



NATIONAL ACTIVITY REPORT LITHUANIA ANTI-DISCRIMINATION AND DIVERSITY TRAINING

Lithuanian Centre for Human Rights

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This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by Lithuanian Centre for Human Rights.

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II. Introduction

The Lithuanian Centre for Human Rights, a Vilnius based non-governmental organisation, was the national partner, organising anti-discrimination seminars and diversity training. Anti-discrimination seminars took place on 12-13 November 2007 and 12-13 March 2008. Diversity management training took place on 26 March 2008.

The first national anti-discrimination training for members of various non-governmental organisations and representatives of civil society organisations took place in Vilnius (Hotel Ecotel, Slucko st. 8, Vilnius), on 12-13 November 2007. Out of 55 participants who had registered for the seminar 34 attended the training.

The second anti-discrimination training for NGOs took place on 12-13 March 2008. 23 participants took part in the training, although the initial number of registered participants was 27.

Diversity management training for employers and the business community took place on 26 March 2008. The deadline for submitting applications was extended several times. By the very last moment only 23 applications had been received and all these potential participants were registered for the seminar. However, only 13 participants eventually took part.

The Lithuanian Centre for Human Rights (LCHR) has been involved in the anti-discrimination field since 2005 and has carried out many educational as well as awareness-raising activities in the field in cooperation with Human European Consultancy as well as on its own initiative.

During the implementation of the project LCHR managed to reach all major non-governmental organisations working with vulnerable groups as well as on human rights in general. It should be noted that the number of such NGOs is quite limited and that a significant proportion of these NGOs have attended anti-discrimination trainings which were held in previous years. Thus in some instances it was not easy to convince these NGOs to attend follow-up trainings on the same topic. However the overall result of participation in the anti-discrimination seminars can be considered as successful.

The organisation of the diversity management seminar caused some problems due to the fact that diversity management is a fairly new topic in Lithuania. Lithuanian society is quite homogeneous and people are not yet well informed about the benefits of diversity management. Thus Lithuanian businesses do not feel the need for such training and it was a difficult task to attract participants.

III. Anti-discrimination seminars

a) National activities anti-discrimination seminars

Design of the training

The first anti-discrimination seminar was designed to encompass more theoretical materials, including new developments that have taken place in national legislation. A two-day training programme was prepared by national experts. It consisted of six main modules:

- understanding discrimination
- the key concepts of discrimination
- developing skills
- national legislation and the means to tackle discrimination
- the national context
- the role of national NGOs and the national strategy for action

The second training seminar was also designed by national anti-discrimination experts. However, much more emphasis was placed on practical aspects of the training as well as providing exercises on existing legal remedies which NGOs could take advantage of.

Preparation of the seminars

National anti-discrimination seminars were prepared by the team of national anti-discrimination experts, consisting of six national trainers: Margarita Jankauskaitė, Tadas Leončikas, Laima Vengalė, Vytis Muliolis, Vladimiras Simonko and Edita Žiobienė. The first AD training was also observed by an international expert, Dieter Schindlauer.

The programme for the national anti-discrimination seminars was developed by national experts who already had experiences from previous trainings. Evaluation forms from the previous seminars were also consulted in preparation of this year's training activities.

Before the first anti-discrimination training a meeting with an international expert, Dieter Schindlauer, was organised.

Carrying out the seminars

The first anti-discrimination seminars took place on 12-13 November 2007. The training was opened by the national expert, Edita Žiobienė, who gave an introduction to the training programme as well as introducing trainers to the participants. An introductory game was played in order to make participants conformable: participants were divided into small groups of two people, they then interviewed each other and introduced each other to the group. After the introduction and familiarisation, the first training session – understanding discrimination – began.

The session was led by two national trainers, Margarita Jankauskaitė and Tadas Leončikas. Margarita Jankauskaitė introduced participants to the mechanism of discrimination, explaining it using the principle of the pyramid of power. The participants learned about the functioning of categorisation in society, the role of discriminator and the situation of vulnerable groups who suffer discrimination.

This theoretical presentation by Margarita Jankauskaitė was followed by a presentation by Tadas Leončikas, who took a sociological approach and explained to the participants the social reality of vulnerable groups. The participants were given an overview of recent representative surveys and sociological research in the discrimination field in Lithuania.

Particular emphasis was placed to the grounds of ethnicity (especially Roma issues) and sexual orientation (due to very recent data and research in this field). After the presentations by the two national trainers, a sensitivity-raising role-play game was played with volunteer participants. After the game a module on the key concepts of discrimination of the training was led by national experts, Vytis Muliolis and Laima Vengalė.

Under the 'Developing skills' section the participants were divided into three groups and were given a hypothetical racial discrimination case study, prepared by the team of national experts. Each group discussion was facilitated by two national experts. The participants were given the task of identifying a discrimination situation, a victim and a perpetrator, to find ways to address the situation through a competent institution.

The panel discussion was later conducted by national expert Edita Žiobienė. The first day of the training and the 'Developing skills' section of the programme was completed with a documentary film screening. The participants were shown an awareness-raising documentary, 'Diversity, ignorance and love', which raised the issue of discrimination against people on the ground of sexual orientation in the area of employment. A panel discussion following the screening was facilitated by national experts, Margarita Jankauskaitė and Vladimiras Simonko. The discussion focused on discrimination against lesbian, gay, bisexual and transgender (LGBT) people, freedom of speech (Pride parades, particularly) and tolerance. Most of the participants identified the screening and the discussion that followed it as a very useful awareness-raising activity.

The second training day started with a deeper analyses of the implementation of the EU anti-discrimination legislation (the Race 2000/43/EC and Employment 2000/78/EC Directives) into national legislation. National expert, Edita Žiobienė, explained the key concepts of the Directives which had not yet been precisely and/or correctly transposed into national law. Particular emphasis was placed on the provision regarding the right of associations and non-governmental organisations to participate on behalf or in support of the victim in discrimination cases. The expert explained to the participants the importance of this provision and the present situation, where the mis-implementation of the directives causes a serious obstacle in the search for justice.

After that the participants were once again divided into three groups, which were facilitated by the national experts, to discuss the national context of anti-discrimination activities. The participants were given the task of identifying the problems and obstacles which exist at national, local and municipal level. The participants discussed possible strategies of how to work with municipalities, how lobbying can be executed, etc. After lunch the participants returned from the group work to present the results from their working groups at a panel discussion.

The hosting organisation distributed a questionnaire to the participants and 27 completed questionnaires were received after the training. The majority of the participants were well aware of the participant profile of the training and were well-informed about the objectives of this training. One third of the participants indicated that they already had knowledge and skills to participate in the seminar. The training facilities were indicated as being comfortable by most of the participants, however, there were some comments regarding the possibility of not organising the training in a major city.

When answering question, 'How would you improve this course?', most of the participants indicated, that they would 'Reduce content covered' and 'Make course activities more stimulating'. A few participants felt that the organisation of the seminar could have been improved or that more time could have been allocated for the seminar.

Summarising the results of the questionnaire on 'Future action', some highlights and trends could be identified.

First, most of the participants identified that the format of a two-day training course was suitable for them. However, some of them stated that they would have preferred more stimulating activities. The venue of the seminar was not appreciated by some of the participants. A few participants suggested that an 'out-of-town' location might be more attractive in the future.

Regarding the content of the seminar, some of the participants identified the need for more practice-oriented training on how to use theoretical knowledge in practice – especially in representing victims of discrimination in administrative or judicial proceedings. Some participants identified the need for empowering training for trade unions, which could show the contributions trade unions could make in combating discrimination.

The second anti-discrimination seminar took place on 12-13 March 2008. Much more emphasis was placed on the practical aspects of the training as well as providing exercises on existing legal remedies, which NGOs could take advantage of.

The first training day was focused on the role of NGOs and developments in national anti-discrimination legislation. According to the draft law on Equal Treatment, which has not yet been adopted by the national Parliament, associations have certain rights to take part in proceedings in a discrimination case. Thus national anti-discrimination expert, Edita Žiobienė, introduced participants to these new developments and possible legal routes for making use of this opportunity in the future (if the draft law is adopted by the Parliament).

Later on national anti-discrimination trainer, Vladimir Simonko, led section on the role of the NGO. The participants were divided into groups and discussed possible ways of using new developments in national anti-discrimination legislation in their work. A panel discussion was facilitated by Margarita Jankauskaitė and Vladimir Simonko.

The second training day focused on the legal remedies. The training on the means to tackle discrimination was conducted by national experts, Vytis Muliulis and Laima Vengalė, who described to the participants the complaints procedure before the institution of the Equal Opportunities Ombudsman. The experts also identified some positive examples of cases which had recently been brought to the Equal Opportunities Ombudsman.

One of the positive outcomes of both anti-discrimination trainings was very fruitful discussion about the national strategy action plan. The participants raised an idea of possible cooperation between NGOs which work on different grounds of discrimination. Some of the participants expressed ideas about the possible establishment of an umbrella organisation of anti-discrimination NGOs or an informal coalition of NGOs which work with vulnerable groups.

Finally, the decision was taken to have an e-conference for all participants at the training. Some participants volunteered to establish an initial working group for possible cooperation.

Main lessons learned – seminars

National training was organised as initially planned, however, the actual number of participants was less than had been expected before the training. Of 55 participants who registered for the seminar 34 attended. There are several possible explanations for this. First of all, due to the limited resources, the hosting organisation was unable to arrange a venue in a more seminar-friendly place outside the capital city. NGO activists are more willing to participate in weekend-type events which take place outside major cities. Secondly, many trainings for the NGO community have been taking place recently and NGO activists are not that enthusiastic about all events, even if travel and accommodation costs are covered.

The first AD training took place at the Hotel Ecotel, which was one of very few options, bearing in mind the rather limited budget. Although the hosting organisation was assured that the hotel was wheelchair accessible (which was in fact true), the training room eventually provided by the hotel had stairs and was not properly accessible by wheelchair users. A positive aspect of this problematic situation was that none of the registered participants in fact needed it to be wheelchair accessible.

The hosting organisation distributed a questionnaire to the participants and 27 completed questionnaires were received after the training. The majority of the participants were well aware of the participant profile of the training and were well-informed about the objectives of the training. One third of the participants indicated that they already had knowledge and skills to participate in the seminar. The training facilities were indicated as being comfortable by most of the participants, however, there were some comments regarding the possibility of not organising the training in a major city.

b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs/trade unions working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

According to the research, implemented in 2005¹, Lithuanian civil society is one of the least organised in Europe. Only 17 % of the population are involved in the activities of any NGO or social movement. Majority of those are involved in sports and cultural organisations. Thus the segment of civil society dealing with anti-discrimination issues is very fragmented and rather weak in Lithuania. Only a few NGOs declare the task to combat discrimination as one of the main task of their activities, others devote only part of their activities to the issue, including the number of NGOs that focus on topic only from time to time.

