

Evaluation of the State Public Policy on the Implementation of Gender Equality and Elimination of Discrimination Against Women in Lithuania

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Abstract

In the early 1990s, when a dividing line between the East and the West disappeared and Lithuania with all Baltic countries regained independence, new opportunities opened up a change in the way society is studied, that change became embodied in the form of feminist and gender equality challenges to knowledge and methods of seeking out knowledge. Empirical research (study of legal, social, political, economic policy, implementation strategies, mechanisms and statistics) revealed that the shift of welfare regimes in Lithuania from ‘socialist / communist compulsory welfare system’ to ‘liberal bureaucratized welfare system’, ‘liberal democracy’ affected the social and psychological position of women significantly, but positive and negative aspects of the state public policy on the state’s public policy are highlighted in my research.

Key words: social welfare, women, equality between women and men, discrimination.

Introduction

Different historical experience, economic, social and technological development, cultural values and other forces determine that each state develops a distinct model of social welfare. There is a considerable amount of sources that deals with welfare state regimes, yet it refers mainly to affluent capital democracies. Specific ways, in which state socialist societies provided welfare for their citizens or how these regimes were modified, maintained or reproduced after the fall of communist regime, were ignored (Fodor *et al.*, 2002). Even when the societies of Eastern Europe were included into analysis of welfare states, scholars have tended to over-generalize welfare state development as it was uniform all over the region (Fodor *et al.*, 2002). The fact that welfare states in Eastern Europe have been changing in radical ways in the past ten years, and the diversity of welfare regime trajectories in Eastern European states undertook after the collapse of the Soviet regime, encourages study on the transformation of welfare system in one

of the post-socialist states. Other researchers find that the model of welfare state influences gender inequalities (Sainsbury, 1994; Orloff, 1993; O’Connor, 1999) or class positions (Korpi 2000; Esping-Andersen, 1990) and mainly are studying political roots or material side of social policy (Wilensky, 2002), whereas this research takes a step towards a better understanding of post-socialist welfare state emphasizing that changing processes matter a lot in welfare system. By closely examining the changing processes of gender equality and antidiscrimination social policy system in Lithuania, this research goes beyond overgeneralization of the development of the Eastern European welfare state. The case of Lithuania, which resembles a liberal conservative model of the ideal type of welfare regimes, gives an interesting opportunity to study the dynamics of transition from state-socialist welfare model to welfare capitalism. Some authors argue that a liberal welfare regime is especially influencing inequalities in society (Sainsbury, 1994). Hence, by examining the public administration of gender equality and antidiscrimination system in Lithuania, the aim of this article is to explore how welfare regimes have shifted over near twenty years and what affects this has had for women situation in Lithuania. Gender equality and antidiscrimination is today on the political agenda in the European Union and has become a criteria for Europeanization of the reformist agendas in European welfare régimes. It does imply several ongoing processes including Europe’s transformation into a single political formation as well as facilitating institutions of governance as a balance between one European unity and the national diversity. Comparative research has emphasized that notions of justice and equality are relative and dynamic and need to be interpreted in particular contexts and that there may be many different interpretations of justice and routes to gender equality (Hobson, Lewis and Siim, 2002; Borchorst and Siim, 2002: 93-4). For the Baltic States the process of Europeanization-as-EU-enlargement that brings gender equality policies and gender mainstreaming to post-Soviet reformist agendas. In 1940 the USSR incorporated Lithuania. Lithuanian women became a part of “liberated” soviet women

during the Stalinist regime, which in reality deprived all citizens of the USSR from their civil and economical rights, despite the whole ideological propaganda.

The principle of equality in rights in the Soviet society deprived of rights was used from a point of view supposing the duties of women in respect to society. A woman received her right as duty to work, and also the right as duty of motherhood. Simultaneously, a social policy of motherhood protection: maternity leaves, workplace nurseries and kindergartens, extra safety working conditions for pregnant women etc., was developed. Thus, despite the fact that “new legislation” ensured a maximum of state intervention in private realm, a new social order was more liberal in respect to women than in the period of pre-war independence. Moreover, although Soviet legislation strictly provided full employment for the population, a woman with children would never be accused of parasitism. The Constitution of developed socialism (1978) also secured citizens’ equal rights before law, emphasized and ensured equal women’s and men’s rights to equal access to education, equal opportunities in employment, by special labor and health protection measures for women, by legal protection, and material and moral support for mothers and children and so on.

