



# Exchange of good practices on gender equality

**Gender Impact  
Assessment**  
Austria, 03-04 June 2014

Comments Paper - Lithuania

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*This publication is supported by the European Union Programme for Employment and Social Solidarity - PROGRESS (2007-2013).*

*This programme is implemented by the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 Strategy goals in these fields.*

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# Gender Impact Assessment in Lithuania

Dalia Leinarte

Vilnius University, Gender Studies Centre

## 1. Introduction

### 1.1. Legal framework

Gender equality as a principle objective is enshrined in The Act on Equal Opportunities for Women and Men (1998) and the Act on Equal Opportunities (passed in 2004 and in effect as of 1 January 2005). Amendments to the Law on Equal Opportunities for Women and Men aimed to improve further the legal protection against discrimination on the grounds of sex came into force in 2008. The Law prohibits discrimination on the grounds of sex in defining and applying social security provisions, including in systems substituting or supplementing the public social security system, also in defining participation and access conditions, setting contributions and their rates, setting benefits, including additional benefits for spouses and dependents, and establishing the duration and retention of the entitlement to benefits. Gender Equality is also enshrined in other Lithuanian laws such as the Act on Elections, the Referendum Act, the Employment Contracts Act, the Civil Service Act, the Work Safety Act, and the Act on Support for the Unemployed. All recent governmental documents, including three *National Programmes for Equal Opportunities for Women and Men* (2000-2004, 2005-2009, 2010-2014), have explicit references to gender mainstreaming as a gender equality strategy either as an objective or as a principle governing gender equality policy.

Gender impact assessment as a gender mainstreaming tool is incorporated in Lithuanian national law. In 2003 the Lithuanian government adopted a resolution on the *Methods and Procedures of Implementation of Impact Assessment* and set the rules of the procedure. The resolution made basic impact assessment in strategic document (which covers policy programmes, national projects, governmental programmes, international legal agreements) drafting, including gender impact assessment, mandatory. Accordingly, complex impact assessment, including gender impact assessment, is implemented in cases when strategic document drafting (policy programmes, national projects, governmental programmes, international legal agreements) have a crucial impact on the economic, social and political life of the country and its society. The Ministry of Justice, the Ministry of Internal affairs and the institution of the Prime Minister of Lithuania are responsible for the basic and complex impact assessment of all proposed strategic document drafting, including gender impact assessment.

Both basic and complex impact assessment of strategic documents is carried out by law drafters. Only in cases when the procedure requires technical or other specific knowledge are experts from other fields consulted. In order to make both basic and complex impact assessment comprehensive and all-inclusive, a Questionnaire was compiled. The law drafter is responsible for a compilation of three pages of basic impact assessment of a strategic document where effects (social, economic, political, including all possible effects on women and men) are foreseen. The aforementioned three-page long basic impact assessment is delivered to all related institutions, ministries and representatives of civil society.

As it was mentioned above, a Questionnaire has been developed in order to assist the strategic document drafter in compiling basic and complex impact assessment as best as possible and in the most effective way. The Questionnaire contains three sets of inquiry: 1) *Status quo*, with the main question: what impact will the unresolved problem have on a specific sphere/field if it is not solved through the adoption of the strategic project, new governmental programme, international agreement, etc.? 2) First alternative for the solution of the problem. 3) Second alternative for the solution of the problem.

Each set of this inquiry is focused on both negative and positive impacts in terms of: 1) the specific field/sphere; 2) the state's economy; 3) the state's budget; and 4) the social environment and society as a whole. The principle of 'social environment and society as a whole' implies consideration of gender impact assessment, among others. Paragraph 34 of the *Methods and Procedures of Implementation of Impact Assessment* define it in the form of a question: what impact will the implementation of the new strategic project/decision/governmental programme/agreement have on gender equality: in the labour market, on women from disadvantaged groups, on women's activities in all walks of life, etc. The strategic document drafter is required to answer the latter questions and include such analyses into the basic/complex impact assessment.