Situation with trade unions is similar in this respect. Only approximately 15 % of the employed population are members of trade unions. Absolute majority of existing trade unions do not show particular interest to anti-discrimination issues in the work place and rather focus on economic issues.

2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?

Generally speaking, there are no organisations, which focus solely on anti-discrimination on all grounds, protected by EU anti-discrimination directives 2000/43 and 2000/78 in Lithuania. There exist only few NGOs which activities in the field are focused on all grounds of discrimination. Namely, Human Rights Monitoring Institute (main focus - monitoring), Lithuanian Centre for Human Rights (focusing on educational activities), though the anti-discrimination activities is not the only working area of these organisations. Most of the NGO's which reported working on anti-discrimination issues focus on particular grounds of discrimination.

Sexual orientation is at the focus of only few NGO's in Lithuania. Lithuanian Gay League is the key player in this field. During the period June, 2005 – December, 2007 it is implementing an EQUAL project which focuses solely on non-discrimination on the ground of sexual orientation at the workplace. Another organisation – Tolerant Youth Association – devotes part of their activities to promotion of tolerance and diversity, with special emphasis on sexual orientation. The latter organisation focuses on youth projects.

The sector of institutions working with the disability in general or in specific fields (e.g. mental disability) is comparatively numerous. The activities of such institutions are more focused on providing comprehensive services for persons with disabilities, but also include number of anti-discrimination activities (educational programs, promotion of human rights, lobbying governmental structures and institutions, etc). The same applies to the harm reduction activities (HIV/AIDS, drug users, sex workers, etc.)

A number of institutions are concerned with the age discrimination, including institutions dealing with children rights, though the diversity of activities in combating age discrimination of the latter is limited. National network "Gabija" unites 24 NGOs and 4 natural persons, working with and for elderly people of Lithuania. Lithuanian Pensioners Union "Bočiai" and Association of Elderly People of Lithuania are also active in organising events and project for elderly people.

Only few organisations are concerned with discrimination on the ground of racial or ethnic origin. Most of those joined an ENAR (European Network Against Racism) national coordination in Lithuania, formed in 2006.

¹ An overview in Lithuanian can be found in <http://www.nisc.lt/tyrimai.php>

Key players in the field – Roma Community Centre, Lithuanian Centre for Human Rights. Lithuanian Red Cross Society, working with refugee's issues, is participating in ENAR national coordination informally, not on a basis of membership.

No institutions aimed to combat discrimination on the ground of religion and/or beliefs exist to the date in Lithuania, though attempts to overcome negative religious stereotypes are seen on grass-root level (e.g. in the activities of Kulautuva Community Centre). New Religions Research and Information Centre is doing research in the fields of new religious movements, state-church relationship, not placing particular emphasis on anti-discrimination.

As it was mentioned, existing trade unions rather focus on economic and labour issues of their members, than on anti-discrimination. Only few initiatives (mainly regarding gender and age discrimination) were exercised by trade unions in recent years.

3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?

NGO's working with specific grounds of discrimination usually exercises a broad scope of activities. This includes awareness raising, educational activities, organisation of seminars and conferences, etc. Thus anti-discrimination is usually a small part of work they do. What concerns promotion of anti-discrimination legislation and trainings on the subject (including all grounds), Lithuanian Centre for Human Rights has been more actively involved in this field since 2003. However, this organisation mainly focusing on human rights education, also exercises additional activities.

Trade unions do not focus their work on anti-discrimination.

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

The level on which NGO's are registered depends on the time of their establishment and legislation in force. Previously, registration of institutions on national and regional levels existed. However, current legislation does not restrict the area of the activities of NGOs. Under the current legislation all institutions should be registered in the Register of Legal Entities – a structural division of the State Enterprise Centre of Registers. With the adoption of the new version of Civil Code the registration procedures for institutions, including NGOs, has been simplified. All societal organisations automatically became associations without having to re-register and now act under the provisions of the Law on Associations (adopted on 2004 01 22, entered into force on 2004 02 14). To establish a new NGO under the current legislation 3 founders/initiators (natural or legal persons) are needed, who should prepare a Statute, conclude a contract of founding and to register an institution under the set procedure. The institution begins to act legally after the registration in the Register of Legal Entities. The procedure of the registration is not complicated, but takes some time and costs.

The Law on Trade Unions regulates the establishment of trade unions. If a trade union is planned to represent employees of several companies, institutions or organisations (branch trade union), it must have at least 30 members representing the minimum of 1/5 of all people employed. If a trade union is established in a company or institution, which has less than 150 employees, it must represent at least 1/5 of people employed, but the minimum membership requirement is 3 natural persons in any case. Then a Statute must be drafted and executive body must be elected by the constitutive meeting. After the completion of this procedure trade union is considered as legal person. However, there is a requirement to register the statute in the State Enterprise Centre of Registers within 6 months after the establishment of a trade union, otherwise the statute is considered void.

5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions).

Generally, NGOs in Lithuania are rather small in terms of paid employees. As a rule each NGO has a minimal number of paid employees, who work in the administration, or even none, and number of activists-volunteers. Public institutions, working with disabled people issues have a greater administrative capacity comparing to other organisations. Some NGOs work on the basis of voluntary engagement only. The number of staff depends on funding available, public institutions that receive state money while implementing particular programs are usually larger. In terms of membership the size varies very significantly (from 3 to more than 43500 (e.g. The Association for the Physically Disabled of Lithuania - the largest organisation, working with disabled peoples issues in Lithuania). Approximately 90 % of trade unions in Lithuania are members to one of the three main trade-union associations: the Confederation of Lithuanian Trade Unions (CLTU), Lithuanian Labour Federation (LDF) and Lithuanian Trade Union "Solidarumas". CLTU is the largest trade union organisation. It's membership is organised on a branch/sectoral basis and currently has 26 affiliated branch trade unions (approximate membership is 120 thousand persons). "Solidarumas" unites basic trade union organisations at enterprise level, which are grouped in county, city/town and regional territorial bodies and federations (currently having 24 affiliated territorial unions and 12 federations). LDF unites several affiliated sectoral organisations with total membership of 20 000 members.

6. Are they part of larger national networks? Or are they working on their own?

Generally, national networks are not common to Lithuanian NGO's. Cooperation is more exercised through umbrella organisations. However, the later are common only to organisations, working with disabled peoples issues and age discrimination, as the number of these organisations is relatively high. Major national umbrella organisations in this respect are The Association for the Physically Disabled of Lithuania (63 subdivisions, unites 43500 members), Lithuanian Welfare Society for Persons with Mental Disability "Viltis". The later unites families, individuals with intellectual impairments, their guardians and supporters (the Society has 66 subdivisions and unites more that 11 000 members all over the country). National network "Gabija" unites 24 NGOs and 4 natural persons, working with and for elderly people of Lithuania (established in 2001 focuses on consolidation of NGOs, to exchange the experience, to inform society and to influence governmental decisions related with the life of elderly people, to raise awareness on age-discrimination), etc.

Organisations dealing with the discrimination on the grounds of ethnic origin, sexual orientation, as well as human rights organisations, commonly work on their own, as their number is low. However, the majority of these, including public institutions, participate in the "EQUAL" initiative or constitute development partnerships with aim to implement common anti-discrimination projects.

A few efforts to enhance cooperation have been made in the framework of "For diversity. Against discrimination" and "All different. All Equal" campaigns in 2006 - 2007. Additionally, ENAR (European Network Against Racism) national coordination in Lithuania, was formed in March, 2006. It unites 5 organisations, which work on issues of ethnic minorities.

Cooperation in the form of umbrella organisations is much more common in case of trade-unions as well. Approximately 90 % of trade unions in Lithuania are members to one of the three main trade-union associations: the Confederation of Lithuanian Trade Unions (CLTU), Lithuanian Labour Federation (LDF) and Lithuanian Trade Union "Solidarumas". These organisations occasionally cooperate with each other and organise joint events. However, there is an element of competition as well.

7. Are they mainly based in the Capital or spread out in the country?

The majority of NGO's working on sexual orientation, racial or ethnical belonging are based in the capital. However, activities of these organisations, as a rule cover not only the capital. There are quite a few small NGO's, working on disabled people's issues as well as age discrimination that are spread out in the country. However, their umbrella organisations are based in the capital.

The same applies to trade unions. Small trade unions are spread out in the country, but the three main trade union associations, namely, the Confederation of Lithuanian Trade Unions (CLTU), Lithuanian Labour Federation (LDF) and Lithuanian Trade Union "Solidarumas" are based in the capital.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

Generally speaking, there is no overlap of the activities of NGOs in the field of combating discrimination, as the variety of activities is limited and target groups/beneficiaries vary considerably. As a rule NGOs based in the capital and big cities are more experienced, have better resources, participate more actively in international projects, etc. Regional or local NGOs usually have better relations with local self-government and receive support. Approximately 80 % of all NGO's over the country work on educational activities. Lobbying, advocacy for change in legislation and policy are not very common activities even for NGOs in capital.

Lithuanian trade unions are rather weak in terms of resources and powers in reaching their goals. Small and local trade unions usually focus on defending social and economic interest of their members. While three main trade union associations, based in the capital are more influential. These associations focus not only on defending the interest of their members, but also exercise lobbying, try to influence decision-making and legislation processes. They are more concerned about general labour situation in the country, economic labour aspects.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)

The political or societal weight of NGO's is rather low. Most of the NGO's lack PR capacity and communication skills. Only few of them (mostly bigger NGO's, that work with disability and age discrimination, as well as human rights generally) do lobbying or are engaged in decision-making. NGOs and private sector relationships are very rare.

Due to the same reasons small trade union organisations and their actual activities at national level remain in most cases unknown to general public. Only the biggest three trade union associations have certain influence in legislative and decision-making processes. In most cases this is exercised through tripartite institutions (involving government, employers and trade unions) and more precisely through Tripartite Council of the Republic of Lithuania (Lietuvos Respublikos Trišalė Taryba), which is the major and the most influential tripartite institution among others. In Lithuania tripartite partnership is much more developed, than bipartite. Thus most of the agreements come into force through legislations, rather than bipartite negotiations.

10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)

a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)

In many cases NGOs see each other as competitors for funds and do not realise the need to work in those areas where they share a common interest. There are cases of successful cooperation (in most cases organising events jointly), however a space for further improvements exists. Major trade union associations do cooperate occasionally on policy issues, organising joint events together.

