 1.1). For medical reasons, meaning when the pregnancy threatens the woman's life or health, the limited term may be extended over twelve weeks (Order No. 50 Of 28 January 1994, Section 2.5). According to the decree, a woman below sixteen years of age must seek written approval of one of her parents or legal guardian. In the case that the girl is between 16 and 18, the consent is desirable but not mandatory (Order No. 50 Of 28 January 1994, Section 1.6). Illegal abortion is

addressed in Article 142 of the Criminal Code. According to the circumstances, it is punished of imprisonment of up to four years.

While abortion performed for medical reasons is free of charge, a fee applies in all other cases. Abortion is thus not readily accessible to women with low income or adolescents. The abortion rate is declining in Latvia, however, the reported number of abortions among young women (15-19) remains stable (SRI, 2016). The Catholic Church precepts opposing the interruption of pregnancy and stigmatizing women who choose abortion may influence Lithuanian women's choice to terminate pregnancy (SRI, 2016). Limited access to contraception and a lack of comprehensive sexual education have been connected to Lithuanian youth facing problems of unwanted pregnancies, abortion and growing rates of sexually transmitted infections (SRI, 2016).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Under the Constitution, women and men have equal rights to own, administer and use property (Constitution, Article 23). Married women and men have equal rights over ownership, use, decision-making power and use as collateral of their individual property (Civil Code, Article 3.97.1) and their joint property (Civil Code, Article 3.92.1).

#### **b) Secure access to formal financial resources**

Women and men have equal rights to open a bank account (Directive 2014/92/EU). They also have equal rights to access credit. The law prohibits discrimination on the basis of sex in access to credit (Law on Equal Opportunities between Women and Men, Article 7(1)). In its Article 6.883, the Civil Code states that refusal to grant a credit is only acceptable where evidence exists that the credit will not be repaid in time.

Several initiatives to promote women's entrepreneurship are in place in Lithuania. In 2013, the Ministry of Economy started collecting and publishing success stories of women entrepreneur (European Commission, 2014a). Through a partnership between the European Investment Fund and the Šiauliai Bank in 2011, 5 million euros were granted to support micro-entrepreneurs in Lithuania, with a special mention to female enterprises. Although access to start up finance appears to be a more important barrier for women than for men (Narain, S. 2009), the European Commission (2014a) has noted that the Lithuanian society starts progressively to perceive and recognise women as an unexplored potential for the economy rather than a disadvantaged group.

#### **c) Workplace rights**

Lithuania has ratified ILO Conventions C100, C111, C156 and C183, but not C189.

Article 23 of the Constitution lays down the principle of equality of persons and prohibits any restriction of human rights or extensions of privileges on the grounds of sex. Article 1 of the Law on Equal Opportunities for Women and Men prohibits any type of discrimination on the ground of sex by reference to marital or family status.

The law prohibits refusal of employment on the ground of sex (Labour Code, Article 96) and mandates the employer to apply gender-neutral rules in the process of recruitment and promotion, with an exception for work that can only be performed by persons of a particular sex, where the necessity of a particular sex may be based on the nature of the activity or the context in which it is carried out (EOWM, Section 6<sup>1</sup>). The Equal Opportunity Act further contains provisions related to equal treatment between women and men in the labour market in its section 7.

The law explicitly mandates equal pay for equal or equivalent work for women and men (Labour Code, Article 186(3)). It also states that the work classification system should be developed in such a way to avoid discrimination on the ground of sex (Labour Code, Article 188(3)). Section 6<sup>1</sup> of the law on Equal Opportunities between Women and Men (EOWM) reiterates the principles of equal pay for work of equal value, equal working conditions and equal benefits. Failure to comply with those provisions is sanctioned according to administrative law rules (Section 81 of the Code on Administrative Offences, Register of Legal Acts, 2015, No. 11216.) In practice, many cases are solved by issuing a warning (European Commission, 2017). As of July 2017, the Labour Law includes an obligation for companies to provide work councils with information on the pay structure broken down according to profession and gender (Resolution No 650 of the Government of the Republic of Lithuania on Approval of the procedure for calculating the average work pay to employees, civil servants and intelligence officers). Lithuania has one of the most liberal systems of remuneration in the world dominated by individual agreements in the setting of wages and the absence of collective agreements (European Commission, 2017).

Women are entitled to a maternity leave of 70 calendar days before childbirth and 56 after childbirth (Labour Code, Article 179). Maternity leave is paid at 100% by the government (Law on Social Insurance of Sickness and Maternity, Section 18). The law not only prohibits dismissal of pregnant women and women on maternity leave (Labour Code, Article 132), but it also obliges an employer to allow a woman to return to the same or equivalent position after maternity leave and to guarantee her no less favourable conditions than before (Labour Code, Article 179). Further protections for women during pregnancy, childbirth and breastfeeding are also contained in Section 10 of the EOWM and Article 278 of the Labour Code. Article 179-1 of the Labour Code provides for a paternity leave of 30 days that can be taken until one month after childbirth, paid at 100% by the government (Law on Social Insurance of Sickness and Maternity). Parental leave can be granted before the child reaches the age of three and is available to the mother and the father but also other relatives de facto raising the child. It can be taken as a single period or can be distributed in parts (Labour Code, Article 180(1)). The employee's job is protected during this period (Labour Code, Article 180(2)). Financial support during parental leave is provided by the state according to the Law on Sickness and Maternity Social Security for a period up to two years. Overall, the percentage of men taking parental leave is low (CEDAW, 2011)

The CEDAW committee (2011) has reported that the level of vertical and horizontal gender segregation in the labour market is gradually decreasing but remains significant in Lithuania. Employers' attitudes and gender stereotypes often create invisible barriers for women in the labour market. Women may also take into account these stereotypes when choosing a profession (Razzu, G. 2016). High unemployment rate is also observed among Roma women, single mothers, older women and women with disabilities (CEDAW, 2014). In a recent report, the Lithuanian Women's Lobby (2014)

drew attention to the lack of services for childcare and care for other dependent people provided by the State.