In the communist states, emancipation of women was considered necessary for the overall socialist revolutionary Project, attainment of Communism Builder’s features, and was therefore ordered from above through the Women’s Soviet or Trade Unions in institutions, through all the ideology of Soviet. To achieve unified emancipation, legal equality between men and women was introduced, women were encouraged to work outside the home, to take equality opportunity in education and private life was promoted and sexually exploitative images and writings as well as prostitution were prohibited. Soviet woman first of all was a good worker, sportswoman, member of Comsomol (Young Communist’s Union) or Communist Party, very good household keeper and, great wife helping her husband in career development. The Soviet propaganda articulated women’s and men’s equal rights. Woman was regarded from a Soviet ideological point of view as someone who can dig ditches, drive a tractor or, at her best, fly to the Cosmos. The former Soviet ideology promoted gender ideology, but not gender awareness.

Research problem and relevance

The Baltic States governments have made a clear political choice by selecting an expert-bureaucratic model against participatory-democratic model (both definitions by Beveridge et al 2000), for implementing gender equality policies and gender mainstreaming as a part of human development and democra-

tization, performed by specialists, civil servants. The expert-bureaucratic model reflects the ‘integrationist’ approach to gender mainstreaming. The ‘integrationist’ approach (Shaw, 2000; Rees, 2007;) was kindly adopted to the Baltic conditions as a legitimate premise for marginalizing those stakeholders with an ‘agenda-setting’ approach as women’s advocacy NGO’s and feminist/gender researchers (Novikova, 2004). A short time to possess a highly developed understanding of gender equality policies and gender-sensitive policy instruments forced marginalization, diversification and segregation of different social groups of women. A Gender equality question was not (or very weakly) raised as a part of democracy. It is a discussion about the policies affecting women’s social and political activities. Traditions to analyze and to describe political preferences and activities in Lithuania in the context of various elections are not very strong. Indeed the World Economic Forum ranking in latest **Global Gender Gap Report**² in 2007 mentioned Latvia and Lithuania which made the biggest advances among the top 20, gaining sixth and seventh places respectively, driven by smaller gender gaps in labour force participation and wage. A Rapid and essential political, socio-economical transformation of the recent years made an impact on the development of labour market and human resources in Lithuania. The labour market was developing through the restructuring of the economy, deepening of privatization, formation of the mechanisms of the market economy and new labour relations. Basic gender issues today are merely special concerns but are considered a crucial element in making policies, plans and strategies for sustainable development. The essential element of women’s social and economic exclusion still remains low economic participation in the labour market, women’s unemployment, and low incomes in comparison to men. Despite an increasing number of working women of all levels of age in Lithuania, the most complicated gender issue is that many of them are blocked in their attempts to gain access to higher occupational positions.

The dynamics of change in the post-communist

¹ NGO – non- governmental organization

² In 2007 the World Economic Forum launched a new framework for measuring Equality — the Gender Gap Index (GGI), where mentioned Sweden (1), Norway (2), Finland (3) and Iceland (4) once again top the rankings in the latest Global Gender Gap Report. All countries in the top 20 made progress relative to their scores last year – some more so than others. Latvia (13) and Lithuania (14) made the biggest advances among the top 20, gaining six and seven places respectively, driven by smaller gender gaps in labour force participation and wages. The Report covers a total of 128 countries, representing over 90% of the world’s population.

era, like other variants of historical institutionalism, the welfare regime theory has stressed the path dependent character of change but admits the possibility that “major shocks” may open new trajectories. As Esping-Andersen (1996: 27) recognized, the stresses and strains of transition have rendered post-communist societies a veritable “laboratory of experimentation.” A key question is what has been the direction of change? Have these post-communist states favored neo-liberalism, bringing in train the commodification of women similar to the new globalization and competition context?

Gender inequality problems exist in Lithuania as well as in each EU country and do not depend directly on economic achievements, that all Baltic states followed good experience of Scandinavian countries in gender equality policy which indicates high quality of gender equity indicators at EU scope. Today all new democracies are trying to grasp modern social developments. Agents of civil society, stakeholders with the ‘agenda-setting’ approach such as women’s, men’s business building advocacy NGOs, feminist/gender researchers as a rule NGOs funding were received for the implementation of projects from international and European donors and it was as a bridge for coming of the majority of Scandinavian companies investments in the Baltic states markets. There are two very different stages in adoption of gender equality policy understanding and frameworks: 1) awareness - as it can be seen from analysis, although Lithuania has established quite a good legal basis in the field of gender equality, the legal acts stay at some points in discrepancy with the principle of equal opportunities for women and men. Still the biggest challenge for the success of gender equality policy is its efficiency in terms of scope, actors involved and mechanisms applied. Currently there are ever more actors working on gender equality, still the activities of the institutions involved are rarely sufficient and often not efficient enough. Is the state policy uses a much more systematic approach to the issue of gender equality and antidiscrimination, is it well coordinated effectively between the institutions involved?