As a result, a request for a complex impact assessment, including gender impact assessment, can be initiated by the Government of Lithuania or any governmental committee or commission. In this case, the Inter-Ministerial Commission on Equal Opportunities of Women and Men consists of representatives of all ministries and the Statistics Department. The Commission is the main body responsible for gender mainstreaming policies. The Commission is accountable to the Minister of Social Security and Labour, and its activities can be monitored by the Equal Opportunities Ombudsman. It coordinates the implementation of the National Programme on Equal Opportunities for Women and Men as well as other gender-related measures at the ministerial level. Within its area of competence the Commission can submit proposals and recommendations concerning gender equality to the Government. It works in close cooperation with other components of gender equality mechanisms, especially the Office of the Equal Opportunities Ombudsman, the Advisor to the Prime Minister, and NGOs.

Gender impact assessment in law drafting and gender budgeting are not mandatory in Lithuania, however in practice, gender impact assessment in law drafting is carried out. Such practice initiated by the Inter-Ministerial Commission on Equal Opportunities of Women and Men has been carried out in a number of cases such as drafting the *Law on Protection against Domestic Violence* which came into force in 2011. The public debate made it possible to amend the previous law where domestic violence was prosecuted under general assault laws. The new law requires police to investigate reports of domestic violence even if the victim does not press charges. The new Law was adopted in very close collaboration with the Women Against Violence in Europe network in order to prepare the law in accordance with the Austrian model. Lithuanian women's NGOs particularly supported the inclusion of the law's provision for removing the offender from the victim's home. The Law draft team also was encouraged to foresee the establishment of support centres for victims that will be run by NGOs and funded by the government. It is noticeable, that in the four months after the law took effect in December, 2011, Lithuanian police received over 10,000 reports of domestic violence and initiated 3,300 investigations. According to the data of The Advocates for Human Rights, 'from the law's entry into force on December 15, 2011 to the end

of the year, police fielded about 3,000 calls reporting domestic violence and launched 935 investigations. This indicates a marked impact, considering that police conducted only 471 investigations based on 25,673 reports in the first half of 2011’.

## 2. Policy debate

In the course of the last decade Lithuanian civil society and women’s NGOs have been involved in public debates over the importance of issues of gender-responsive budgeting. As a result several in-depth studies on gender impact assessment in budgeting at different levels (governmental, municipal) have been carried out in the last ten years. However, gender responsive budgeting as well as gender impact assessment did not become a governmental policy in Lithuania. Gender impact assessments mentioned above have been carried out as isolated research and did not become an integral element of performance budgeting, as is the case in Austria.

A few years ago gender impact assessment was carried out at the level of the municipal budget of the city of Vilnius and has also been carried out at the governmental level (1999-2006 budgets). According to the gender impact assessment, the fields of activity receiving the most state budget financing within the state’s expenditure structure were defence, state governance and public order; not far behind are industries orientated towards export (crude oil and its secondary products), finance, energy service sectors, and the like, which as a rule are male-dominated fields. Meanwhile education, culture, health, and social security fields of activity where women predominate receive what, if any, leftovers remain from budget calculations. Under the period of the investigation the State budget’s allocations increased significantly to the transport and communication sector (13 times), mineral resource extraction, industry and construction (185.8%) and defence sectors (90.7%), i.e., sectors where men clearly dominate. Whereas the financing of “women’s” sectors grew only minimally: spending on education grew only 38.5%, health and culture – each only 26.4%, and social security – 17.4%. Thus, the allocation of Lithuanian budget spending points to a distinct asymmetry based on gender equality. The existing budget financing practices seem to legitimise and encourage further gender inequality. In terms of gender, the asymmetrical allocation of state funds has a negative impact on the economy, and especially on state earnings. (Ona Gražina Rakauskienė. *Lyčių lygybės aspektas Lietuvos valstybės ir Vilniaus savivaldybės biudžetuose* [The Gender Equality Aspect in the Lithuanian State and Vilnius Municipal Budgets] <http://www.lygus.lt/lyciu-lygybe/lyciu-biudzetas/>).

