CHAPTER I

GENERAL PROVISIONS

Article 1. Purpose of the Law
1. The purpose of this Law shall be to ensure the implementation of equal rights for women and men guaranteed by the Constitution of the Republic of Lithuania, and to prohibit any type of discrimination on grounds of sex, by reference in particular to marital or family status.
2. The provisions of this Law shall not apply to family and private life.
3. The provisions of this Law have been harmonised with the legal acts of the European Union referred to in the Annex to this Law.

Article 2. Definitions
1. Equal opportunities for women and men shall mean implementation of human rights guaranteed in international documents on human and civil rights and in the legislation of the Republic of Lithuania.
2. Discrimination shall mean any direct or indirect discrimination, sexual harassment, harassment or an instruction to directly or indirectly discriminate against persons on grounds of sex.
3. Violation of equal rights for women and men shall mean discrimination on grounds of sex. The fact that a person disapproves of the behaviour that violates equal rights for women and men or conforms to it cannot influence the decisions related to this person.
4. Direct discrimination shall mean a treating one person less favourably on grounds of sex than another is, has been or would be treated in a comparable situation.
5. **Indirect discrimination** shall mean an act or omission, legal provision, assessment criterion or practice that formally are the same for women and men, but their implementation or application would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless such act or omission, legal provision, assessment criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

6. **Sexual harassment** shall mean any form of unwanted and insulting verbal, written or physical conduct of a sexual nature with a person with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, humiliating or offensive environment.

7. **Harassment** shall mean an unwanted conduct related to the sex of a person that occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, humiliating or offensive environment.

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Article 2. **Burden of Proof**

When investigating the complaints or applications of natural persons, as well as the disputes of persons concerning discrimination on grounds of sex, in courts or other competent institutions, it shall be presumed that the fact of direct or indirect discrimination occurred. A person or institution against which a complaint was filed must prove that the principle of equal rights has not been violated.

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CHAPTER II

IMPLEMENTATION OF EQUAL RIGHTS FOR WOMEN AND MEN

Article 3. The Duty of State and Municipal Institutions and Agencies to Implement Equal Rights for Women and Men

State and municipal institutions and agencies must, within their competence:

1) ensure that equal rights for women and men be guaranteed in all the legal acts drafted and enacted by them;

2) draw up and implement programmes and measures aimed at ensuring equal opportunities for women and men;

3) in the manner prescribed by laws, support the programmes of public establishments, associations and charitable foundations which assist in implementing equal opportunities for women and men.
4) when providing public or administration services respect equal rights of women and men.

**Article 4. The Duty of Educational Establishments and Institutions of Science and Studies to Implement Equal Rights for Women and Men**

1. The educational establishments and institutions of science must ensure equal conditions for women and men when:

   1) admitting to vocational education institutions and schools of higher education, improving their qualifications, developing their professional skills and acquiring practical work experience;

   2) awarding grants and granting loans for studies;

   3) selecting the curricula;

   4) assessing their knowledge.

2. Within the limits of their competence, the educational establishments and institutions of science must ensure that the curricula and textbooks do not propagate discrimination of women and men.

**Article 5. The Employer's Duty to Implement Equal Rights for Women and Men at Workplace**

When implementing equal rights for women and men at workplace, the employer must:

1) apply uniform selection criteria when recruiting or promoting, except for the case specified in subparagraph 5 of paragraph 2 of Article 4;

2) provide equal working conditions and opportunities to improve qualification, re-qualify, acquire practical work experience, and provide equal benefits;

3) provide equal pay for the same work or for the work of equivalent value, including all the additional remuneration paid by the employer to employees for the performed work;

4) take appropriate measures to prevent sexual harassment or harassment of the employees;

5) take measures to ensure that an employee, a representative of an employee or an employee who is testifying or providing explanations would be protected from hostile behaviour, negative consequences and any other type of persecution as a reaction to the complaint or another legal procedure concerning discrimination.
Article 5¹. Implementation of Equal Opportunities for Women and Men in the Field of Consumer Protection

When implementing equal rights for women and men, a seller or producer of goods or a service provider must:

1) apply equal conditions of payment and guarantees for the same products, goods and services of equal value to all consumers regardless of their sex;

2) in providing consumers with information about products, goods and services or advertising them, ensure that it would not express humiliation, scorn or restriction of the rights or would not extend privileges on the grounds of a person’s sex and would not form public attitudes that one sex is superior to another.