The object of research: state’s undertaken legal reforms, programs, strategies and measures, CEDAW recommendations and other transnational documents³, Beijing Declaration and Platform for Ac-

³ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Mig-

ration, Millennium Development Goals, social reports, aimed at eliminating discrimination against women and promoting gender equality.

The aim of this research is to examine how changing welfare system over the last five years has affected welfare recipients (women), focusing the study on the social policy of gender equality itself.

Objectives: 1) to evaluate the implementation of Convention on the Elimination of All Forms of Discrimination against Women in respect to Lithuania; 2) to highlight positive and negative aspects of the implementation of Convention on the Elimination of All Forms of Discrimination against women; 3) to provide principal recommendations for public administration of state strategies on the elimination of all forms of discrimination against women.

Theoretical approach towards gender equality and antidiscrimination. Liberal feminists seek to add women in, radical feminists assert a feminine perspective, and postmodern feminists deconstruct the fiction of the category of ‘woman’. This three-fold schema of ‘adding women in’, ‘extending the boundaries’, and ‘re-conceptualizing the core concepts’ may have been a useful schema for understanding of the development of feminist political theory. It may have been a good account of the ideological debates that characterized feminism during its second wave, but it doesn’t seem to capture the broader developments within current feminist research methodologies, which also embrace empirical sociopolitical science.

The critique of positivist international relations and empiricist political science entailed, within feminist theory, two distinct theoretical perspectives. The first, frequently labeled standpoint feminism, aimed to counter the partiality of masculine rationality with alternative, feminine standpoints. The second, frequently labeled postmodernism, aimed to displace the apparent dichotomy between male objectivity and female subjectivity, such that ‘feminine standpoints’ would be subject to critical deconstruction rather than collective celebration. But developments within feminist methodologies are not only driven by the logic of academic debates; they are also shaped by changing political context. The move towards contextual and comparative research also makes sense in the context of the changing nature of the gender regimes that feminist researchers seek to understand. Sylvia Walby (2000: 534) argues that the use of universalistic conceptions of human rights and the orientation to states constitute new orientations within contemporary feminism. She suggests that there are four key changes

rant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

in contemporary feminist politics: movement from separatist autonomous groups to engagement with the state; increased use of equal rights discourse; increasing significance of the global level, and increasing use of coalitions and networks as modes of organizing. These new orientations can be explained, she suggests, by the changed nature of the gender regime, which provides new political opportunities within the state (with increased access to formal electoral politics and the mainstreaming of feminist demands) and new social political spaces in which the rhetoric of universal human rights is a powerful justificatory principle. These developments pose interesting challenges for feminist theorizing, and also for feminist research and methodological tools.

One important issue for second wave feminists was how, in the context of patriarchal political institutions, to organize political and social change. Amongst many British feminists the answer was to focus energy on feminist social movements without the state. Feminist political research, as a result, employed methodologies appropriate for analyzing social movement participation, and tended to eschew orthodox political science institutionalism. Yet, in the context of women's increased levels of social political representation and the development of gender machinery within state bureaucracies, feminists have adopted a keener interest in the relationship between institutional politics and broader social movement activism. This development leads to a heightened awareness amongst feminist social political scholars of the potential benefits of exploring - and possibly adopting - the methodological tools of empirical social political science. Yet the long tradition of sensitivity to informal social political practices and marginalized social political discourses results in a distinctive determination to integrate discursive and institutional methodologies in a way that is itself distinctive within social political research. Hence, I will explore the central argument of my research that a shift towards greater gender equality and elimination of discrimination against women in Lithuania in post-socialist welfare system has been a concern with analyzing the processes of welfare, government legislation and the implementation of policies. I ground my research on critical approaches broadened by a feminist viewpoint of social policy. This has involved critical examination of structures, legislation, action plans and programs, national mechanism for gender equality and non-discrimination; of the relationship between social policy areas. As such, feminism contributes strongly to critical social policy which takes its starting point a view of social policy as being underpinned by social inequalities and discrimination such as gender, social status and other social differences. As such Gillian Pa-

scall's prediction that the result of feminist analyses of social welfare would be 'a new understanding, not only of the way the Welfare State deals with women, but also of social policy itself' (Pascall, 1986:1). Feminist analysis is supported by a gendered approach to social policy, which encompasses examination of all of these areas and of all the differential positions of women and men.