However this cooperation is not on permanent basis. So far there were almost no cases of visible cooperation between trade unions and NGO's on anti-discrimination issues.

b. *Is there greater collaboration in relation to certain grounds of discrimination? If so, which?*

There is a greater collaboration between NGO's working on disability and age discrimination, as the number of these organisations is relatively high and they also belong to umbrella organisations.

11. How are these NGOs funded?

a. *Do they receive state funding?*

Generally, a permanent and stable mechanism of NGO state funding does not exist in Lithuania. State funding is provided through few occasional tenders and associations are mainly conducting their activities with support of EU and International donors. The situation is slightly better with public institutions², which receive state funding as bodies implementing special programs (e.g. for the integration of the disabled, integration of Roma Minority into Lithuanian Society, etc.) or while participating in tenders announced by state or municipal institutions.

b. *What are the conditions in order to receive public funding?*

Legal subjectivity is usually the only common special conditions generally set in order to receive or apply for public funding. The practise shows that the state funding could be provided to the NGO by Resolution of the Government of the Republic of Lithuania through ministry/municipality/other state institution. However, public institutions usually have greater chances of succeeding in the competition, due to the fact, that they are usually founded by the institution, which provides calls for tender. In announcing the tenders each state or municipal institution sets the requirements for applicants. Other special conditions depend on the tender, thus experience in certain field is usually required.

c. *Do they also receive/apply for private funding?*

There is a limited interest from private business to support NGOs, however few NGOs succeed to receive private funds, but mainly for particular projects or activities only. The new possibility for private person to donate up to 2% of income tax was set under the Law on Income Tax of Natural Persons in 2004. However, in this case NGO's have to compete with schools, kinder gardens and hospitals (because their legal status is often "public institution"), which makes this possibility of funding quite problematic for most NGO's.

d. *Do private funders impose any restrictions or conditions?*

As private funders usually support particular projects and activities only, instead of institutional grants, they do not impose any additional restrictions or conditions.

12. How are these trade unions funded?

a. *Do they receive state funding? (Generally speaking do trade unions receive state funding?)*

Trade unions can receive state funding. There is a certain budget, allocated to programs and projects, designed to enhance social dialogue. The Ministry of Social Security and Labour manages this budget. However, it is practically accessible only to one of the three major trade union associations and small trade unions, or those not belonging to these associations cannot apply for this funding.

² Civil society institutions (NGOs) in Lithuania by legal form under the current legislation are divided to „public institutions“ and „associations“, the later could have in its name the words „union“, „association“, „societal institution“, „confederation“, etc. Both are non-profit and engaged in the public benefit activities and services, though one of the founders of the public institution (further *PI*) is municipality and/or state institution.

b. *Are they funded by a political party? If so, do they have to adhere and respect the party's line?*

Generally, trade unions do not receive funding from political parties. During the last two years the relationship between trade unions and political parties became much less visible. Thus trade unions formally are not obliged to adhere to particular party's line.

c. *Do they function only/also with their members' fees?*

Most of trade unions do collect membership fees. However this is not the only source of their finance.

d. *Are they able to receive private funding and/or participate in project funded by European/international institutions?*

Yes, they are able to receive private funding, as well as participate in particular programs or projects funded by International/European institutions.

13. *Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?*

The lack of funding is one of the most significant obstacles, restricting the scope and scale as well as the size of NGO's. The lack of funding opportunities to implement national oriented activities became even more visible after Lithuania joined European Union. Lithuanian NGO's find it difficult to get co-funding while applying to EU or international funding, because permanent and stable mechanism of NGO state funding does not exist in Lithuania. After the accession to the EU Lithuanian state has not paid much attention to the third sector and its financial situation. Most of the previous donors and funders now focus their support to beneficiaries in other regions, thus the situation for national NGO's is getting even more difficult. The same applies to trade unions.

14. *Do they work (or are in contact) with similar NGOs/trade unions in other countries?*

a. *Neighbouring countries?*

The absolute majority of consulted NGOs reported that they have contacts with similar NGOs in other countries. Those that have no contacts (as a rule they are based in smaller towns) are strongly willing to have. The closer contacts are established by NGOs with Latvia, Poland, Scandinavian countries, then with Kaliningrad region.

Most of branch trade unions are in contact and do work with trade unions from neighbouring countries, Scandinavian countries, etc. Partnerships depend on the sphere, in which trade union members work. For instance, the Federation of Lithuanian Forest and Wood Workers Trade Unions has close contacts with Scandinavian wood workers trade unions (Norwegian Wood Workers Unions (N.T.A.F.), etc. Major trade union associations are members of international trade union organisations.

b. *Other new EU Member States?*

Some NGOs have established contacts with similar organisation from Estonia, Hungary, Cyprus, Malta, Czech Republic. The contacts of trade unions depend on the branch and economic activities of their members.

c. *Others?*

Some NGOs maintain contacts with Canada, Romania, Bulgaria, and countries of former Soviet Union, "old" EU states, especially with Scandinavian countries. The contacts of trade unions depend of the branch and economic activities of their members.

15. Do they work on the international level (campaigning, case work, other)

The performance of Lithuanian NGOs on the international level is rather modest. Some NGOs are the members of international organisations or/and networks (AGE Platform, Network Help Age International, International Gay League, GAMIAN--Europe (Global Alliance of Mental Illness Advocacy Networks), International Helsinki Federation for Human Rights, DARE network, and others) and participates in their activities or/and organise joint events with other members. In 2006 ENAR (European Network Against Racism) national coordination was established in Lithuania. From time to time NGOs launch joint activities or projects in cooperation with similar institutions in other countries, though the practise is not common for all NGOs working in the field.

Major trade union associations are also involved in international organisations and activities. The Confederation of Lithuanian Trade Unions (CLTU) is a member of International Trade Union Confederation (ITUC) and European Trade Union Confederation (ETUC), has cooperation agreements with trade unions of other countries. The same applies to Lithuanian trade union “Solidarumas”, which also is a member of International Confederation of Free Trade Unions (ICFTU) and Baltic Sea Trade Union Network (BASTUN).

16. Can they work in English?

The majority of NGOs work in English and demonstrate this ability in submitting the project proposals to international donors or/and working with international partners or in international networks. Not all small regional NGOs can work in English, but are willing to improve their capacities. The same applies to local, branch trade unions as well as trade unions of particular companies/institutions.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union’s ability to work on anti-discrimination?

The linkage of major Lithuanian trade unions to certain political parties became much less visible during the last few years. A few years ago major trade union associations were linked to certain political parties, sharing similar values. Now only few trade unions have certain formal relationships with political parties. For instance, Lithuanian Trade Union Confederation now has agreement with major political party – Social democrats – but it is of a declarative character (obligations for political party to enhance social dialogue, regarding minimum wage, etc.). The involvement with any political party cannot be considered a factor, which could affect trade unions ability to work on anti-discrimination.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

There are no obstacles for a branch trade union to work on anti-discrimination, even when trade union association’s headquarters do not.

II. Expertise of NGOs/trade unions working to combat discrimination

19. What kind of work do they do?

Activities of NGOs dealing with disability in general or in specific fields mainly covers support for disabled people (social services, including Day Centres, psychological, social, legal help, peer education, etc.), educational activities (in publishing the bulletins, leaflets, books, etc.), advocacy are included. However, since quite a few of these NGO’s are public institutions (meaning, that one of their founders is state or municipal institution), they do not exercise awareness raising in full capacity, because they usually depend on the founding institution financially.

Organisations dealing with the age discrimination work on informational and educational activities, defining the areas of discrimination, advisory assistance, empowering, etc.

Organisations dealing with the sexual orientation started to work directly with discrimination at workplace. Lithuanian Gay League currently implements EQUAL project, particularly focused on anti-discrimination at work. These organisations also work on organising the social and cultural event for gay and lesbians; media and legislation monitoring; on surveys on situation and defining the areas of discrimination; awareness raising; educational and informational activities; promoting of tolerance; overcoming stereotypes; etc.

Human rights organisations do monitoring or educational activities. Lithuanian Centre for Human Rights has experience in education on diversity, tolerance and non-discrimination, legal trainings. Since 2003 it focused on promotion on tolerance and non-discrimination, published a number of books and a special website, dedicated solely to promotion of diversity, non-discrimination and human rights issues.

NGOs, mainly public institutions, dealing with discrimination on the grounds of racial/ethnic origin, are concerned more with integration of national minorities, their cultural identity, informational and educational activities for children and adults, but also provides consultations (legal, social, psychological, educational), social support, participate in the activities for promotion of tolerance, in advocacy for changes in legislation and policy. The Red Cross and few other NGOs work with refugees, their families and children (humanitarian, social, legal assistance, monitoring, etc.).

As it was mentioned before, trade unions do not show particular interest to discrimination grounds, embodied in directives 200/43/EC and 2000/78/EC. Trade union association “Solidarumas” took a few cases regarding age discrimination to courts. However, trade unions’ primary interests are economic, social labour aspects. However, major trade union associations do occasional awareness raising and advocacy activities, focused on gender and age discrimination. Thus other grounds of discrimination are a relatively new field for majority of trade unions.

20. Do they take up complaints of discrimination?

A few NGO’s have taken up complains of discrimination and tried to protect human rights of the victims of discrimination in the state institutions or hand over complains to the Equality bodies. For instance, Lithuanian Gay League took a few complaints regarding discrimination on sexual orientation to the Equal Opportunities Ombudsman institution. Some organisations (for instance Lithuanian Centre for Human Rights) provide consultations, on how to submit a complaint in case of discrimination, etc. NGO’s, working with women’s issues do consult women on other grounds of discrimination (e.g. age) as well.

There were a few cases, when trade unions took up complaints regarding the grounds, embodied in 2000/43/EC and 2000/78/EC directives. These were a few cases brought to the Equal Opportunities Ombudsman Institution and to the court, regarding age discrimination.

21. Do they focus on their own community?

As a rule those NGOs that are located in small towns are focused on their own community. However big network-like umbrella organisations focus on national situation as well.

The same applies to trade unions. Small trade unions focus on issues of their members, however major trade union associations focus more on national situation.

22. Do they work with victims directly?

Those organisations, that provide services aimed to help a person, work with victims or potential victims directly. Others that are more concerned with work with society, only in rare cases work with victim directly, if they do it at all.

Trade unions usually do not work with victims directly. In the field of discrimination there were only a few such cases.

23. Within the company, can trade unions represent only their members or any worker?

According to the national legislation (Law on Trade Unions, Article 56 of the Code of Civil Procedure) trade unions can legally represent only their members either within the company or in courts.

24. Do they do ‘case work’?

Only few NGOs do “case work” (meaning surveys on the situation, public opinion polls, work on concrete case in order to help the victim, etc.). Mainly these are human rights organisations. Generally, trade unions do not exercise case work.