Article 5². Prohibition of Discrimination on Grounds of Sex in Relation to Membership of or Involvement in Organisations

Discrimination on grounds of sex in relation to membership of, and involvement in, an organisation of employees or employers, or any other organisation (association) whose members carry on a particular profession, including the benefits provided for by such organisations (associations) shall be prohibited.

Article 5³. Prohibition of Discrimination on Grounds of Sex in Social Security Systems

1. It shall be prohibited to discriminate persons on grounds of sex when establishing and applying social security provisions including those that amend or supplement the state social insurance system (hereinafter referred to as the “social security provisions”):

   1) when establishing possibilities for participation and using;
   2) when establishing the contributions and their amount;
   3) when establishing benefits including additional benefits for spouses and dependent persons as well as when establishing the duration of the right to benefits and its retention.

2. Discrimination shall be prohibited when establishing and applying social security provisions in cases of sickness, disability, old-age, early retirement, accidents at work and occupational diseases or unemployment and social security provisions that provide for any type of social benefits including survivor’s and orphan’s pensions, benefits and material allowances.
3. Prohibition of discrimination on grounds of sex shall apply for employed persons including self-employed persons, persons who have terminated their employment due to sickness, maternity, accident or forced unemployment as well as jobseekers, pensioners, disabled employees and persons who are entitled to demand benefits on their behalf.

CHAPTER III
VIOLATION OF EQUAL RIGHTS FOR WOMEN AND MEN

Article 6. Actions that Violate Equal Rights for Women and Men
Violations of equal rights for women and men shall be considered any actions or other behaviour by which a person is discriminated on grounds of sex, except for cases when:

1) special protection of women during pregnancy, childbirth and nursing is applied;

2) different cases are provided for fulfilling military conscription for men and women;

3) different pensionable age for women and men is applied, except for occupational pension schemes;

4) requirements for physical training, safety and health at work are applied to women aimed at protecting the women’s health owing to their physiological properties;

5) a certain job that can be performed only by a person of a particular sex is carried out, where, due to the nature of a specific professional activity or the conditions of its fulfilment, the sex is an essential (unavoidable) and determinant professional requirement, this treatment is legitimate and the requirement is appropriate (proportionate);

6) specific temporary measures set forth by laws are applied, aimed at accelerating the guaranteeing of factual equal rights for women and men and which must be repealed upon implementation of equal rights and equal opportunities for women and men;

7) different procedure and conditions of implementation of certain penalties are applied;

8) the sale of goods or the provision of services solely to, or in particular to, persons of one sex is justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Article 61. Actions of an Employer that Violate Equal Rights for Women and Men
The actions of an employer shall be treated as violating equal rights for women and men if, because of a person’s sex, he:

1) applies to a person less (more) favourable terms of recruitment, transfer to another post or payment for the same work or for the work of equivalent value;
2) in organising work, creates worse (better) working conditions for an employee;
3) imposes a disciplinary penalty on an employee, changes the working conditions, transfers him to another job or terminates the employment contract;
4) persecutes an employee, a representative of an employee or an employee who is testifying or providing explanations about the complaint or another legal procedure concerning discrimination on grounds of sex.

Article 7. Actions of Educational Establishments and Institutions of Science and Studies that Violate Equal Rights for Women and Men

The actions of educational establishments and institutions of science and studies shall be treated as violating equal rights for women and men, if, on the grounds of a person’s sex,: 

1) different requirements and conditions are applied when admitting for studies, preparing the curricula, assessing the knowledge, improving the qualification, developing professional skills or acquiring practical work experience;
2) different opportunities are provided for choosing the disciplines.