Research methodology

My critical analysis of gender equality and elimination of discrimination of post-socialist welfare regime's shift in Lithuania is based on the following methods chosen in my study for empirical information, for evidence:

1. Review of the literature.
2. Identification and conceptualization of the research problem and probable options.
3. Collection and analysis of statistical data on women and men in Lithuania in 2003, 2004, 2005, 2006, 2007 from statistics database of Department of Statistics to the Government of the Republic of Lithuania (Statistics Lithuania).
4. Short historical study of post-socialist / post communist welfare gender equality and elimination of women's' situation, which allowed me to compare the past and the present.
5. Selection and secondary analysis of governmental legislation, amendments, regulations, programs, strategies, monitoring, etc. and their programmatic intervention aimed at the process of gender equality advantages and negative aspects of the process of developmental change in the area of gender equality and elimination of discrimination.
6. Process and outcomes evaluation with providing recommendations.

Research findings

Positive aspects clarified on the elimination of discrimination:

1. Lithuania ratified the Optional Protocol to the Convention and accepted the amendment to the Convention's article 20 (paragraph 1), made legal reforms aimed at eliminating discrimination against women and promoting gender equality. In particular, welcomed the amendments to the Law on Equal Opportunities for Women and Men, prohibiting indirect discrimination, allowing for the application of temporary special measures, to accelerate the achievement of women's *de facto* equality with men, and shifting the burden of proof from the alleged victim to the person or institu-

tion against which the complaint has been lodged. State amended a broad enactment of the respective binding European Directive through the Law of the Republic of Lithuania on Equal Treatment which complements the Law on Equal Opportunities for Women and Men by prohibiting other grounds of discrimination from which women may suffer.

2. Adopted and implemented the two National Programmes (NAP-National Action Plan) for Equal Opportunities for Women and Men (2003-2004 and 2005-2009) which contain a number of measures aimed at ensuring equal opportunities for women and men in all spheres of life.
3. Adopted a long-term National Strategy for Combating Violence against Women and a Plan of Implementing Measures 2007-2009 aiming to reduce, in a consistent, complex and systematic manner, domestic violence against women.
4. Adopted and the measures carried out by the state to combat trafficking in women and girls, including adoption and implementation of the Programme for the Prevention and Control of Trafficking in Human Beings for 2005-2008, the possibility of issuing residence permits to the victims of trafficking who cooperate with the relevant authorities, and ratification in 2003 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. In addition, the Committee commends the State party for its bilateral, regional and international cooperation in this respect.

Principal areas of concern and recommendations:

The State obligation is systematically and continuously implement all the provisions of the Convention, involving all relevant ministries, to the Parliament (Seimas) and to the judiciary, so as to ensure their full implementation. While noting that the Convention is directly applicable and takes precedence over conflicting national legislation, concerned that the Convention's provisions and its concept of substantive gender equality, its Optional Protocol as well as the general recommendations of the CEDAW, are not sufficiently known and applied by all branches of the state. While recognizing that international law is now a mandatory part of the legal university curriculum, is also concerned that the Convention's provisions and the CEDAW general recommendations are not sufficiently known by the majority of judges, lawyers, prosecutors as well as by women themselves, as indicated by the absence of any court decisions

that refer to the Convention. Actually is visible the under-utilization by women, especially from rural areas, of remedies for violations of their rights, including judicial procedures and recourse to the Equal Opportunities Ombudsman.

Necessary to take additional measures to ensure that the Convention is sufficiently known and applied by all branches of Government as a framework for all laws, court verdicts and policies on gender equality and the advancement of women, including the adoption of a new classification system of court cases; to make in-service training programmes at the Training Centre for the Judiciary of prosecutors, judges and lawyers on these treaties and their application a mandatory obligation. It is recommended that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and NGOs working on women's issues, be undertaken; to establish regional and local branches of the Office of the Equal Opportunities Ombudsman to facilitate women's access to these procedures and remedies for violations of their rights.

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

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

The persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Lithuania, which threaten to undermine women's exercise and enjoyment of their human rights and are reflected, *inter alia*, in the recently adopted

Conceptual Framework for a National Family Policy, the media, and in educational textbooks and materials, all of which influence women's traditional educational choices, their disadvantaged situation in the labour market and their under representation in political and public life and decision-making positions, especially at the local level.