25. Are they able to access state funding for casework?

State funding is accessible through the mechanism of grants for projects or governmental programmes. These programmes and tenders do not focus on casework. Thus to access state funding for casework particularly is hardly possible.

26. Does this include legal representation?

The requirements of the Equality directives regarding the engagement of associations in judicial proceedings on behalf of the victim have not been properly implemented in Lithuania. Thus under current legislation, legal representation by NGO’s at court is hardly possible. According to article 56 of the Code of Civil Procedure of the Republic of Lithuania, legal representation is exercised strictly by attorneys, with only few exceptions to trade unions, persons having degree in law in the cases of legal representation of their relative or spouse.

Largest trade unions represent the rights and interests of workers - trade union members - in labour law cases (in commissions for labour disputes and courts), consult them, how the employers follow the laws. There were only a few cases on discrimination regarding age, when trade unions took the case on age discrimination to the court on behalf of their member.

However, it must be mentioned, that so far there were no cases in Lithuanian courts, where the fact of discrimination was clearly stated.

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

NGO’s can initiate administrative procedures at Equal Opportunities Ombudsman institution in cases of discrimination. In order to engage in judicial procedure, NGO must have a legitimate interest, otherwise it cannot engage in judicial proceedings on behalf of a victim. Thus the requirements of the directives in this respect have not been properly implemented in Lithuania.

The engagement of trade unions in judicial procedure is only possible on behalf of their members. However, trade unions can initiate administrative procedures at Equal Opportunities Ombudsman institution on behalf of every worker. According to the law, Equal Opportunities Ombudsman institution can start investigation on its own initiative as well.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

According to the Article 49 of the Code of Civil Procedure of the Republic of Lithuania, there is a vague possibility to pursue a class action on behalf of group of persons. However, detailed procedure in such case is not clear, because so far no class-action cases were brought to the court. Thus it can be said, that trade unions and NGOs can hardly do it in practice.

29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)

A few NGOs provides social support for their clients, mainly victims of discrimination on the ground of sexual orientation, Roma community, refugees, etc. Such activities are much more common to other type of NGOs, working with unemployed women, people with HIV/AIDS.

As it was mentioned, trade unions do not focus their activities on anti-discrimination. Their practical work focuses on legal representation of their members in labour disputes in cases of labour law breaches. Practically, they do not work with victims or potential victims of discrimination.

30. Do they advocate changes in legislation and policies?

NGOs working with the discrimination on the grounds of disability have some experience in advocating for the policy and legislation changes. Others NGOs, with some rare exceptions for women NGOs and NGOs dealing with the age discrimination, have no experience in the advocacy for changes in legislation and policies.

Major trade union associations have experience in this field, but discrimination is not their main concern. Basically they are focusing advocacy work on economic interests of workers, not on discrimination (with some exceptions on few advocacy activities, regarding gender and age discrimination in recent years).

31. What are their relations with the central government?

NGO's, which have some experience in advocacy for changes in legislation and policies or experience in expertise of laws and their draft laws, and public institutions, which were founded by municipality/state or county governor's administration, as a rule have closer relations with the central government. However, governmental institutions are not showing the will and interest for an open dialogue even with those organisations (e. g. The Ministry of Social Security and Labour did not consult NGO's while preparing national programme against discrimination for 2007. The access to this programme to NGO's was gained after this programme had been already approved by the Government).

Major trade union associations or large trade unions have experience in lobbying and have contacts with central government. They are mainly targeting their lobbying work on economic labour problems, enhancement of social dialogue, etc.

32. With regional governments or municipalities?

As a rule, public institutions, established by regional governments or municipalities, have closer relations with regional governments or municipalities than other NGOs, if they have any. Regional NGOs have better relations with local self-government than NGOs in the capital.

Companies or small branch trade unions have better relationships with municipalities, while major trade union associations focus on central government.

33. For the trade unions, with the employers organisations?

Generally speaking, trade unions are considered by the employers' organisations as opponents rather than partners.

34. Do they have relations with the specialised bodies/ombudsman?

NGOs, working in combating gender discrimination have closer and longer-lasting relations with the Office of the Equal Opportunities Ombudsman than NGOs dealing with other grounds of discrimination, since the protection from discrimination on new grounds was included into the mandate of the Ombudsman's institution only on 1st January 2005. The relations of other NGOs with the Ombudsman are in the process of establishment. Some of the NGO's have initiated investigations at the Ombudsman institution. Additionally, Equal Opportunities Ombudsman's institution consults NGO's while preparing educational materials and trainings. Some NGO's (Human Rights Monitoring Institute and Lithuanian Centre for Human Rights) provide their opinions regarding complaints submitted to the Ombudsman.

Trade Unions do not have close relationships with the Office of the Equal Opportunities Ombudsman. However, they also initiated several investigatory procedures (regarding discrimination on age and gender mainly).

35. What are the qualifications of the staff?

The qualification of NGO staff differs significantly. There are organisations where all members of staff have higher education and long experience in the field. On the other hand there is a number of NGOs (mostly in the regions) that run activities on voluntary basis and/or have limited opportunities for staff selection and training provided for staff members.

The same applies to trade unions.

36. What training has the staff had in relation to anti-discrimination work?

There are no special or permanent training programs for NGO or trade union activists. Lithuanian Centre for Human Rights exercised onetime training particularly for NGO activists on anti-discrimination legislation. The Office of Equal Opportunities Ombudsman organise occasional trainings on the issue, while implementing governmental national anti-discrimination program. However, these are rare occasions, mainly placing emphasis on gender discrimination.

37. Are they trained in writing funding proposals and reporting?

A limited number of trainings in writing funding proposals and reporting took part in Lithuania. Some NGOs and trade union activists have attended the special seminars on writing funding proposals for particular EU or Nordic initiatives. Majority of NGOs have no special training on the issue.

38. How do they evaluate their “success and the quality of their anti-discrimination work?”

Majority of NGOs and trade unions have no special criteria for the evaluation of the “success” and quality.

III. Needs and problems of NGOs/trade unions working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

The lack of the funding was reported as one of the main problems restricting the activities of NGO’s and influencing the number of staff. Additional problem is the lack of knowledge and expertise. However, some trade unions emphasise a strong need for empowerment. One of the main difficulties is the lack of knowledge and initiative from trade union members. Regular trade union members are passive, not having interest or civil courage to fights discrimination at workplace. Basically, they do not have a positive attitude to stand up for their rights.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

The lack of staff/funding/expertise are the main problems faced by NGOs/trade unions involved in anti-discrimination work.

41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?

The lack of necessary knowledge and/or skills limits the range of activities in the anti-discrimination field running by NGOs. The majority of NGOs and trade unions consulted are sure that the lack of the necessary knowledge and/or skills is not the main problem. However, inquiries show, that skills and knowledge about anti-discrimination (especially legal) are relatively new for most NGO’s and trade unions. Thus the improvement of staff knowledge and skills is one of major concerns.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

Most NGOs and trade unions need the following: fundraising, advocacy skills, public relations skills, legal knowledge, analysing the feedback of their activities and impact of projects for society, etc.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

Most of the NGO’s working with anti-discrimination are aware of existing national legislation. However, they lack knowledge and skills on how to use national legal instruments in practice. The situation with trade unions is similar.

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

In most cases the knowledge on EU and international legislation is very limited.

45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?

Most of the consulted NGOs emphasised the need of special training on addressing government in formulating policy proposals. Usually they have no experience and skills in writing legislative proposals. No training on the topic took part in the country.

The same applies to small trade unions. However, since absolute majority of trade unions belong to one of the three main trade union associations, they can address the government with the help and capacity of these associations.

46. Do they need to do more to promote their anti-discrimination role?

Absolute majority of NGOs and trade unions need to do more to promote their anti-discrimination role.

47. Do they need to “do more” with victims, clients or potential clients, members or potential members?

Most of NGOs that were inquired expressed the need to do more with clients or potential clients. As it was mentioned, trade unions do not focus their activities on assistance to victims or potential victims.

48. Do they need to “do more” with government – to increase their credibility and status?

Absolute majority of NGOs and trade unions need to do more to improve their credibility and status.

49. For the trade unions, do they need to “do more” with the companies/employers organisations?

As it was mentioned, the relationship with trade unions and employers and their organisations is rather tense. They see each other as opponents, rather than partners. Thus the need to “do more” with the companies/employers organisations for trade unions is unquestionable.

50. Would they need to “do more” with public opinion and awareness raising?

Absolute majority of trade unions do need “do more” with public opinion and awareness raising. It applies to the biggest trade union associations as well.

51. What would they need to develop?

Most of trade unions inquired state that one of the main difficulties is the lack of knowledge and initiative from trade union members. Regular trade union members are passive, not having either knowledge, or interest and civil courage to fight discrimination at workplace. Basically, they do not have a positive attitude to stand up for their rights. Thus empowerment trainings for trade union members could also be a useful tool, encouraging the fight against discrimination.

c) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law

To start explaining general legal framework on anti-discrimination and equal treatment in Lithuania constitutional provisions must be mentioned. The Constitution was adopted by referendum on 25 October 1992 and entered into force on 2 November 1992.

Article 25 of the Constitution on freedom of expression has a clause, limiting freedom of expression in case of discriminatory actions. It states that: “Freedom to express convictions or impart information shall be incompatible with criminal actions such as the instigation of national, racial, religious or social hatred, violence or discrimination or the dissemination of slander or misinformation.”³

Article 26 of the Constitution proclaims freedom of thought, conscience and religion: “Freedom of thought, conscience and religion shall not be restricted. Each human being shall have the right to freely choose any religion or belief and, either alone or with others, in private or in public, to profess his religion, to perform religious practices, to practice and teach his belief. No one may compel another person or be compelled to choose or profess any religion or belief.”

A general equality clause is included in the Article 29⁴ of the Constitution stating, that “All persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.”

Constitutional provisions are essential, because according to the jurisprudence of the Constitutional Court of the Republic of Lithuania, they are directly applicable and each individual may defend his or her rights on the basis of the Constitution: “The Constitution shall be an integral and directly applicable act. Everyone may defend his rights by invoking the Constitution” (Article 6 of the Constitution). It must be mentioned, that the grounds of age, sexual orientation and disability are not explicitly mentioned in the Constitution, however, according to the rulings of the Constitutional Court, international treaties and other national legislation, these grounds are generally protected against discrimination in Lithuania.

Any person whose constitutional rights or freedoms are violated shall have the right to appeal to a court. However, as cases when persons base their claim solely on Constitutional provisions are extremely rare and non-existent in practice, other national legal enactments must be considered with greater importance.