Article 71. Actions of a Seller or Producer of Goods or a Provider of Services that Violate Equal Rights for Women and Men

The actions of a seller or producer of goods or a provider of services shall be treated as violating equal rights for women and men, if, on the grounds of a person’s sex,: 

1) different conditions of payment or guarantees for the same goods, services or products of equal value or different opportunities for selecting goods and services are established;
2) in informing about products, goods and services or advertising them, public opinion is formed that one sex is superior to another, and the consumers are also being discriminated against on grounds of sex.
3) a person who has filed a complaint concerning discrimination is being persecuted.
Article 7. Discrimination on Grounds of Sex in Relation to Membership of or Involvement in Organisations

Any acts that prevent from becoming member of an organisation of employees or employers, or any other organisation (association) whose members carry on a particular profession, or involving in them, including the benefits provided for by such organisations (associations), on grounds of sex shall be treated as violating equal rights for women and men.

Article 7*. Discrimination on Grounds of Sex in Social Security Systems

Any act or omission, legal norm, assessment criterion or practice that prevent from establishing and applying equal conditions in social security provisions shall be recognised as violating equal rights for women and men, if, on the grounds of sex,:  
1) compulsory or non-compulsory participation is established;  
2) a person’s possibility to participate is restricted;  
3) different conditions for preservation of deferred payments in the case of withdrawal of an employee from the systems are established, except for the cases specified in subparagraphs 8 and 10;  
4) different rules concerning the minimum period of participation are established;  
5) different rules concerning the reimbursement of contributions or retention of the right to a benefit in the case when an employee terminates the participation in the systems are established, except for the cases specified in subparagraphs 8 and 10;  
6) different conditions for awarding benefits and restrictions concerning their receiving are established;  
7) different establishment of the rights (their acquisition) to the share of funds accumulated on behalf of the participants for the periods of maternity/paternity leave or any other special-purpose leave for family reasons, when the leave was granted in accordance with the laws or the contract and the employer is paying the contributions during the above-mentioned period;  
8) different amounts of benefits, unless it is necessary to take into consideration the factors of actuarial calculation, which differ in the defined contributions systems according to gender are established;  
9) different amounts of contributions of the participants, except for contributions for biometrical risk insurance when it is necessary to take into consideration the factors of actuarial calculation, which differ according to gender;
10) different amounts of contributions, except for the defined contributions system where it is sought to make the amount of the final benefits as similar as possible for the participants of both genders and in the case of the defined benefits systems where the contributions are used to ensure adequacy of funds required to cover the costs of guaranteed benefits.

**Article 8. Discriminatory Advertisements**

It shall be prohibited to specify the requirements in job advertisements, including those that offer civil service or education opportunities, that give priority to one of the sexes, except for the case referred to in subparagraph 5 of paragraph 4 of Article 2, and to request information from job seekers about their family status, age (except for the cases prescribed by law), private life or family plans.

**Article 9. The Rights of a Person Who is being Discriminated Against and the Persons who Represent him**

1. A person who thinks that discriminatory actions specified in this Chapter have been directed against him or that he has become the subject of sexual or any other harassment shall have the right to appeal to the Equal Opportunities Ombudsperson for an objective and unbiased help.

2. Upon receiving a written consent of a person, organisations of employees or employers and other legal persons who have a legitimate interest may represent him in judicial or administrative procedures in the manner prescribed by laws.

**CHAPTER IV**

**MONITORING AND SUPERVISION OF THE IMPLEMENTATION OF THE LAW**

**Article 10. Supervision of the Implementation of the Law**

1. The implementation of the Law on Equal Opportunities for Women and Men shall be supervised by the Equal Opportunities Ombudsperson.

2. The Office of Equal Opportunities Ombudsperson shall be established with a view to ensuring the work of the Equal Opportunities Ombudsperson.

**Article 11. Legal Basis of the Office of Equal Opportunities Ombudsperson**
1. The Office of Equal Opportunities Ombudsperson shall be guided by the Constitution of the Republic of Lithuania, this Law, international treaties to which Lithuania is a party, and other legal acts.

2. The underlying principles of the Office of Equal Opportunities Ombudsperson’s activities shall be legality, impartiality and justice.

3. The Office of Equal Opportunities shall be headed by of the Equal Opportunities Ombudsperson.

**Article 12. Competence of the Equal Opportunities Ombudsperson**

1. The Equal Opportunities Ombudsperson shall investigate the complaints related to direct and indirect discrimination, harassment and sexual harassment and shall provide objective and unbiased consultations related therewith.