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

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

It is recommended that the state has to take

the necessary steps to ensure that the gender equality machinery at the national level be strengthened both with respect to human and financial resources. In connection with the expansion of the mandate of the Equal Opportunities Ombudsman, the state should ensure that the issue of discrimination against women, including its cross-cutting nature, is given adequate visibility and attention. In this respect, sufficient funds should be allocated in the state budget to provide the Office of the Equal Opportunities Ombudsman with sufficient human and material resources to implement its tasks effectively. The gender focal points in the ministries at the national level should be relieved of some of their original tasks in order to have more working time to pursue their equality-oriented mandate. The State should be encouraged to amend its Law on Equal Opportunities for Women and Men to include a mandatory obligation that an expert on gender equality be appointed in every county and municipality administration and that the linkages between the national, regional and local levels in relation to gender equality activities be strengthened, including through the provision of training in gender-sensitivity and gender mainstreaming. The State should institute a third National Programme for Equal Opportunities for Women and Men for the period 2010-2015 on the basis of an evaluation of the today functioning second Programme for 2005-2009.

Notable are various efforts undertaken by the state to combat violence against women, including domestic violence, since the submission of its previous periodic report, including the adoption of the National Strategy for Combating Violence against Women, a number of recent amendments to the Criminal Code, the establishment of a network of crisis centers providing support to victims of violence and the extension of a specialized assistance by telephone for battered women countrywide to a continuous (24 hours a day) service in 2008. Sufficient is that a working group has been set up to draft a conceptual framework for protection against domestic violence as a basis for drafting a specific law on the protection against domestic violence. However, it remains concerned with the high prevalence of violence against women in Lithuania, particularly domestic violence, and, particularly in these circumstances, at the absence of a specific law on domestic violence. This may lead to such violence being considered a private matter, in which the consequences of the relationship between the victim and the perpetrator are not fully understood by police and health officers, the relevant authorities and society at large. Timeframe for the adoption of the conceptual framework or the subsequent specific law are not set up and it regrets that the number of crisis centers, many of which have been es-

established and are operating on the initiative of NGOs, is insufficient due to lack of financial governmental support.

The State should ensure that comprehensive legal and other measures are in place to address all forms of violence against women, including domestic violence, it is necessary to allocate sufficient financial resources to ensure the effective implementation of the National Strategy for Combating Violence against Women and to closely monitor its results. All women who are victims of domestic violence, including rural women, should have access to immediate means of redress and protection, including protection orders and access to a sufficient number of safe and adequately funded shelters as well as to legal aid, if necessary. Elaboration and introduction of a specific law on domestic violence against women, which provides for redress and protection, without delay and set a timeframe for its adoption, should be drawn up. Simultaneously the state is recommended to improve its research and data collection on the prevalence, causes and consequences of violence against women, including information on the relationship between the perpetrator and the victim in the instances of violence.

Women's high level of participation in the labour market and a significant decrease in their unemployment rate from 13.9% in 2000 to 5.1% in 2008 is significant. While noting a number of initiatives taken by the state to support such participation and facilitate the reconciliation of work and family life, including the new labour providing for flexible opportunities of child-care leave, the recently established opportunity for men to take paternity leave, opportunities for flexible working arrangement and the encouragement of family-friendly policies in enterprises, to be concerned about the significant vertical and horizontal occupational segregation between women and men in the labour market, the persistence of a gender-based wage gap, and the low percentage of men taking parental leave.

The state is urged to prioritize the realization of women's *de facto* equality with men in the labour market so as to achieve full compliance with article 11 of the Convention. It is recommended to take concrete measures, including temporary special measures, to eliminate both vertical and horizontal occupational segregation and close the gender-based wage gap between women and men. In this context the state is encouraged to consider amending the Law on Equal Opportunities for Women and Men to include mandatory equality plans by public and private employers, also covering pay issues and family-friendly policies, to be monitored by the Equal Opportunities Ombudsman. Furthermore, is recommended that the state

should continue its efforts to ensure reconciliation of family and professional responsibilities and to promote equal sharing of domestic and family tasks between women and men, including by increasing the incentives for men to use their right to parental leave.

While noting the efforts of the state to support families, is concerned at the recent adoption of the Conceptual Framework for National Family Policy which form the basis for the substance of laws and policies relating to the family, given that this Conceptual Framework relies on a restricted concept of family, which may have a negative impact on women's exercise and enjoyment of their human rights in marriage and family relations. The State is called to effectively monitor the impact of the Conceptual Framework for National Family Policy on non-traditional families as recognized in the CEDAW general recommendation No. 21, and as protected by the Law on Equal Treatment.