One of the first legal enactments, prohibiting discrimination on the grounds of ethnicity, was the Law on National Minorities⁵. According to the provisions of Article 1 of this law any discrimination with regard to race, ethnicity or nationality, language or anything else related to ethnicity shall be prohibited and punished under the procedures provided by the laws of the Republic of Lithuania.

Criminal Code of the Republic of Lithuania prohibits severe discriminatory behavior on the basis of nationality, race, sex, origin or religion: “A person who has committed acts aimed at a certain group or members thereof on account of their nationality, race, sex, origin or religion with a view to interfering with their right to participate as equals of other persons in political, economic, social, cultural or employment activity or to restrict the human rights or freedoms of such a group or its members, shall be punished with (a) community service work (b) a fine (c) detention or (d) imprisonment for up to 3 years.”(Article 169).

³ Lietuvos Respublikos Konstitucija. Official Publication Valstybės žinios, 1992, No. 33-1014.

⁴ Legislation can be found through the search engine on the Lithuanian Parliament website at <http://www3.lrs.lt/DPAieska.html>

⁵ Tautinių mažumų įstatymas, Official Publication Valstybės žinios, 1989, No.XI-3412.

Additionally, Criminal Code also prohibits incitement against national, racial, ethnic, religious or other groups of residents: “A person who, by making public statements orally, in writing or by using the public media, ridicules, expresses contempt of, urges hatred towards or encourages discrimination against a group of residents or against a specific person, on account of his or her sex, **sexual orientation**, race, nationality, language, ethnicity, social status, faith, religion or beliefs, shall be punished with (a) a fine, (b) detention or (c) imprisonment for up to 3 years”(Article 170).

The principle of equal treatment on the ground of disability is embodied in the Law on the Social Integration of the Disabled⁶, which states that in the Republic of Lithuania the disabled regardless of the cause, character and degree of the manifestation of their disability shall be entitled to the same rights as other residents of the Republic of Lithuania.

However, the major and the most important legal act, implementing the directives 2000/43/EC (Race directive) and 2000/78/EC (Employment framework directive) is the Law on Equal Treatment.

The Law on Equal Treatment

Article 1 of this law states that “this Law is designated to ensure the application of the legal acts of the European Union, indicated in the Annex of this Law” (namely, Directives 2000/43/EC and 2000/78/EC). The Law on Equal Treatment⁷, passed in November 2003 came into force on 1 January 2005. The purpose of the law is to ensure the implementation of human rights laid down in the Constitution of the Republic of Lithuania, and to prohibit any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs. The law provides definition of Equal treatment as “implementation of the human rights, which are laid down in international documents on human and citizens’ rights and in the laws of the Republic of Lithuania, regardless of the age, sexual orientation, disability, racial or ethnic origin, religion, beliefs and other grounds established in the international agreements or laws of the Republic of Lithuania”. Thus the Law on Equal Treatment covers the prohibition of discrimination on all grounds listed in Directives 2000/78/EC and 2000/43/EC.

As it was mentioned, the law was designed to implement the provisions of Directives 2000/78 and 2000/43 into national legislation. The directives left a certain margin of appreciation to the member states in this regard, however certain clear and precise provision of the directives, considered as crucial to the implementation of the persons right to non-discrimination, had to be properly transposed in one way or another. However, Law on Equal Treatment failed to transpose the requirements of the directives in a significant number of crucial areas.

Thus it is important to examine particular requirements of the directives, which were not properly transposed to the national law.

The defence of rights – judicial and / or administrative procedures

Both Race and Employment framework directives require, that Member States ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under Directives are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.

According to the national legislation, persons that experienced discrimination have a several procedural ways to protect their rights.

⁶ Lietuvos Respublikos Invalidų socialinės integracijos įstatymo pakeitimo ir papildymo įstatymas. Official Publication Valstybės žinios, 1998, No. 98-2706.

⁷ Lygių galimybių įstatymas. Official Publication Valstybės žinios, 2003, No.114-5115.

Firstly, the Constitution of the Republic of Lithuania guarantees the right for every person to appeal to a court or other competent institution for the protection of rights, which have been violated under the Constitution. The general principle of equality of persons is embodied in a number of laws (e.g. Civil code of the Republic of Lithuania, Labour Code). However, special judicial, administrative or conciliation procedures for cases of discrimination are not embodied in the Code of Civil Procedure or other procedural laws. Thus in cases of discrimination, victims must rely on the general procedures, which are difficult to apply in discrimination cases. Having in mind that requirements of the shift of the burden of proof, as well as the involvement of associations in the procedures in civil or administrative courts are not properly transposed into the national laws, to pursue a claim against discrimination in courts is practically difficult. Thus so far there were no cases of discrimination successfully brought to the court in Lithuania.

Another possibility is to start a penal process under previously mentioned provisions of Criminal Code of the Republic of Lithuania, which prohibit discrimination and incitement. However in this case only severe discriminatory acts can be brought before the court and so far these provisions have never been used in practice.

Thirdly, in case of a labour dispute, a person can use the procedures, established by the Labour Code (however, it must be mentioned that Labour Code does not provide directly any sanctions for workplace discrimination, the sanctions are provided in the Administrative Violations Code). He or she can address Employment Disputes Commissions and courts. The Employment Disputes Commissions, according to the Labour Code) can award compensation to an individual in a case of discrimination, prohibited under the Labour Code (up to two annual salaries, if a person proves that he or she cannot continue to work in the same position as a result of a discriminatory act). Additionally, there is a possibility to address State Labour Inspectorate which controls the compliance of laws regulating labour relations and inspects compliance with the provisions of the Labour Code, among them - related with employment contracts, work pay, organisation of work and rest, as well as the enforcement of relevant resolutions of the Government of the Republic of Lithuania and orders of the Ministry of Social Security and Labour. Theoretically, State Employment Inspectors could impose administrative sanctions on employers who discriminate against employees and thus violate the provisions of the Employment Code. Sanctions are imposed by the general provision in the Code of Administrative Violations⁸. But In practice, however, State Employment Inspection officials do not address the issue of workplace discrimination.

Finally, the most widely in practice used possibility is to address Equal Opportunities Ombudsman. The Office of Equal Opportunities Ombudsman was created by the Law on Equal Treatment, which expanded the mandate of the previous institution (The Ombudsman of Equal Opportunities of Men and Women). The Equal Opportunities Ombudsman investigates complaints relating to gender-based discrimination and sexual harassment under the Law on Equal Opportunities and those relating to discrimination and harassment based on age, ethnic origin, race, sexual orientation, religion, beliefs and disability under the Law on Equal Treatment (the procedure of investigation of complaints is governed by the Law on Equal Opportunities). However, the Equal Opportunities Ombudsman's decisions do not have any compensatory effect to a victim. According to Administrative Violations Code it can impose administrative sanctions (to issue a warning or a fine), but rarely does it in practice.

⁸ Article 41. Violation of Employment Laws and Normative Acts Regulating Health and Safety at Work

“A violation of employment laws and normative acts regulating health and safety and at work is punishable by a fine for employers or their authorised representatives to the amount of 500 to 5,000 Litās.”

The role and legal standing of associations or other NGO's

The directives require, that Member States ensure that associations, organisations or other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under directives.

The requirements of the Equality directives regarding the engagement of associations in judicial proceedings on behalf or in support of the victim have not been properly implemented in Lithuania. The criteria establishing a list of possible associations, which could engage in judicial or administrative procedures (having a legitimate interest), are not set in Lithuania. NGO's can initiate administrative procedures at Equal Opportunities Ombudsman institution in cases of discrimination. In order to engage in judicial procedure, NGO must have a legitimate interest, otherwise it cannot engage in judicial proceedings on behalf of a victim. Thus the requirements of the directives in this respect have not been properly implemented in Lithuania.

Under current legislation, legal representation by NGO's at court is hardly possible. According to article 56 of the Code of Civil Procedure of the Republic of Lithuania, legal representation is exercised strictly by attorneys, with only few exceptions to trade unions representing their members, persons having degree in law in the cases of legal representation of their relative or spouse.

According to the Article 49 of the Code of Civil Procedure of the Republic of Lithuania, there is a vague possibility to pursue a class action on behalf of group of persons. However, detailed procedure in such case is not clear, because so far no class-action cases were brought to the court. Thus it can be said, that trade unions and NGOs can hardly do it in practice as well.

The shifting of the burden of proof

The shift of the burden of proof in discrimination cases is exercised only on the ground of gender discrimination. The Law on Equal Opportunities of Women and Men, which also sets the procedure of investigation of complaints at the Office of Equal Opportunities Ombudsman, describes the concept of shifting the burden of proof in cases of gender discrimination. Individuals do not have this procedural guarantee in courts or other institutions in regard to discrimination on other grounds. Thus directives in this respect are not implemented in Lithuania.

Sanctions and remedies

Both directives proclaim that Member States shall lay down rules on sanctions applicable to infringements of national provisions adopted pursuant to the Directives and shall take all measures necessary to ensure that they are applied. The sanctions, which may comprise the payment of compensation to the victim, must be effective, proportionate and dissuasive.

Generally, effective, proportionate and dissuasive sanctions In Lithuania in discrimination cases are not applied. There are sanctions embodied in the Criminal Code, which are imposed in cases of severe discriminatory acts (however it has never been done in practice yet). There are also sanctions in Administrative Violations Code for the breach of the laws on equal opportunities (these sanctions are issued by the Equal Opportunities Ombudsman). However, there are no rules on sanctions applicable to infringements of national law, implementing Directives 2000/78 and 2000/43. According to the Law on Equal Opportunities, only persons whose rights were violated on the ground of gender have a right to demand for compensation before the court as set by the Civil Code.

The Equal Opportunities Ombudsman's decisions do not have any compensatory effect to a victim. According to Administrative Violations Code it can impose administrative sanctions (to issue a warning or a fine), but rarely does it in practice.

Victimisation

Article 7 of the Law on Equal Treatment provides a list of actions, violating the right to equal treatment: “The acts of an employer shall be deemed as violating equal treatment, if due to a person’s age, sexual orientation, disability, racial or ethnic origin, religion or beliefs he: <..> persecutes the employee or public servant, *who has filed a complaint* regarding discrimination, fails to take measures, to protect the employee or public servant from hostile behaviour or negative consequences” (Paragraph 5 of this Article).

It is clear, that this prohibition of victimization does not correspond to the requirements, set by the directives, that prohibit not only discrimination of employees that directly file a complaint, but other employees as well (for instance, witness’s involved in the discrimination case). Thus Lithuanian laws formally do not provide protection to other people involved in discrimination case from victimization on behalf of employer.