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

Women and men have equal rights to acquire (Citizenship Law, Article 13), change and retain nationality (Citizenship Law, Articles 24-25-26). Women and men have equal rights to confer citizenship to their spouse (Citizenship Law; Article 19) and their children (Citizenship Law, Article 14).

Women and men have equal rights to obtain an identity card (ID Application Procedure) or a passport (Passport Application Procedure). They both have the same rights to travel outside of the country (Constitution, Article 32).

### **b) Voting**

Entrenched in the Constitution, women and men have equal rights to vote at the age of 18 (Constitution, Article 34).

### **c) Political voice**

The Constitution grants equal rights to women and men to hold public and political office (Constitution, Article 33). Although the Law on Equal Opportunity provides for special measures (subject to respective laws), Lithuania has not taken any positive measure to enhance women's participation in political life at any level of the government. The CEDAW Committee (2014) suggested a simplification of the procedure for the adoption of temporary measures established by Article 2 of the Law for Equal Opportunities of Women and Men that currently requires that specific legislation be passed by the parliament.

Representation of women at all levels of decision-making remains low (European Parliament, 2013). Aside from the Lithuanian Social Democrat Party, the European Parliament (2013) has noted that political parties are generally reluctant to introduce quotas and to address gender equality issues in their programs. The Government tried to encourage women's participation through state-funded organisations called Milda clubs holding seminars, training events and networking events for women politician (OSCE, 2016). Persistent gender stereotypes, the lack of mutual support among women politicians and the prevalence of gender ideologies in the media are all important factors contributing to the low representation of women in politics (Stankevicius, S. 2012).

### **d) Access to justice**

Women and men have equal rights before the law and the court (Constitution, Article 29). Women and men have equal rights to sue and be sued (Constitution, Article 29 and 30, and Civil Code, Article 2.1 and 2.5). A woman's testimony carries the same evidentiary weight in court as a man's testimony (Constitution, Article 29).

The most recent law on State-Guaranteed Legal Aid came into force in 2014 in Lithuania. It strengthens quality control over legal aid services provided and promotes mediation as an alternative (UNODC, 2016). Legal aid is available for both civil and criminal cases in the form of legal advice, representation,

assistance and information. Assistance with the execution of legal documents is provided for civil cases only. In Lithuania, legal aid can be granted upon a person's request but also upon a request from the police, a prosecutor or a court. In all cases, the person must prove their eligibility, which is determined based on a status of recipient of welfare subsidies, proof of family hardship, low income or membership of a protected group. Exceptions exist for criminal cases. The absence of gender-sensitivity consideration in the determination of the eligibility is an important factor that may impede women's access to legal aid. There are no general legal aid services specifically dedicated to women in Lithuania but women victims of violence can receive legal aid services during all the criminal proceedings. A further challenge to women's access to legal aid may come from the fact that Lithuanian women do not always understand how legal aid services work and may lack confidence in the quality and gender-sensitivity of those services (UNODC, 2016).

In cases of discrimination, the burden of proof is shifted, meaning that discrimination is presumed and the respondent has the burden to prove that there has been no breach of the principle of equal treatment (Equal Opportunity Act, Article 4). The Office of the Ombudsman for Equal Opportunities provides counselling and legal aid for victims of discrimination. It also investigates complaints lodged by victims and has the capacity to initiate investigations. In a CEDAW report (2014a), Lithuania reported that following the CEDAW recommendation on the use of information technologies to enhance access to justice, the Ombudsman has become more easily accessible to all irrespective of their place of residence, age or disability. However, the CEDAW committee (2014) deplored the lack of visibility of the Office of the Ombudsman for Equal Opportunities and its limited effectiveness. The committee also expressed its concerns with regards to the low number of complaints of sex and gender-based discrimination, the absence of gender-disaggregated data and the limited financial and human resources provided to the Office. Besides, it is to be noted that the Ombudsman does not collect the outcomes of complaints regarding discrimination on the ground of sex (CEDAW, 2014a).

To inform people about their right to benefit from legal aid as well as how to access legal aid services, the State conducted a public awareness campaign in 2014-2015 (UNODC, 2016). Lithuania also reported that continuous training on domestic violence, gender equality and non-discrimination for judges, prosecutors, lawyers and other legal professionals were organised (CEDAW, 2014a).

### *More*

Women in rural areas, women with disabilities and other disadvantaged groups of women are at high risk of poverty in Lithuania. They also have a low rate of representation in politics and decision-making and limited access to services (CEDAW, 2014). The CEDAW Committee (2014) drew attention to the situation of women with disabilities who suffer from high rate of violence against them and the lack of specialised services in this regard. The Committee expressed further concerns regarding the absence of provision addressing multiple or intersectional discrimination.

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