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

The State shall take concrete measures to enhance women's access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the general recommendation on women and health. It requests the state to strengthen measures aimed at ensuring women's right to decide freely and responsibly on the number and spacing of their children according to article 16, paragraph 1 (e) of the Convention and thus at prevention of unwanted pregnancies. In this context, the state is requested to make a wide array of family planning methods, such as a comprehensive range of contraceptives, including emergency

contraception, more widely available and affordable, provide mandatory sexual education in schools and increase knowledge and awareness about family planning among women as well as men. Also necessary to consider the impact on women of the draft law on the protection of human life in the prenatal stage to ensure that the draft law is in line with the Convention and accordingly will not lead to women seeking unsafe medical procedures, such as illegal abortion, which may seriously risk their health and lives.

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

The State is recommended to develop clear criteria for rendering and ensuring sustained and sufficient governmental financial support at the national and local level for the work of women's NGOs to increase their capacity to support women's human rights. The state may consider issuing a public annual report on the support provided by the state to such NGOs. The State should increase awareness among individuals and corporations regarding possible donations to women's organizations and develop training programmes for NGO representatives on how to participate effectively in European gender equality programmes.

While noting various measures taken by the state, including the Programme for Roma Integration into Lithuanian society (2000-2004 and 2008-2010) and the Lithuanian Rural Development Programme for 2007-2013, it is noted with concern that vulnerable groups of women, for example, rural women, women with disabilities, women belonging to ethnic minorities, including Roma women, migrant women and elderly women continue to suffer from discrimination in education, employment, health, housing and other areas based on their sex and gender and on other grounds, thus being exposed to multiple forms of discrimination. In this respect the information is not sufficient for women-specific and does not cover the situation of all of these groups of women adequately.

The State is argued to intensify its efforts to eliminate discrimination against vulnerable groups of women, including rural women, women with disabilities, women belonging to ethnic minorities, including Roma women, migrant women and elderly women

both within their respective communities and in Lithuanian society at large. It encourages the state to increase their awareness of the availability of social services and legal remedies as well as to familiarize them with their rights pertaining to substantive gender equality and non-discrimination. Effective measures should be taken to integrate these women, where appropriate into programs of life-long learning and the Lithuanian labour market, including by establishing women resource centers in rural areas. The state is reiterated to monitor existing programmes and develop additional policies and programmes aimed at the economic empowerment of rural women, ensuring their access to productive resources and capital as well as to health services and to social and cultural opportunities. In addition, the state is called to conduct regular and comprehensive studies on intersectional forms of discrimination against such vulnerable groups of women, to collect statistics on their educational, employment and health situation as well as on their access to decision-making positions in political life and on all forms of violence that they may experience, and to present such information in its next periodic report.

It's concerned that the state's current legislation on distribution of assets, including intangible assets and potential future earnings, as well as property upon divorce may not adequately address gender-based economic disparities between spouses resulting from the existing sex segregation of the labour market and women's greater share in unpaid work and potentially interrupted career patterns due to family responsibilities. It should undertake research on the economic consequences of divorce on both spouses, with specific attention to the existence of enhanced human capital and earning potential of male spouses on the basis of their full-time and uninterrupted career patterns. The State should review on its current legislation in light of the outcome of this research and include information to this effect in its next periodic report is recommended.

While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the state's obligations under the Convention, it should be stressed that the Convention is binding on all branches of Government and it invites the state to encourage its national parliament (Seimas) in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's reporting process under the Convention.

The State has a duty to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and the Platform for Action, which reinforce the provisions of the Convention.

Full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. The state is called for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the state party to include information thereon in its next periodic report.

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

The state's adherence to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Government of Lithuania is encouraged to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

Conclusions

Lithuania's current situation is specific and individual as results of its socialist gender equality ideology realization, traditional, often archetypical, gender stereotypes and technologic society values of modernistic free market interchange. Not so long ago, in the Soviet times, women in the former USSR used to perform double, sometimes controversial, socio-professional role. On the one hand, while putting ideas of socialist feminism into practice at the national level, woman was assigned an active part in manufacturing, politics and social life. On the other hand, though the government made efforts to ease some of woman's load of children care and conditions of life, women were not exempted from duties that were assigned to them by the traditions of patriarchal society. Moreover, men obtained high social and professional status exclusively (women were in the mi-

nority among high rank party functionaries, officials and manufacturers).