Reasonable accommodation for the disabled

Article 5 of the Law on Equal Treatment states that employer must take appropriate measures to provide conditions for the disabled to obtain work, to work, to a career or to study, provided that the duties of the employer would not be disproportionately burdened as a result. However, this obligation is not detailed in other legal enactments, thus it is hardly enforceable in practice. As it was mentioned, there is no case law on the subject, neither well-established procedure of compensation or benefits to employers for the costs of providing reasonable accommodation for disabled people.

Establishment of bodies for promotion of equal treatment

The article 13 of the Race directive requires Member States to designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. An institution for promotion of equality of persons, not only on the grounds of racial or ethnical origin, but also for other grounds in Lithuania was established by the Law on Equal Treatment in 2005. The law expanded the mandate of the previous institution (The Ombudsman of Equal Opportunities of Men and Women). The Equal Opportunities Ombudsman supervises the implementation of the Law on Equal Treatment in the manner prescribed by the Law on Equal Opportunities of Women and Men. The underlying principles of the Ombudsman's activities are legality, impartiality and fairness, it is financed from the State budget. The Equal Opportunities Ombudsman promotes equal treatment of persons, in cooperation with local and international NGO’s exercises educational activities, provides independent assistance to victims of discrimination, conducts independent surveys concerning discrimination; reports about the implementation of this Law and submits recommendations to State government and administration institutions of the Republic of Lithuania on the revision of legal acts and the priorities in the policy of the implementation of equal rights. Additionally, it has the power to investigate complaints relating to direct and indirect discrimination and sexual harassment. Equal Opportunities Ombudsman may take the following decision:

- to refer the material to investigative bodies if indications of an offence have been established;
- to address an appropriate person or institution with a recommendation to discontinue the actions violating equal opportunities or to repeal a legal act relating to that;
- to hear cases of administrative offences and impose administrative sanctions (According the the Article 41(6) of the Administrative Violations Code it can issue a fine from 100 to 2000 Litas (approximately from 29 to 580 euros) for the violations of the Law on Equal treatment and the Law on Equal Opportunities;
- to admonish regarding a violation which has been committed;

- to temporarily halt advertisement activities, if there is sufficient data, that advertisement campaign may incite urge hatred towards or encourages discrimination against a group of residents or against a specific person, on account of his or her sex, sexual orientation, race, nationality, ethnicity, age, disability, faith, religion or beliefs.
- To issue binding decision to stop discriminatory advertisement campaigns.

On one hand it is a positive aspect of implementation, since the institution is designed to promote equality of persons on all grounds, covered by the directives (and gender as well). However, as it was previously mentioned, the Ombudsman was also given competence to investigate complaints on discrimination, but the decisions of the Equal Opportunities Ombudsman do not have a compensatory effect to the victim. The Ombudsman has a right to impose administrative sanctions (According to the according to Administrative Violations Code), however they can hardly be considered as of effective, proportionate and dissuasive character (especially for big companies or institutions). Additionally, the Ombudsman rarely exercises the issuance of fine as an administrative sanction in practice.

Other aspects of the transposition of the Race and Employment framework directives

The definition of discrimination in the Law on Equal Treatment has not been precisely transposed, comparing to the text, provided in the directives. This resulted in narrowing the material scope of the national law, protecting from discrimination. More precisely, the Paragraph 3 of Article 2 of the Law on Equal Treatment defines direct discrimination as follows: “Direct discrimination shall be taken to occur when on the basis of a person’s age, sexual orientation, disability, racial or ethnic origin, religion or beliefs, one person is treated less favorably than another is, has been or would be treated in an comparable situation, except for the following cases provided for by the laws <...>. The wording signifies, that protection from discrimination in case of assumed characteristics is not protected. There are no any other definitions of discrimination in other laws. Thus persons are not protected from assumed or associated discrimination.

It must be mentioned, that implementation of directives to the national legislation was not followed by any visible public discussions. None of the opinion polls or comparable assessments have been taken to identify the extent of the impediment which public opinion will prove to be, to the effective implementation of the Directives. The third sector in Lithuania is rather weak. The political or societal weight of NGO’s is rather low. Most of the NGO’s and small trade unions lack public relations capacity and communication skills. Only few of them (mostly bigger NGO’s, that work with disability and age discrimination, as well as human rights generally or biggest trade union associations) do lobbying or are engaged in decision-making.

The Committee on the Elimination of Racial Discrimination (CERD) in it’s recent observations⁹ on the situation of racial discrimination in Lithuania (March 21, 2006) also stressed the lack of discrimination cases and the fact that the International Convention on the Elimination of All forms of Racial Discrimination has not been used in the courts issues of concern. The Committee recommended that the relevant authorities provide, as soon as possible, adequate training to judges and lawyers to ensure that they are aware of the content and the direct applicability of the Convention in domestic law.

CERD welcomed the adoption of a new penal code criminalizing incitement to racial hatred as well as the adoption of a new law on Equal Treatment prohibiting direct or indirect discrimination on the grounds of age, sexual orientation, disability, race or ethnicity, religion or convictions. However, it also expressed its’ concern, that racist and xenophobic incidents and discriminatory attitudes towards ethnic minorities are still encountered in the country, including expressions of racial hatred by politicians and the media.

⁹ The report can be obtained at the official CERD website <http://www.ohchr.org/english/bodies/cerd/>

European Commission against Racism and Intolerance (ECRI) in its third report¹⁰ on Lithuania, adopted on 24 June 2005 (made public on 21 February, 2006), expressed its concern, that the provisions in force to counter racist expression, including incitement to racial hatred, which has notably targeted the Jewish, Roma and Chechen communities, have not been adequately applied. Additionally, ECRI stated that in spite of some initiatives taken, the members of the Roma population of Lithuania continue to face disadvantage, prejudice and discrimination across a wide range of areas and still need to be thoroughly involved in decision-making processes that concern them. The lack of awareness within society of discrimination and its manifestations is reflected in a general lack of support for, or hostility to the adoption of positive measures for disadvantaged groups. However, ECRI also mentioned that adoption of the Law on Equal Treatment was welcomed and positive aspect of national legislation.

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

As it was already mentioned, the Constitution, other national legislation guarantee the equal right to all persons to defend their rights in court. However, the major obstacle to tackle discriminatory actions and unequal treatment in courts is that there are no existing special judicial, administrative or conciliation procedures for the investigation of cases of discrimination in courts. In cases of discrimination, victims must rely on the general procedures established by the Constitution and legislation. The lack of transposition to the national legislation of several important provisions (the shift of the burden of proof, legal standing of associations, etc.) contributes to the lack of discrimination cases on the grounds, protected by the Race and Employment framework directives.

2.A Employment and occupation related - all grounds

Work related disputes, including those of discriminatory character, are usually solved following the procedures regulated by the Labour Code (however, it must be mentioned that Labour Code does not provide directly any sanctions for workplace discrimination, the sanctions are provided in the Administrative Violations Code). Employment Disputes Commissions or the courts are institutions mandated to settle these disputes. Article 286 of the Labour Code regulates the establishment of Employment Disputes Commissions which are the primary bodies mandated to deal with employment dispute resolution (however, not in all aspects of employment relations. In some cases the dispute can be brought to the court directly). The Employment Disputes Commissions, according to the Labour Code) can award compensation to an individual in a case of discrimination, prohibited under the Labour Code (up to two annual salaries, if a person proves that he or she cannot continue to work in the same position as a result of a discriminatory act). The responsibility to establish an Employment Disputes Commission in a company, agency or organisation falls on employer. The Commission is comprised of an equal unspecified number of representatives of the employees and the employer. An employees' meeting elects the employees' representatives. The employer appoints the representatives of the employer. The Commission is formed for a term of up to two years. A person can apply to the Employment Disputes Commission within three months from the day when he found out or ought to have found out about the violation of his rights. The decision of the Employment Disputes Commission is binding, however it can be overruled by court.

Additionally, there is a possibility to address State Labour Inspectorate which controls the compliance of laws regulating labour relations and inspects compliance with the provisions of the Labour Code, among them - related with employment contracts, work pay, organisation of work and rest, as well as the enforcement of relevant resolutions of the Government of the Republic of Lithuania and orders of the Ministry of Social Security and Labour.

¹⁰ The report can be obtained at the official ECRI website http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-Country-by-country_approach/

Theoretically, State Employment Inspectors could impose administrative sanctions on employers who discriminate against employees and thus violate the provisions of the Employment Code, but in practice, however, issue of discrimination at workplace is not addressed by the State Employment Inspection officials.

The Labour Code establishes the general time limit of three years after the discriminatory act has occurred for a person to bring a case to the court. However this term is not applied to the requirements of defence of honour and dignity of the employee. A person can also bring a case after the employment relationship has ended.

However, the most widely in practice used procedure to tackle discrimination in the workplace (as well as in other spheres, protected by the directives) is to file a complaint to the Equal Opportunities Ombudsman (see section 2.B).

2.B Non-employment or occupation related - race and ethnic origin

Firstly, the Constitution of the Republic of Lithuania guarantees the right for every person to appeal to a court or other competent institution for the protection of rights, which have been violated under the Constitution. The general principle of equality of persons is embodied in a number of laws (e.g. Civil code of the Republic of Lithuania, Labour Code). However, due to various reasons (see section 1), this possibility is not practically used yet.

Another possibility for persons that have experienced discrimination of ethnical or racial character is to start a penal process under previously mentioned provisions of Criminal Code of the Republic of Lithuania, which prohibit discrimination and incitement. However in this case only severe discriminatory acts can be brought before the court and so far these provisions have never been used in practice.

The most widely used procedure tackling discrimination so far is addressing The Equal Opportunities Ombudsman, which investigates complaints to discrimination and harassment based on age, ethnic origin, race, sexual orientation, religion, beliefs and disability under the Law on Equal Treatment (the procedure of investigation of complaints is governed by the Law on Equal Opportunities). The recommendations of the Equal Opportunities Ombudsman are of a binding nature, and persons obstructing the Ombudsman in the exercise of his duties are held liable under the law and face administrative sanctions.

2.C Where a choice of avenues for raising either an employment related or a non-employment related complaint exists:

NGO's and trade unions must clearly identify the purpose of making a complaint and situation of a victim (e.g. financial situation). If a victim seeks for the public recognition of discriminatory action only, the procedure at the Equal Opportunities Ombudsman institution is recommended, because it is much faster and practically costless. Each natural or legal person may file a complaint without the legal assistance of a lawyer. However, the Equal Opportunities Ombudsman's decisions do not have any compensatory effect to a victim. According to Administrative Violations Code it can impose administrative sanctions (to issue a warning or a fine), but rarely does it in practice. However, the decisions of the Ombudsman are of binding character.