There is basis for the claim that one of the reasons for a reduction in state earnings in Lithuania is the disregard of women’s and men’s equal opportunities when putting together the country’s budget. The experience of dynamically developing countries clearly shows that investments into human resources, and their quality, serves as a guarantee for exhibiting a high economic level, as well as growth in state earnings. Whilst the quality of human resources “rests on” the social security sector and women’s reproductive economy (Rakauskienė, Vaida Lisauskaitė. *Lyčių aspekto integravimas į biudžetą* [Integration of the Gender Aspect into the Budget], Vilnius: Lygių galimybių plėtros centras, 2008).

### 3. Transferability issues

It seems that the process of gender impact assessment in law drafting in Finland is comparable to that of gender impact assessment in strategic document drafting in Lithuania (with the exception that in Lithuania it is binding). As in Finland, likewise in Lithuania it is a team that is responsible for the impact assessment of the proposed strategic document or law. In more complex cases, governmental representatives from different ministries, outside experts as well as policy-makers are involved both in Finland and Lithuania.

**Finland.** In Finland there is a commitment ‘to integrate gender impact assessment into ordinary legislative work and make it part of the general impact assessment procedure’. Likewise in Lithuania, a governmental resolution on the *Methods and Procedures of Implementation of Impact Assessment* and rules of the procedure was adopted in 2003. Accordingly, the basic impact assessment, including gender impact assessment, became mandatory for strategic documents such as national projects, governmental programmes, international agreements, etc.

However some national differences can be detected. In the case of Finland, the main object of gender impact assessment of law drafting ‘is to overcome gender-neutral procedure of law drafting, which may often involve gender bias. The official definitions present gender impact assessment as a means to prevent direct or indirect negative effects, rather than to ensure that all legislation and policies strengthen gender equality’. Contrary, the *Methods and Procedures of Implementation of Impact Assessment* presents *gender impact assessment namely as a means for* “defining gender impact assessment mainly as ‘strengthening gender equality’”. In the document it is presented as follows: what impact will implementation of the new strategic project/decision, new governmental programme, international agreement have on gender equality in all spheres of life and how will the new strategic document strengthen gender equality in the labour market? How will it affect women from disadvantaged groups?

Even though in nature both procedures, the Finnish and the Lithuanian, are similar, the Finnish procedure for gender impact assessment in legislative work is much more detailed and elaborated. In practical terms, the Finnish Questionnaire is transferable and can be included into the Lithuanian procedure for gender impact assessment in strategic documents.

Question: What procedure is carried out regarding gender impact assessment in policy programmes?

**Austria.** Performance budgeting as including gender impact assessment is a very strong precondition for gender mainstreaming. However, as it was presented in the case study of Lithuania, gender budgeting as a systematic approach has never worked out there. Having in mind the different political structures in Lithuania and Austria, I have doubts as to whether the Austrian model can be transferable to Lithuania as such.

Gender mainstreaming and gender budgeting have received constitutional level in Austria. The Constitution provides that “The Federal Government, the Federal Provinces and Local Authorities shall strive for de-facto equality of women and men in drawing up their budgets”. One of the goals to be taken into account in drawing up the federal budget is, in particular, to achieve de facto equality of women and men.

Austria has a very well developed system of auditing in all public budgeting and financial matters. The Austrian Court of Audit (ACA) is fully independent. It is competent on the federal, provincial and municipal levels.

Question: ACA is presented as one of the main tools in implementing gender budgeting. However, there is no single reference in any of the information provided by the ACA on its homepage on its mission, objectives, and results to gender budgeting and/or mainstreaming <http://www.rechnungshof.gv.at/en/austrian-court-of-audit/audits/main-focus.html>

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