The gender equality model through sameness (equal opportunities or equal treatment) in sense, male norms remained as the standards were used. Traditional equal opportunities policies were limited because they mean that women can only gain equality with men if they are able to perform to the standards set by men (Guerrina, 2005, Rossilli, 1997). Equality during the Soviet period was of a pseudo nature, yet it was not so bad, in the sense that formally it instigated some equality; the minimum ambition was not to become a housewife. Soviet men were saying that women should be happy coming home after work and creating a comfortable and safe family life as "a home fireplace keeper". Women were to fulfill two roles in society, a "maternal" function and a role in production - childcare facilities and paid maternity leave were consequently provided for quotas guaranteeing the representation of women were introduced.

The Baltic States governments have made a clear political choice by selecting an expert bureaucratic model against participatory-democratic model (both definitions by Beveridge et al 2000), for implementing gender equality policies and gender mainstreaming as a part of human development and democratization. The short time to possess a highly developed understanding of gender equality policies and gender-sensitive policy instruments forced marginalization, diversification and segregation for different social groups of women. The growth of international capitalism, move to the labor market economy, extensive socio-economic transformations experienced by the Baltic countries over the last decade have substantially affected the structure of the economy, the prevailing gender order, men and women, society at all. which became "more individualistic and an anti-society rather than society" (Jameson, 1991), the rise in experiences of fragmentation, anomie, alienation, uncertainty and a search for meaning and authenticity are evident.

Near twenty years Eastern European countries were moving from a developed socialism and "planned economy" to a postmodern world and a postmodernist conception of the world and industry. **Social political and public gender equality system became more modern, but private system (family, personnel life, work family reconciliation) outstanding is very traditional.** The high figures of women employment in engineering and technologies research area, comparing with average in the EU, is the heritage of mentality, attitudes and needs of post socialist / post communist / post totalitarian democratization countries. To achieve unified emancipation, legal equality between men and women was introduced; women we-

re encouraged to work outside the home, to take equality of opportunity in education and private life. The gender equality model through sameness (equal opportunities or equal treatment) in sense, male norms remained as the standards were used. Traditional equal opportunities policies were limited because they mean that women can only gain equality with men if they are able to perform to the standards set by men.

In the frame of the evaluation of the implementation of gender equality and elimination of discrimination in the state system in Lithuania I aimed to show the changing processes of welfare transformation and their effects on welfare of women and men in a post socialist welfare state. Lithuanian state social policy on gender equality and elimination of discrimination against women tackles the mentioned problems, but not effectively and all areas of social policy have been subjected to gendered analysis, wide key debates on gender and political, economic, social, cultural, educational, etc. areas should be facilitated. The Situation of gender equality and antidiscrimination in post communist democratization opposes many widely accepted theories of democracy, semi democracy and autocracies found in the post communist region.

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Valstybės lyčių lygybės įgyvendinimo ir moterų nediskriminavimo viešosios politikos įvertinimas Lietuvoje

Santrauka

Nuo 1990 m. Lietuva kartu su kitomis Baltijos šalimis pasirinko nepriklausomybę ir demokratinį vystimąsi. Šaliai tenka patirti specifinių pokyčių, vaduojantis iš sovietmečio, kurio teikta gerovė modifikuojama ir perkuriama pokomunistinėse valstybėse. Lietuvos atvejis suteikia galimybę analizuoti perėjimo iš sovietinio į kapitalistinių gerovės modelių dinamiką. Šio straipsnio tikslas buvo iširti, kaip pasikeitė lyčių lygybės ir nediskriminavimo gerovės režimas Lietuvoje, kaip tai paveikė gerovės gavėjus (moteris ir vyrus). Analizė atliekama dėmesį skiriant lyčių lygybės įdiegimo ir paramos sistemai, remiantis socialine ir feministine kritika. Nustatytos valstybės teisinės, struktūrinės, programinės ir socialinės politikos pasekmės moterims ir vyrams posovietinėje Lietuvoje 2004–2007 metais. Straipsnio apibendrinime pateikiami pozityvūs ir negatyvūs lyčių lygybės ir nediskriminavimo politikos veiksniai bei rekomendacijos, kaip ją būtų galima tobulinti.

Nepasinaudojama Moterų ir vyrų lygių galimybių įstatyme numatyta galimybė priimti specialias laikinas priemones, siekiant paspartinti faktinį vyrų ir moterų lygybės įtvirtinimą. Pasinaudojimas šia galimybe leistų *de facto* paskatinti moterų lygybę politikoje, viešajame gyvenime, švietime bei privačiame ir viešajame darbo sektoriuje. Nors visuomenės išsilavinimo lygis aukštas, Lietuvoje gajus stereotipinis patriarchalinis požiūris į moteris šeimoje, darbo vietoje ir visuomenėje, kuris atsispindi neseniai priimtoje Valstybinėje šeimos politikos koncepcijoje, žiniasklaidoje, mokomosiose bei ugdymo priemonėse. Seimo patvirtinta Valstybinė šeimos politikos koncepcija gali turėti neigiamą įtaką moterų galimybėms įgyvendinti savo teises santuokoje, šeimoje ir profesinėje veikloje.

Šalyje išlieka aukštas smurto prieš moteris šeimoje lygis, specialus tai draudžiantis įstatymas nėra priimtas, o moterims teikiama pagalba yra nepakankama. Darbo rinkoje išlieka vertikali ir horizontali segregacija tarp vyrų ir moterų, atlyginimų skirtumas, o vyrų, pasinaudojančių tėvystės atostogomis, skaičius yra nedidelis. Patartina Moterų ir vyrų lygių galimybių įstatyme numatyti privalomą lyčių lygybės planų, apimančių užmokesčio už darbą bei šeimai palankios politikos klausimus, įdiegimą darbdaviams viešajame ir privačiame sektoriuose, kontroliuoti jų vykdymą.

Abortų skaičius šalyje išlieka aukštas, o galimybės pasinaudoti šeimos planavimo metodais, tarp jų ir kontraceptinėmis priemonėmis, ypač moterims, gyvenanč-

ioms regionuose, yra ribotos. Daugiau nei pusė jaunų merginų ir moterų nuo 15 iki 25 metų nesinaudoja kontraceptinėmis priemonėmis, o lytinis švietimas mokyklose nėra dėstomas. Gyvybės apsaugos prenatalinėje fazėje įstatymo projekto priėmimas, apribojantis moterų pasirinkimo teisę atlikti abortą, gali paskatinti nelegalių ir nesaugių abortų atlikimą, sukelti pavojų moterų sveikatai ir gyvybei. Būtinai šeimos planavimo metodu, pavyzdžiui, kontraceptinių priemonių, kurios būtų labiau viešinamos ir prieinamos kainos prasme, pasirinkimas, pageidautina diegti privalomą lytinį ugdymą švietimo sistemoje bei didinti informuotumą ir supratimą apie šeimos planavimą tiek tarp moterų, tiek tarp vyrų.

Nevyriausybinių organizacijų, tarp jų ir moterų, finansavimas nėra pastovus ir nuoseklus, išlieka fragmentiškas, su vyraujančia konfrontuojančia konkurencija. Neparengti paramos kriterijai nevyriausybiniams organizacijoms, remiančioms moterų teises ir siekiančioms gauti finansavimą iš valstybės.

Visuomenėje skleidžiantis socialinei ir ekonominei diferenciacijai, susiformavo pažeidžiamos moterų grupės – moterys, gyvenančios atokiose gyvenvietėse, moterys, turinčios negalią, moterys, priklausančios etninių mažumų grupėms, įskaitant romų moteris, emigrantės, pagyvenusios moterys. Jos dėl savo lyties ar kitais pagrindais patiria įvairialypę diskriminaciją švietimo srityje, darbo rinkoje, sveikatos apsaugos srityje, norėdamos apsirūpinti būstu, kitose srityse.

Esamas teisinis reguliavimas, nustatantis turto, taip pat ir nekilnojamojo turto bei būsimų pajamų, padalijimą skyrybų atveju, galimai neadekvačiai įvertina su lytimi susijusius ekonominius skirtumus tarp sutuoktinių. Būtina atlikti išsamią studiją, kuri įvertintų kokias ekonomines pasekmes patiria skirdamiesi sutuoktiniai, kreipiant ypatingą dėmesį į padidėjusį žmoniškąjį kapitalą ir sutuoktinių vyrų uždarbio dydžio potencialą dėl nepertrauktos karjeros. Atsižvelgiant į studijos rezultatus, būtina įvertinti teisinį reglamentavimą ir atlikti teisinės bazės pakeitimus.

Žlugus TSRS, Lietuva, kaip ir dauguma šalių, pasuko pertvarkos, demokratizacijos ir kapitalizmo keliu. Tolimesnė šalies raida nebeatitinka nei vienos klasikinės socialinės demokratinės plėtros teorijos ir tampa naujų nenusakomų politinių, ekonominių, socialinių ir kultūrinių eksperimentų lauku.