If a victim wants to claim damages or to get some kind of compensation, the only possibility is to address the court. However, due to various reasons (see section 1), so far there were no cases of discrimination brought to the court. It must be noticed, that this avenue requires professional legal advice of lawyers, who do understand EU law in general and anti-discrimination legislation in particular, which is in most cases rare and costly. But in certain cases, when a complainant is motivated and has significant financial resources, it could be very advisable to encourage the victim to use judicial procedure thus creating a precedent or a landmark decision in court.

2.D What are the technical procedural requirements of each available remedy?

Each natural and legal person has a right to file a complaint with the Equal Opportunities Ombudsman about the violation of equal rights. The complaints should be **in writing**: the complainant or his representative may send the complaint to the Equal Opportunities Ombudsperson by post, fax, e-mail or bring it to the office of the Equal. If the complaint has been received by word of mouth or by telephone or if the Equal Opportunities Ombudsperson has found indications of violation of equal rights in mass media or other sources of information, the investigation may be started on the Ombudsperson's initiative. The Ombudsperson may decide to investigate anonymous complaints. The time limit for filing complaints is 3 months after the commission of acts against which the complaint is being filed. Complaints filed after the expiry of this time limit are not investigated unless the Equal Opportunities Ombudsman decides otherwise. The decisions of Equal Opportunities Ombudsman, when applying administrative sanctions are of binding character and can be overruled by court.

In labour disputes, a person can apply to the Employment Disputes Commission (pre-trial institution) within three months from the day when he found out or ought to have found out about the violation of his rights. The decision of the Employment Disputes Commission is binding, however it can be overruled by court.

The Labour Code establishes the general time limit of three years after the discriminatory act has occurred for a person to bring a case to the court. However this term is not applied to the requirements of defence of honour and dignity of the employee. A person can also bring a case after the employment relationship has ended.

2.E What support exists at national level for accessing the different procedures, and what can be done to overcome any impediments/obstacles?

The possibility to get primary legal aid is guaranteed to all persons in Lithuania. Officials in every municipality provide it. Secondary legal aid is only guaranteed to certain persons in need. All the information about legal aid can be found in the website, administered by the Ministry of Justice: www.teisinepagalba.lt.

It must be mentioned, that in Lithuania there is no institution providing professional legal aid in discrimination cases pro bono. A few NGO's do consulting on discrimination issues, but do not represent victims at courts. The lack of discrimination cases in courts clearly signifies the lack of familiarity with the Directives and national anti discrimination provisions on the part of judges and attorneys.

2.F Referrals to the European Court of Justice

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so. However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained.

It must be mentioned, that so far this procedure is very rarely used in Lithuania in general and have never been used in cases of discrimination in particular.

2.G Petitions to the European Parliament

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

2.H Alerting the European Commission to discriminatory administrative practices

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

2.I Complaints to the European Court of Human Rights

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section). This can be done under Article 14 of the Convention provided another Article is also engaged. It must be mentioned, that Lithuania has not ratified the Protocol 12 of the Convention yet.

Collective complaints can also be made under the Council of Europe's European Social Charter.

2.J Other international remedies

Lithuania is a party to the 1st Optional Protocol to the International Covenant on Civil and Political Rights, thus complaints can be brought to the human Rights Committee, established in the framework of the Covenant.

NGOs/trade unions should also ensure that they alert the Committees, which examine the State's periodic reports under the ICCPR, CERD, CEDAW and the Convention on the Rights of the Child to instances of discrimination.

2.K Professionalism

Everyone in a NGO/trade union who takes up the case of an individual or a group of individuals must be aware of the need to observe high standards of professionalism, including confidentiality and efficient management of case files. For individuals whose cases the NGO/trade union is not able to assist with, the NGO/trade union should be able to provide relevant information and, wherever possible, referrals to another agency that is able to provide further advice and support.

3. Societal issues

The attitudes of Lithuanian society towards various social groups and understanding of tolerance are quite well reflected in the recent Eurobarometer survey. The fact that Lithuanian society is much less multicultural and multireligious can be indicated in the opinion of Lithuanian society, regarding discrimination on the grounds of religion. Substantial disparities between Lithuanian and EU25 figures are noted in that relatively small numbers of Lithuanians see being a person of a different ethnic origin (27% for Lithuania and 62% for EU25) or of a different religion (21% vs. 39%) as being a disadvantage. However almost two thirds of the population agree that belonging to Roma ethnicity is disadvantageous to a certain extent.

A survey on tolerance of Lithuanian society was also implemented in 2003. The results showed, that 41 % of the population considered Lithuanian society as tolerant. However, almost every tenth representative agreed to the statement, that it is acceptable for the employer not to hire a homosexual in any case. The difficult situation of homosexuals in Lithuania is also visible in Eurobarometer survey, conducted in 2006. Lithuanian results are notable for the low proportion of respondents who say that they have homosexual friends or acquaintances. While 35% of citizens across the EU25 have friends or acquaintances in this group, the figure in Lithuania is just around a quarter of this - at 9%. This is a clear indicator that homosexuals in Lithuania tend to hide their sexual orientation.

This is confirmed in the survey, exercised by Lithuanian Gay League in 2003.¹¹ According to the survey, 67% percent of respondents (homosexuals) hide their sexual orientation from their parents, almost 90% of the respondents are hiding their sexual orientation in public life and work.

According to the Eurobarometer survey, Lithuanians are more in favour than respondents from the EU25 of specific measures to provide equal opportunities for everyone in the field of employment in the case of religion or beliefs (77%, +7), gender (85%, +6) and ethnic origin (75%,+5 percentage points). This is reversed for the matter of discrimination on the basis of sexual orientation, where Lithuanian support is 17 percentage points lower than that seen for the EU (49% vs. 66%). The same holds true of disability, although to a lesser extent (with a gap of 10 percentage points). In the case of sexual orientation, twice as many Lithuanians (18%) give a 'don't know' response in contrast to only 9% of the EU25 poll.

Roma people remain one of the most vulnerable groups in the society. The Committee on the Elimination of Racial Discrimination (CERD) in its latest observations¹² on the situation of racial discrimination in Lithuania (March 21, 2006) mentioned the marginalisation of Roma children at school as an issue of serious concern. The committee recommended to ensure the equal enjoyment of the right to education for Roma children. The additionally recommended that Lithuanian government intensify its efforts to raise the level of achievement in schools for Roma children, to recruit additional school personnel from among members of Roma communities to provide for the possibility of bilingual or mothertongue education. Additionally, the committee was alarmed by very high rate of unemployment among members of the Roma community.

It must also be mentioned, that organizations, protecting the rights of vulnerable groups may (and usually do) have their own prejudices. In 2005, Equal Opportunities Ombudsman investigated a complaint presented by the Lithuanian Gay League (LGL), against Lithuanian Association of the Blind and Visually Handicapped (LABVH). The Ombudsmen found that vice chairman of the LABVH breached the provisions of the Law on Equal Treatment and indirectly discriminated LGL on the basis of sexual orientation, by providing LGL less favourable conditions when LGL addressed LABVH willing to rent premises for their activities.

¹¹ Survey results in Lithuanian can be found at the website http://www.gay.lt/lgl/sod_lt.pdf

¹² The report can be obtained at the official CERD website <http://www.ohchr.org/english/bodies/cerd/>

d) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €.

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

2. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

- 1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc)
Is it easy to access such funding? What are the conditions to receive such funding?**

European Commission delegation does not provide grants or other types of funding directly to local NGO's and trade unions. However, the delegation is always willing to assist in providing information about relevant EU funding. There is also a possibility to arrange a conference room for events on non-discrimination and equality.

- 2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?**

Generally, a permanent and stable mechanism of NGO or trade union state funding does not exist in Lithuania. State funding is provided through few occasional tenders.

The situation is slightly better with public institutions¹³, which receive state funding as bodies implementing special programs (e.g. for the integration of the disabled, integration of Roma Minority into Lithuanian Society, etc.) or while participating in tenders announced by state or municipal institutions.

The Equal programme is administrated by the Ministry of Social Affairs and Labour in Lithuania (official website www.socmin.lt). There is a certain budget allocated to the implementation of the European Year of Equal Opportunities for All, which is administrated by the Equal Opportunities Ombudsman institution (official website www.lygybe.lt). The Office of the Equal Opportunities Ombudsman is the implementing institution of the European Year 2007 in Lithuania. Additionally, NGO's and Trade Unions can also find some information on funding opportunities at the European Social Fund Agency (official website www.esf.lt).

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

Funding is provided in a form of tenders. There are several state-financed programmes, administrated by the Ministry of Social Affairs and Labour. For instance, the programme on social integration of disabled, the integration of Roma to the society, etc (More information on governmental programmes is available at the official website of the Government www.lrv.lt). The programmes are implemented using open calls for proposals and tenders. All the information is available in the website www.socmin.lt.

4. Is it easy to access such funding? What are the conditions?

Legal subjectivity is usually the only common special conditions generally set in order to receive or apply for public funding. The practise shows that the state funding could be provided to the NGO by Resolution of the Government of the Republic of Lithuania through ministry/municipality/other state institution. However, public institutions usually have greater chances of succeeding in the competition, due to the fact, that they are usually founded by the institution, which provides calls for tender. In announcing the tenders each state or municipal institution sets the requirements for applicants. Other special conditions depend on the tender, thus experience in certain field is usually required.

5. In case of federal countries, are there funding possibilities at the federated level?

N/A

6. Are there other governmental funding possibilities at regional level? At municipality level?

There are few occasional grants provided by municipalities on integration of vulnerable groups to the society programmes. Grants or other funding possibilities for anti-discrimination activities particularly are almost non-existent.

¹³ Civil society institutions (NGOs) in Lithuania by legal form under the current legislation are divided to „public institutions“ and „associations“, the later could have in its name the words „union“, „association“, „societal institution“, „confederation“, etc. Both are non-profit and engaged in the public benefit activities and services, though one of the founders of the public institution (further *PI*) is municipality and/or state institution.

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

There is a limited interest from private business to support NGOs. The situation with trade unions is even worse, because business see trade unions as opponents, rather than partners. However few NGOs succeed to receive private funds, but mainly for particular projects or activities only. The new possibility for private person to donate up to 2% of income tax was set under the Law on Income Tax of Natural Persons in 2004. However, in this case NGO's have to compete with schools, kinder gardens and hospitals (because their legal status is often "public institution"), what makes this possibility of funding quite problematic for most NGO's.

8. Are there any other source of funding?

There are few other possibilities to receive funding for national NGO's or trade unions. There is a possibility for NGO's to receive EEA grants (More information can be found in official website of Norway in Lithuania www.norvegija.lt and www.eeagrants.org), however EEA grants are generally not focussed on anti-discrimination activities.

One of the possibilities is to address foreign embassies, which occasionally provide calls for proposals for particular activities. For instance Netherlands Embassy in Vilnius is administrating MATRA/Small embassy projects programme (MATRA is a major programme run by the Ministry of Foreign Affairs of the Netherlands. It has a wide range of components, and its aim is to support the process of social transformation in Central and Eastern Europe). However, MATRA/KAP is a demand-driven programme and therefore only supports target group initiatives. To be eligible for a MATRA/KAP grant, projects must promote the process of transformation into a pluralist, democratic society by helping to create a stronger, more diverse civil society. More information about the support of Ministry of Foreign Affairs of the Netherlands can be found on <http://www.mfa.nl/vil/> or <http://www.netherlandsembassy.lt/> . It is also possible is to address some other embassies, for instance, Royal Norwegian Embassy in Lithuania (official website www.norvegija.lt).

One of the main foundations in recent years remains Open Society Foundation (official website www.osf.lt). However recently it started to reduce it's activities and support for Lithuanian NGO's and now there are not much funding opportunities for anti-discrimination activities available.

IV. Diversity Management seminar

Design of the training

The diversity management seminar was designed by diversity management trainer, Indre Mackeviciute, in cooperation with the team of national anti-discrimination trainers (Margarita Jankauskaitė, Tadas Leončikas, Laima Vengalė, Vytis Muliolis, Vladimiras Simonko and Edita Žiobienė), as well as with the assistance of Danguole Grigoloviciene from the office of the Equal Opportunities Ombudsman.

Diversity management needs analysis

Before the preparation of the diversity management seminar a needs analysis was prepared by the national DM trainer. Some of the highlights of this research are provided below.

Firstly, it can be said that, from national perspective there is an **insufficient business interest** in Lithuania. The business case for diversity is generally unexplored and unknown among Lithuanian enterprises. Good practices in relation to diversity are practically non-existent and aspects of equal opportunities are rarely regarded, employed or presented as part of social responsibility and the development of a positive business image in Lithuania.

There are initiatives that focus on raising awareness among businesses of the issue of equal opportunities and non-discrimination. Business have been approached numerous times by the Office of the Equal Opportunities Ombudsperson, NGOs and other organisations. Nevertheless, it is extremely difficult to attract the attention of business leaders and their employees to the issue of non-discrimination and to persuade them to participate in seminars or training sessions. The notions of social responsibility or the business case are often of little use. This may be attributed to the fact that the general awareness of the public of non-discrimination and diversity is low and companies do not see these kinds of problems in their own working environment. In addition, there is no explicit public policy that would compel or encourage companies to work in this regard.

Therefore, in the field of diversity management, the primary focus needs to be placed on private sector awareness, devoting more attention to the business case for diversity and ensuring that potential benefits and costs are discussed more often. Private employers need to have more information in order to be able to gain insights with regard to diversity for their own businesses.

The main challenges for diversity management can be identified as follows:

- **Novelty of the issue.** Gender equality already has a history of more than ten years in Lithuania. Coordinated measures and initiatives with regard to other forms of discrimination are still new in the Lithuanian context. An integrated approach towards non-discrimination does not form part of public discourse or national policies. Discussions about whether there is a need at all to talk about inequalities are still frequent in the mass media.
- **Hierarchy of grounds.** Some of the forms of discrimination are neglected and given less importance than other forms (e.g. sexual orientation).
- **Stigmatisation, myths and stereotypes** with regard to people with specific ('minority') characteristics need to be tackled, as they constitute the main obstacle to the successful social and economic integration of women, the young and the elderly, the LGBT community, people with disabilities and people of other races, ethnic origins and religions.
- **Lack of reliable data.** The existing data on the situation of the groups of people potentially at risk of discrimination is poorly explored; there is an obvious lack of qualitative and quantitative data. This is especially true with regard to multiple forms of discrimination or certain types of social activity, e.g. sport. Various state institutions are not paying sufficient attention to collecting segregated data which might be available within their fields of work. Accordingly,

different aspects of their situation are not known to the public/policy makers and cannot be tackled with appropriate policies.

- **Limited social dialogue.** Social dialogue, although improving in quality, is still insufficient and it must be given regular attention and institutional support.
- **Levels of intolerance.** Surveys show that people have reservations as regards equal opportunities for certain groups of people in certain fields of activity in society (e.g. a considerable number of people would justify discrimination on the grounds of disability, age or ethnic origin in the hiring process in certain circumstances). Public awareness is insufficient about issues of equal opportunities, the benefits of diversity and the reasons behind and forms of direct and indirect discrimination, with the result that stereotypes and prejudices which are unsupported by fact still affect people's attitudes towards certain groups of people, thus limiting their chances in life. This insensitivity to or neglect of the importance of equality discourse is also a frequent characteristic among policy makers, civil servants and social partners as well.
- **Lack of professional skills.** Diversity work requires proper professional skills, broad knowledge, increased sensitivity and openness to issues of concern to different segments of society on various levels of decision and policy-making, as well as their implementation. As long as continuous and regular specific training is not part of personnel policy, changes will be difficult to achieve.
- **Hidden discrimination.** Discrimination practices tend to become hidden and subtle, as awareness of and resistance to direct discrimination is gradually rising. Due to this mistreatment of certain groups or people, discrimination becomes invisible and thus difficult or impossible to tackle. Hidden forms of putting some people at a disadvantage may be due to the complexity of discrimination mechanisms and power relations, a discrepancy between politically correct discourse and actions and failure to recognise malpractices.
- **Reluctance of business organisations.** Despite numerous contacts with business organisations (from the Office of the Equal Opportunities Ombudsman, NGOs and other organisations) with offers to start cooperating on issues of diversity and to develop DM initiatives, interest is low. However, work still continues in this field and the level of interest will probably increase as Lithuanian society becomes ever more diverse.

Preparation of the seminar

The topic of diversity management is relatively new in Lithuania and so the hosting organisation was aware of the possible difficulties in attracting participants from the business community to the event. There is currently no strong awareness in the Lithuanian business world that diversity management could be advantageous in a variety of ways.

Thus the hosting organisation concentrated a great deal of effort on attracting participants to the event. More than 4,000 personal invitations were sent via email to companies in Lithuania. Other methods of attracting participants were also used – announcements of the seminar were published on the human rights website run by LCHR, www.manoteises.lt, the websites of the LCHR partners, through NGO e-conferences, etc. A long-term partner of the hosting organisation, the Holiday Inn Hotel, was chosen for the venue. The head of the Equal Opportunities Ombudsman institution, Ms A. Burneikiene, was invited to make an opening speech.

The deadline for submission of applications was extended several times. By the very latest moment only 23 applications had been received and all these potential participants were registered for the seminar. However, only 13 participants eventually took part.

Carrying out the seminar

The seminar was conducted by local diversity management trainer, Indre Mackeviciute, with the assistance of Laima Vengale, advisor to the Equal Opportunities Ombudsman. An international trainer, Mr Kazuma Matoba, took part in the training as well. He provided the participants with a theoretical overview of diversity management.

During the second part, Ms Renata Gibaviciute, project manager of Rimi Lietuva Ltd, provided participants with examples of good practice in diversity management in Lithuania. She told the participants the success story of the integration of disabled people into employment in Rimi supermarkets in Lithuania.

At the end of the seminar a panel discussion took place, which was facilitated by the local diversity management trainer, Indre Mackeviciute.

Evaluation of the seminar

Bearing in mind the rather low level of participation in the seminar, it was possible to receive feedback from the participants without providing a questionnaire. Some conclusions can be drawn from interviews with participants regarding the results of the seminar.

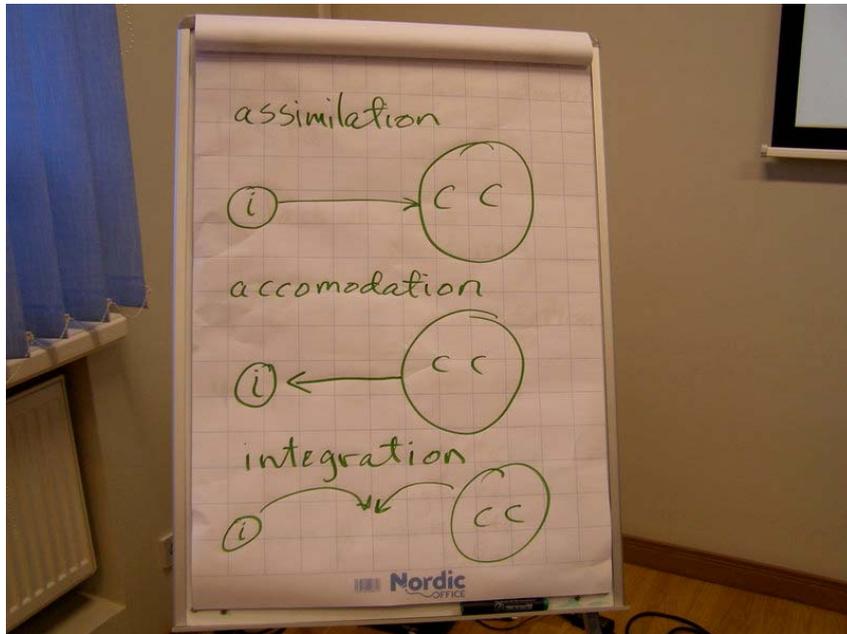
- The topic of diversity management is quite new in Lithuania, thus it is difficult to attract participants from the business community to an event such as this. There is currently a lack of awareness in the Lithuanian business world that diversity management could be advantageous in a variety of ways. Much more effort should be made to raise awareness.
- Most of the participants found the diversity management training useful, because the content of the seminar was very new to them. However, a significant proportion indicated that they would have benefited from much more time as well as additional information before the seminar. Thus a one-day training has a rather limited effect, due to the complexity and novelty of the subject.
- Participants especially appreciated the presentation of good practices in Lithuania. Ms Renata Gibaviciute, project manager of Rimi Lietuva Ltd. provided participants with examples of good practice in diversity management in Lithuania. She told the participants the success story of the integration of disabled people into employment in Rimi supermarkets in Lithuania.
- The discussion that followed the presentation indicated that the concept of diversity management could be more effectively explained by providing participants with successful case studies as well as explaining the material benefits (tax advantages, etc.) of diversity management.

Main lessons learned

The topic of diversity management is quite new in Lithuania, thus it is difficult to attract participants from the business community to an event such as this. There is currently a lack of awareness in the Lithuanian business world that diversity management could be advantageous in a variety of ways. Much more effort should be made to raise awareness.

In-depth, two or three-day training courses on diversity management might be more attractive to participants and much more fruitful.





Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.