2. The Equal Opportunities Ombudsperson shall conduct independent investigations into cases of discrimination and independent surveys on the state of discrimination, publish independent reports, put forward conclusions and recommendations on any discrimination-related issues with regard to the implementation of this Law, as well as proposals to state and municipal institutions and agencies of the Republic of Lithuania concerning the improvement of legal acts and priorities in the policy on the implementation of equal rights.

3. The Equal Opportunities Ombudsperson shall exchange any available information with the European Union agencies performing equivalent functions.

**Article 13. Requirements for the Equal Opportunities Ombudsperson**

A citizen of the Republic of Lithuania, who is a person of good repute, has a university degree in law and whose record of service in legal profession or at a state and municipal institutions or agencies is not less than 5 years shall be eligible for appointment as the Equal Opportunities Ombudsperson.

**Article 14. The Equal Opportunities Ombudsperson Appointment Procedure**

1. The Equal Opportunities Ombudsperson shall be appointed for the term of office of 5 years and removed from office by the Seimas of the Republic of Lithuania upon recommendation of the Speaker of the Seimas.

2. The number of the terms of office of the Equal Opportunities Ombudsperson shall not be limited.
Article 14. The Oath of the Equal Opportunities Ombudsperson

1. A person appointed to the post of the Equal Opportunities Ombudsperson shall take up the post upon swearing the oath to the State of Lithuania. A person swearing the oath of allegiance shall be entitled to choose one of the following texts of the oath:

“I, Equal Opportunities Ombudsperson of the Republic of Lithuania (forename, surname) swear to be faithful to the State of Lithuania, to respect and observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms, and legitimate interests, and to always be impartial and keep the secrets entrusted to me,

So help me God.”;

“I, Equal Opportunities Ombudsperson of the Republic of Lithuania (forename, surname) swear to be faithful to the State of Lithuania, to respect and observe its Constitution and laws, to perform my duties in good faith, to protect human rights, freedoms, and legitimate interests, and to always be impartial and keep the secrets entrusted to me.

2. The oath shall be administered by the Speaker of the Seimas at the sitting of the Seimas.

3. The Equal Opportunities Ombudsperson shall sign the text of the oath. The text of the oath shall be kept in the Seimas.

Article 15. Termination of Powers of the Equal Opportunities Ombudsperson

1. The Equal Opportunities Ombudsperson shall be removed from office:

1) at his own request;

2) upon the expiry of his powers;

3) when he is incapable of performing his duties for health reasons, i.e., if he is ill for over 120 calendar days in succession in the course of a calendar year or for over 140 calendar days during the last 12 months;

4) when a court judgement concerning him becomes effective;

5) when he is given a no-confidence vote by the Seimas of the Republic of Lithuania.

2. The powers of the Equal Opportunities Ombudsperson shall end upon his death.

Article 16. Prohibitions for the Equal Opportunities Ombudsperson
1. The Equal Opportunities Ombudsperson may not occupy any other post in state institutions and organisations, be employed in business, commercial and other private institutions or undertakings.

2. The Equal Opportunities Ombudsperson may receive no other remuneration except for the official salary and remuneration for pedagogical and creative activities.

**Article 17. Funding of the Office of Equal Opportunities Ombudsperson**

The activities of the Office of Equal Opportunities Ombudsperson shall be financed from the state budget.

**CHAPTER V**

**COMPLAINTS PROCEDURE**

**Article 18. Acceptance of Complaints**

1. Each natural and legal person shall have the right to file a complaint with the Equal Opportunities Ombudsperson concerning the violation of equal rights.

2. The complaints shall be submitted in writing. The procedure of registration and assignment of complaints shall be laid down by the regulations of the Office of Equal Opportunities Ombudsperson approved by the Equal Opportunities Ombudsperson.

3. If a complaint has been received orally or by telephone, or if the Equal Opportunities Ombudsperson has found indications of violation of equal rights in the press, other media or other sources of information, the Equal Opportunities Ombudsperson may initiate investigation on his own initiative.

