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NEWS REPORT

Country:	Lithuania
Title:	Amendments to the national anti-discrimination legislation adopted by the Parliament
Date:	14 December 2016
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<u>Context</u>	
Issue at stake:	The Parliament adopts amendments of the Law on Equal Treatment and Law on Equal Opportunities for Women and Men, entering into force on the 1st of January, 2017
Ground of discrimination:	All grounds, including gender
Source:	Legislation
Field:	All fields
Applicable law:	The Law on Equal Treatment, the Law on Equal Opportunities for Women and Men

Content

Law development:

On 8 November 8 2016, the *Seimas* (Parliament) adopted amendments to the Law on Equal Treatment¹ and the Law on Equal Opportunities for Women and Men.² Entering into force on 1 January 2017, the amendments make significant structural changes in both documents, moving chapters on the appointment procedure and competence of the Equal Opportunities Ombudsperson as well as procedural articles from the Law on Equal Opportunities for Women and Men to the Law on Equal Treatment. The main purpose of the new amendments was the willingness to increase legal certainty and clarification of the structure of current national anti-discrimination legislation.³

However, in addition to purely structural amendments, a few provisions with regards to substance of the law were also adopted, which concern mostly the independence and qualification of the Equal Opportunities Ombudsperson. Firstly, the new wording of the Law on Equal Treatment sets a limit of two consecutive terms for the newly appointment Ombudsperson, each lasting for 5 years (currently the law does not limit the number of terms Ombudsperson can serve in a row). Secondly, the new amendments increase the requirement of experience in legal work for the newly appointed Ombudsperson to 10

¹ Lithuania / Amendment to the Law on Equal Treatment (to enter into force on 1st January, 2017). Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 pakeitimo įstatymas. Available at: <https://www.e-tar.lt/portal/lt/legalAct/Odfc3020ac9311e6b844f0f29024f5ac>.

² Lithuania / Amendment to the Law on Equal Opportunities for Women and Men (to enter into force on 1st January, 2017). Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymo Nr. VIII-947 pakeitimo įstatymas. Available at: <https://www.e-tar.lt/portal/lt/legalAct/35656920ac9211e6b844f0f29024f5ac>.

³ Lithuania / Explanatory note for the proposed legislation, Lietuvos respublikos moterų ir vyrų lygių galimybių įstatymo nr.viii-947 pakeitimo įstatymo ir Lietuvos Respublikos lygių galimybių įstatymo nr. ix-1826 pakeitimo įstatymo projektų aiškinamasis raštas. Available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/f3adbea0182711e6aa14e8b63147ee94?jfwid=-wd7z8bi1o>.

years (currently the law requires 5 years of legal practice). In addition, the requirement for educational background is also increased to master's degree in law (according to the current wording, a bachelor's degree in law would be sufficient). Thirdly, the amendments also introduce an explicit provision which forbids the Ombudsperson to be a member of political party. Finally, the new law removes the current provision, which allows the Parliament to dismiss the Ombudsperson from the post, via confidence vote.

In addition to this, the new legislation also formally adds awareness raising, preventive and educational work to the competence of the Ombudsperson. The Ombudsperson has been involved in these activities for many years, however, formally they were not explicitly listed among the functions of the institution.

Slight changes to the decisions of the Ombudsperson have also been made: a provision allowing the Ombudsperson to halt any advertising activities temporarily if there is sufficient evidence indicating that an advertisement campaign may incite hatred or encourage discrimination was removed while explicit wording, allowing the Ombudsperson to apply to administrative court with an enquiry to assess, whether a certain administrative act is in line with the anti-discrimination laws, was added to the list of possible decisions.

Finally, a few amendments with regards to procedural aspects of investigation of complaints at the Ombudsperson institution will also enter into force from next year: a time limit for the investigation of complaint has been extended from 1 month to 3 months after receiving of the complaint at the Ombudsperson institution, the response time requirement was decreased from 15 days to 10 days, etc.

Key points of analysis: The amendments were initiated by the new head of the Ombudsperson institution and were proposed by a working group, which consisted of Equal Opportunities Ombudsperson staff, members of academic institutions and experts. They are generally welcome and could be considered as a positive step to add clarity to the national legal framework and strengthen the Ombudsperson institution. However, a few pressing issues – such as the lack of effective, dissuasive and proportionate sanctions, etc. – have not been addressed.

Internet link source:

Explanatory note for the proposed legislation (Lietuvos respublikos moterų ir vyrų lygių galimybių įstatymo nr. viii-947 pakeitimo įstatymo ir Lietuvos Respublikos lygių galimybių įstatymo nr. ix-1826 pakeitimo įstatymo projektų aiškinamasis raštas), available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/f3adbea0182711e6aa14e8b63147ee94?jfwid=-wd7z8bi1o>;

Amendment to the Law on Equal Treatment (Lietuvos Respublikos lygių galimybių įstatymo Nr. IX-1826 pakeitimo įstatymas). Available at: <https://www.e-tar.lt/portal/lt/legalAct/0dfc3020ac9311e6b844f0f29024f5ac>

Amendment to the Law on Equal Opportunities for Women and Men (Lietuvos Respublikos moterų ir vyrų lygių galimybių įstatymo Nr. VIII-947 pakeitimo įstatymas). Available at: <https://www.e-tar.lt/portal/lt/legalAct/35656920ac9211e6b844f0f29024f5ac>.