4. Anonymous complaints shall not be investigated, unless the Equal Opportunities Ombudsperson decides otherwise.

**Article 19. Requirements for a Complaint**

1. A complaint shall contain the following information:

   1) the addressee - the Equal Opportunities Ombudsperson;

   2) the complainant's forename and surname or the name of the institution and the address;

   3) the names of the institutions and forename and surname of the persons against whom the complaint is being filed, also the institution where they are employed;
4) definition of the decision or actions against which the complaint is being filed, the time and circumstances under which they have been committed;

5) an application to the Equal Opportunities Ombudsperson;

6) the date of writing of the complaint and the signature of the complainant.

2. Attached to the complaint may be:

1) a copy of the contested decision;

2) the available evidence and their description;

3) a list of persons to be invited for questioning with their addresses and the circumstances each of them can corroborate.

3. Failure to adhere to the requirements for a complaint specified in paragraph 1 of this Article or failure to provide the necessary information may not serve as a basis for refusal to consider the complaint.

**Article 20. The Time Limit for Filing Complaints**

The time limit for filing complaints shall be 3 months after committing the actions against which the complaint is being filed. Complaints filed after the expiry of this time limit shall not be investigated, unless the Equal Opportunities Ombudsperson decides otherwise.

**Article 21. Refusal to Investigate a Complaint**

1. The Equal Opportunities Ombudsperson shall refuse to investigate a complaint and shall return it to the complainant not later than within 15 days, if:

1) it is impossible to launch the investigation because of the lack of facts, and the complainant fails to provide the relevant data at the request of the Equal Opportunities Ombudsperson;

2) the complaint was filed after the expiry of the time limit specified in Article 20 of this Law;

3) the investigation of the circumstances specified in the complaint is beyond the competence of the Equal Opportunities Ombudsperson;

4) a complaint on the same issue has already been investigated, is under investigation in court or, under the law, must be investigated in court;

5) a procedural decision has been adopted to launch a pre-trial investigation relating to the subject of the complaint.

2. If the complaint is sent back to the complainant, the motives for refusal to investigate it must be given. In those cases when the complaint falls beyond the competence of
the Equal Opportunities Ombudsperson, the refusal to investigate the complaint shall contain an instruction to which particular institution to address concerning this issue.

3. A repeated filing of a complaint after the investigation shall not be considered, except for the cases where new circumstances are indicated or new facts are provided.

4. If the circumstances referred to in paragraph 1 of this Article are clarified in the course of the investigation of the complaint, or if the complainant does not provide information without which the investigation of the complaint cannot be launched, the complaint shall not be investigated.

Article 22. The Time Limit for Investigation of a Complaint

A complaint must be investigated and the complainant must be given a reply within 1 month from the day of the receipt of the complaint. Where necessary, the Equal Opportunities Ombudsperson may extend the time limit for investigation for up to 2 months. The complainant must be notified about it.

Article 23. The Course of Investigation of the Complaint

1. In the course of investigation of the complaint, the Equal Opportunities Ombudsperson shall ascertain:

   1) the presence or absence of the decisions or actions against which the complaint is being filed;

   2) on what grounds or under what circumstances the decisions have been taken or actions have been committed;

   3) whether the decisions and actions cited in the complaint contradict the laws and other legal acts;

   4) who has committed a violation, for what reasons (or in pursuit of what goals), what is the extent of the violations, and how the persons who have committed the violation explain their actions;

   5) what facts or evidence corroborate the committed violation of legal acts.

2. Where, during the investigation of the complaint, the Equal Opportunities Ombudsperson establishes that two or more complaints concerning the same activity of the same person or institution or the same legal act were received from different complainants, he may investigate these complaints jointly.
3. Where, because of relationship by blood or for any other important reasons, the Equal Opportunities Ombudsperson is not able to impartially investigate a specific complaint, he shall refer it to one of the employees of the Office.

4. Upon the completion of the investigation of the complaint, a statement shall be drawn up stating the circumstances disclosed and evidence collected in the course of the investigation, as well as legal evaluation of the actions. The statement shall be signed by the Equal Opportunities Ombudsperson.

5. The results of the investigation shall be communicated to the complainant, the head of the institution where the investigation has been conducted, and the person whose actions have been investigated. Copies of the statement shall be mailed or delivered to them.

**Article 24. Decisions of the Equal Opportunities Ombudsperson**

In the course of the investigation or upon completion of the investigation, the Equal Opportunities Ombudsperson may take a decision:

1) to refer the investigation material to a pre-trial investigation institution or the prosecutor if features of a criminal act have been established;

2) to address an appropriate person or institution with a recommendation to discontinue the actions violating equal rights and to amend or repeal a legal act related thereto;

3) to hear cases of administrative offences and impose administrative sanctions;

4) to dismiss the complaint if the violations indicated in it have not been corroborated;

5) to terminate the investigation if the complainant withdraws his complaint or when there is a lack of objective evidence about the committed violation or when the complainant and offender conciliate or when acts that violate equal rights cease to be performed or when a legal act that violates equal rights is amended or repealed;

6) to admonish for committing a violation;

7) to suspend the investigation if the person, whose complaint or actions, in reference to which a complaint has been made, are under investigation, is ill or away;

8) temporarily, until taking the final decision, to ban an advertisement if there is sufficient evidence that the displayed or intended to be displayed advertisement can be recognised as inciting ethnic, racial, religious hatred or hatred on the basis of sex, sexual orientation, disability, beliefs or age and would do serious harm to the public interests, would humiliate human honour and dignity and would pose threat to the principles of public morals;
9) to impose an obligation on operators of advertising activity to terminate an unauthorised advertisement and to establish the terms and conditions for the discharge of this obligation.

**Article 24. Compensation for Damage**

A person who has suffered discrimination on grounds of sex, sexual harassment or harassment shall have the right to demand that the guilty persons reimbursed the pecuniary and non-pecuniary damage in the manner prescribed by the Civil Code of the Republic of Lithuania.

**Article 25. The Binding Character of the Requests of the Equal Opportunities Ombudsperson**

1. At the request of the Equal Opportunities Ombudsperson, state and municipal institutions and agencies, enterprises, organisations and natural persons shall forthwith make available to him the information, documents and material necessary for performing the Ombudsperson’s functions no later than within the period of 10 working days since the day of the receipt of the request to submit information, unless the specific deadline is indicated in the request.

2. In the course of investigation of a complaint, the Equal Opportunities Ombudsperson shall have the right to address the person whose activities are under investigation with a request to provide an explanation. The person shall have to provide such an explanation within the period of 10 working days since the day of the receipt of the request to submit information, unless the specific deadline is indicated in the request.

3. Persons hindering the performance of duties of the Equal Opportunities Ombudsperson shall be held liable under law.

**Article 26. Salary and Social Guarantees of the Equal Opportunities Ombudsperson**

1. The amount of remuneration and conditions of payment thereof shall be set by the Law on the Remuneration of State Politicians and State Officials.

2. The Equal Opportunities Ombudsperson shall be covered by state social insurance in accordance with the procedure established by the Law on State Social Insurance.

**Article 27. Report of the Office of Equal Opportunities Ombudsperson**
Each year, by the 15th of March, the Equal Opportunities Ombudsperson shall submit to the Seimas a report for the preceding calendar year about the activities of the Office of Equal Opportunities Ombudsperson, which is to be considered at the Seimas. This independent report shall cover the activity report of the Equal Opportunities Ombudsperson, a survey of the situation, conclusions and recommendations. The complete report must be published on the website of the Office of Equal Opportunities Ombudsperson, and, if possible, – made public through the media.

**Article 28. Transparency of Activities of the Office of Equal Opportunities Ombudsperson**

The Office of Equal Opportunities Ombudsperson shall provide information to the press and other media about the investigation of a complaint relating to violation of equal rights only subject to the consent of the complainant.

**CHAPTER VI**

**FINAL PROVISIONS**

**Article 29. Proposals to the Government of the Republic of Lithuania**

It shall be recommended to the Government of the Republic of Lithuania to allocate premises for the Office of Equal Opportunities Ombudsperson within 10 days after entry into force of this Law.

**Article 30. Entry into Force of the Law**

This Law shall enter into force on 1 March 1999.
LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW


