

9. Gender Equality Policies: Swedish and Lithuanian Experiences of Nordic Ideas

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The issue of human rights has been discussed and institutionalised ever since its origins in the political philosophy of Enlightenment. In the early days, this concerned the rights of a small, well-educated group, but gradually came to comprise an increasing number of individuals. Researchers use the term ‘expanding circle’ (Singer 2011; Hunt 2007: 16–21; Ishay 2004).¹ Since 1948, when the United Nations adopted the Universal Declaration of Human Rights, both the concept of rights and the UN have often been addressed by social movements and when people experienced injustice (Donnelly 2013: ch. 1; Hunt 2007: 207–8; Young 2000). The concept of ‘human rights’ has gradually become accepted in global politics, at least on the level of principles, and has attained a prominent position in official rhetoric. This change in political discourse has given individuals new formal means for holding states, collectives, and perpetrators accountable for violations of human rights, that is, discrimination or infringement (Gellhorn 1966; Roth 2007). The global institutionalisation of human rights has thus on the one hand created an international context in which politics and legal practice are kept apart from each other while on the other hand human rights have acquired greater legitimacy and improved the living conditions of many people (Hafner-Burton and Tsutsui 2005).

Today, gender equality is considered to be one of the democratic values that constitute the human rights discourse. Gender equality has thereby been transformed from a controversial, and sometimes rejected, claim to a

¹ For a discussion about the different definitions and use of the concept of human rights see, for example, Robertsson and Khondker 1998; Therborn 1998; Thörn 2000.

meta-concept endorsed in global political discourse, if not necessarily in equal measure in practical policy making.

Theoretical and empirical starting points

The present widespread discourse of human rights has been analysed through theories addressing the complicated relationship between rights, their infringement, and acknowledgement. According to the philosopher Axel Honneth, individuals who feel their rights are violated because they are different from others signal alienation, non-citizenship, and a crisis in democracy. The institutional management of rights is therefore of particular significance to democratic states, collectives, and, not least, individuals themselves (Honneth 2007).

The philosopher Nancy Fraser, for her part, maintains that insisting on the acknowledgement of various forms of diversity has fuelled the struggle for group identity, a process by which established class interests have been replaced by multifarious group identities as a basis for political mobilisation. According to Fraser, concepts such as interests, exploitation, and redistribution therefore disappear from the political agenda. Instead of experiencing discrimination and infringement collectively and channelling the response into political movements, as in the late 1800s, reactions are now channelled into individual feelings. The problem that this shift gives rise to concerns whether rights should be interpreted socially or culturally, and the political measures that this implies. With regard to social conflicts, solutions are to be sought in the field of redistributive politics; when moral conflicts arise, however, the solution might be acknowledgement politics (Fraser 2003).

Gender equality policy and its implementation and institutionalisation are highly significant to these theoretical discussions. A study of equal opportunity ombudsman institutions and of gender equality politics in a wider sense provides a good starting point to analyse the dilemmas that arise with altered bases for discrimination from the perspective of interests, identities, collectives, and gender. It is also a good starting point for analyses of the influence of the human rights discourse on the understanding, use, and change of gender equality policies (Krizsan, Skjeie, and Squires 2012; Squires 2007; Young 2000; Scott 1988/1996).

As the sociologist Håkan Thörn (2000: 22) suggests, a question of vital importance for the human rights discourse is by whom these rights are defined and who it is that interprets their application once stipulated and

institutionalised. The only way to give a proper answer is by means of empirical studies. Such studies must also take into consideration the impact of the historical, political, and economical contexts in which human rights are applied and institutionalised (ibid. 23).

This chapter addresses two major issues by means of three case studies. The first issue is how the Nordic Council and the Nordic Council of Ministers spread ideas and institutions in the field of gender equality to the Baltic States and by doing this also promote a 'Nordic gender equality model'. The other issue concerns how gender equality is institutionalised; here examined in two case studies on the establishment of equal opportunities ombudsmen in Sweden and Lithuania, respectively. The ombudsman institution itself has become a Nordic model for conflict resolution that is lacking in countries relying only on legislation (Nielsen 1990) and the Nordic equal opportunities ombudsman model has also been copied elsewhere.²

Case study 1: Gender equality the Nordic way

By having been incorporated in the idea of human rights, gender equality is nowadays counted among the democratic values that put states under pressure of political reform. While there are a large number of international actors who wish to influence the field of gender equality, there is no consensus about how to define it. Rather, there is an on-going struggle for the power to determine the content of the concept. In this struggle, the Nordic countries try to convince international audiences to practise gender equality according to their standards. This mission is part of the political agenda of the Nordic Council and the Nordic Council of Ministers.³

Both organisations often refer to a joint Nordic political model and from the late 1960s this model gradually began to include gender equality politics. However, despite similarities in the gender equality policies pursued by individual Nordic countries, there are also significant differences. Moreover, there is no national consensus as political parties have different agendas with regard to gender equality. The model of gender equality as pre-

² As regards the Nordic Council and Nordic Council of Ministers, the ombudsman institution is seen as one component in a more comprehensive Nordic gender equality model.

³ The members of both institutions are Denmark, Finland, Iceland, Norway, and Sweden. The autonomous territories Faroe Islands, Greenland, and Åland are also represented. The Nordic Council is an inter-parliamentary body. The Nordic Council of Ministers is a forum for governmental cooperation.

sented by the Nordic Council and the Nordic Council of Ministers is thus an outcome of political discussions and compromises. Furthermore, this model has changed, for instance through the shift from a collectively designed gender equality policy that aimed for general implementation to a liberal policy that views gender equality as an option that individuals may realise. Another apparent change is the expansion of topics embraced by the model. Over the last decade, gender, together with categories such as ethnicity, race, and sexuality, has been incorporated in the concept of multi-discrimination.⁴ This illustrates that gender equality politics is the result of a political struggle over the power to define its content.

Since the late 1980s the Baltic States have undergone various economic experiments, and countless projects have been designed to emulate western institutions and strengthen democracy. Although there has always been a Nordic interest in this region, the collapse of the Soviet Union and the independence of the Baltic States brought a revival. According to the Nordic Council and the Nordic Council of Ministers, one incentive behind the cooperation that emerged was to support democratisation and the development of a civic society as well as to support the institutionalisation of human rights.⁵ Since then, the cooperation has expanded and it is now institutionalised in numerous international, national, regional, and local bodies, organisations, and networks. Moreover, the Nordic Council of Ministers maintains offices in Tallinn, Riga, and Vilnius in order to facilitate the implementation of this cooperation (*Nordic-Baltic* 2001; 2004a; 2004b; *Guidelines* 2010a; Kütt 2008; Peltonen 2012; Kharkina 2013: 75; *International Co-operation* 2013).

Despite stressing that the cooperation with the Baltic States should be characterised by mutuality, the Nordic Council and the Nordic Council of Ministers often act as if they alone are aware of solutions to various political problems (*Nordic-Baltic* 2001; 2004a; 2004b; *Guidelines* 2010a; Kütt 2008; *Gender Equality – the Nordic Way* 2010; *International Nordic Region* 2013).

⁴ The conclusions in this paragraph are mainly based on the annual sector programmes for cooperation on gender equality that are produced by the Nordic Council of Ministers, available from: <http://www.norden.org/sv/publikationer/publikationer>. For a broader discussion, see Bergqvist 1999; Bergqvist et al. 1999; Bergqvist and Jungar 2000; Bergqvist, Adman, and Jungar 2008; Kütt 2008; *Kön och makt i Norden I* 2009; Melby, Ravn, and Carlsson Wetterberg 2009; *Kön och makt i Norden II* 2010; *Gender Equality – the Nordic Way* 2010; Blomberg, Waldemarson, and Wottle 2011.

⁵ Other reasons for the interest in this region were linked to security, defence, and financial reasons, see Aylott, Johansson, and Simm 2011/12; Harvard 2011/12; Piirimäe 2011/12; Strang 2012; Kharkina 2013: 75; Björkman, Fjæstad, and Harvard 2011/12; Peltonen 2012.

Statements that the Nordic countries and the Baltic States shall jointly promote the northern dimension of gender equality do not rule out the former being regarded as more equal than the latter to determine the political content of this dimension. A publication by the Nordic Council of Ministers illustrates the asymmetric relationship:

Singled out as the most gender-equal societies in the world, the Nordic countries have contributed essentially to developing their Baltic neighbours' understanding of the goal of gender equality so we can truly work together to achieve it (Kütt 2008: 7).

Furthermore, Nordic representatives' expectation to determine the political definition of gender equality is often based on ideas about a specific Nordic identity. Statements about a joint Nordic identity, based on shared values, deeply rooted in a common history, has always characterised the Nordic Council and the Nordic Council of Ministers. However, such statements have become increasingly entrenched over the last decade. The value par excellence is referred to as a common understanding of democracy, but shared social values, or, more vaguely, a set of shared values are also mentioned. Gender equality is pointed out as one of the democratic values that characterise the Nordic countries (*Copyright Norden* 2008; Kütt 2008; *Gender Equality – the Nordic Way* 2010; *Nordic Co-operation* 2011; Burch 2011/12; Harvard 2011/12; Strang 2012: 87–9; *Nordic Council – Our Council* 2012; Kharkina 2013). Therefore the affiliation with the Nordic identity discourse has severe consequences for how gender equality is discussed, legitimised, and presented to the world.

The two Nordic councils' cooperation with the Baltic States in the field of gender equality aims to achieve several political goals. First, it is intended to inspire these countries to implement gender equality the Nordic way. Second, once this goal is achieved, a more ambitious goal is to strengthen the position of the policy in Northern Europe at large. A third aim is to extend its influence to global political arenas (Guidelines 2010b). These aspirations can be interpreted in two ways. One is to understand them as resulting from a sincere wish to make the world a more democratic place, based on the conviction that Nordic gender equality politics may contribute to such a change. The other is that the Nordic commitment in this field is prompted by the expectation that gender equality might also serve as a door opener for other goals such as strengthening Nordic influence in inter-

national arenas. These interpretations represent complementary aspects of the Nordic interest in the Baltic States.

On the one hand, an examination of activities initiated by the Nordic Council and the Nordic Council of Ministers shows that gender equality is a political field of vital interest. This is to a large extent the merit of individual politicians in this field, many of whom have a genuine concern for gender equality (Kütt 2008). It is also evident that official Nordic cooperation has a considerable influence on the policy field of gender equality, especially with regard to the spread of ideas. Conferences, workshops, and seminars funded by the Nordic Council and the Nordic Council of Ministers function as arenas for politicians, civil servants, scholars, experts, feminist activists, trade unions, lobby groups, various networks, and non-governmental organisations (NGOs). The conferences arranged within the framework of Nordic–Baltic gender equality cooperation since 1998 have contributed to the exchange of ideas on gender equality (Nordic–Baltic 2001; 2004a; 2004b; Kütt 2008; Peltonen 2012).

However, on the other hand gender equality may also be used as a means for other political goals, in particular the strengthening of the international influence of the Nordic countries. The frequent assertion that gender equality is a vital part of Nordic identity suggests that this is sometimes the case.

During the last decade ‘globalisation’ has held a prominent position on the political agenda of the Nordic Council and the Nordic Council of Ministers and it is evident that this phenomenon is seen as a challenge to Nordic international influence (*Meeting Change* 2008). As Nordic co-operation is built on transnational principles, the present process of Europeanisation, with its transfer of political power from the national and inter-governmental level to the supranational level of the European Union (EU), is regarded as another challenge. This has been reinforced by Estonian, Latvian, and Lithuanian EU accession in 2004 (*Meeting Change* 2008; Kütt 2008; *Globaliseringsredogörelse* 2008; Ketels 2009; *Nordic Council – Our Council* 2012; Peltonen 2012; *International Nordic Region* 2013).

As the EU has generally perceived the Nordic countries as political models as regards gender equality, Baltic EU-membership might have been expected to strengthen Nordic influence. Nevertheless, it is questionable whether the Nordic understanding of gender equality is currently accepted as the main inspiration of EU policy. As matters stand today, there is a considerable gap in opinions among EU members concerning gender equality – a gap that has widened with the entrance of some of the newer members (Harvard 2011/12).

The Nordic Council and Nordic Council of Ministers discuss a number of ways to meet the experienced threats to Nordic international influence. One is to strengthen the already existing Nordic cooperation (Harvard 2011/12: 17; Wetterberg 2010), another to support a political development that contributes to growth and stability in Northern Europe at large. In this respect, cooperation with the Baltic States is given a prominent role (Harvard 2011/12: 19). A third way is to exert influence by assuming the role of international political actors within the present process of a global institutionalisation of human rights. As gender equality is nowadays recognised as an essential part of human rights, any state that wishes to gain international respect and influence needs to endorse gender equality. If Nordic gender equality is associated with an advanced democratic position and an internationally admired standard, this might strengthen the Nordic position in international political arenas (Towns 2009; *Nordic Co-operation* 2011; Aylott, Johansson, and Simm 2011/12; Burch 2011/12; Kharkina 2013; *Nordic Model* 2013; for a general discussion of utilitarian policies see de los Reyes, Eduards, and Sundevall 2013). It is probably this intention that explains, at least partly, the frequent use of the notion of Nordic identity in the field of gender equality. The identity discourse is thus a way to convince the world of how deep-rooted gender equality is in the Nordic countries.

However, apparently self-evident talk about identity and shared values seems to imply that the struggle for gender equality has already been won, first in the Nordic countries and then, with their assistance, in the Baltic States. It communicates that gender equality has a given political content, thereby concealing that this policy is an outcome of political discussions, conflicts, and compromises. It also obscures the fact that the idea of gender equality has met resistance during a long period of time also in the Nordic countries. Consequently, the identity rhetoric disarms gender equality some of its political force. Instead of taking the Nordic identity in this respect for given, the discourse of gender identity needs to be re-examined, for example by asking to what extent the concept of gender equality can be associated with different political content and still claim to be a part of the Nordic model of gender equality.

Case study 2: The Swedish equal opportunities ombudsman

Traditionally, human rights have not played a major role in the consensus-oriented Nordic societies. In the 1930s, when the trade unions made agreements with employers to regulate the labour market and decide on the

common rights and obligations, the emphasis was on the collective (Bruun 1990: 17; Nielsen and Halvorsen 1990: 261). All the Nordic states developed a system defining the obligations of the state, while little attention was paid to the rights of individuals (Staaaf and Zanderin 2011). Therefore, when Sweden was asked to accept and incorporate international conventions on human rights, the process was often not entirely painless. The UN declared 1975 to be International Women's Year, and under its auspices the World Conference on Women was held in Mexico. The conference adopted a world action plan with recommendations to enhance gender equality between men and women. The Swedish delegation was active in this connection and proposed a number of provisions, all of which were adopted by the conference. Sweden was represented by all political parties and Prime Minister Olof Palme contributed to the general debate (Sandberg 1975: 79–81). Gender equality had been put on the global agenda and the process was begun by which the UN made gender a matter of international law (*ibid.*). In 1979, the General Assembly of the United Nations adopted the Convention on the Elimination of Discrimination Against Women and Sweden ratified it the following year.

Around the same time, the Swedish parliament passed an act against gender discrimination and in 1980 it set up an entirely new type of authority: the Equal Opportunity Ombudsman (*Jämställdhetsombudsmannen*). With the establishment of this ombudsman, Sweden subscribed to an international legislative trend in which human rights for individuals are safeguarded in an increasing circle of prohibition of discrimination on grounds of identity (Ishay 2004). However, the activities of the Equal Opportunities Ombudsman were limited to the labour market and had to comply with existing labour legislation. This was not the only restriction as collective agreements applied to around 90 per cent of the labour market and the labour market parties were quick to include clauses that were not binding but which kept the ombudsman outside their sphere. The latter called this a policy of 'severed hands' (*Jämsides* 4/1988: 2; 2/1989: 4; 3/1990: 6).

Political scientist Katarina Tollin argues that the legislation was made innocuous and that the ombudsman lacked any real authority. The compromise for establishing the Gender Discrimination Act was that it was to be more or less voluntary. This situation changed in 1994, when the ombudsman was entitled to intervene in the labour market, and in 2001, when

the authority of the ombudsman was expanded (Tollin 2011: 64–79).⁶ In 2009, a new authority was created, the Equality Ombudsman (*Diskrimineringsombudsmannen*, literally ‘Discrimination Ombudsman’) with responsibility not only for discrimination on the grounds of gender but also ethnicity, religion or other belief, disability, sexual orientation, and age.

The Swedish Equal Opportunities Ombudsman has been continuously involved in Nordic cooperation via the Nordic Council, the Nordic Council of Ministers, and meetings with Nordic colleagues. The Norwegian and Swedish ombudsmen met every year to exchange experience and compare conditions. The Norwegian ombudsman had a broader portfolio than its Swedish colleague as its work was not limited to the workplace. When Finland established an ombudsman in 1987, all three ombudsmen met annually to compare legislation, working methods, and results and to advance gender equality efforts. In 1989, the Danish Gender Equality Council joined them, although it did not function in the same way as the ombudsmen (*Jämsides* 2/1988: 4–5; 2/1989: 15).

The Nordic Council, Nordic ministers, and the ombudsmen all worked in close contact with the Convention on the Elimination of Discrimination Against Women. This included meetings after UN conferences on women. It was at such Nordic gender equality conferences that joint action plans as the basis for gender equality work in the Nordic region were discussed. The aim was to integrate this work with other sectors within the framework of the Nordic Council of Ministers (*Jämsides* 3/1988: 3; 2/1988: 6–9; 2/1989: 14).

In Sweden, the Equal Opportunities Ombudsman was the institution to be approached by those who were or felt discriminated on the grounds of gender between 1980 and 2008.⁷ When a complaint about discrimination was received, the Ombudsman would send an inquiry to the complainant’s trade union. If the claimant was not a member of a trade union, the Ombudsman took care of the case itself. For an investigation to be initiated, the report needed to specify the individuals who were discriminated against or harassed, contain a description of the course of events, and if possible refer to evidence. If the claimant was unable to convincingly show that discrimination had occurred, the case was dropped. If sufficient evidence

⁶ Complementary Act Ds 2001:37 removed the word “voluntary”. See also Complementary Act SFS 1994:292.

⁷ Swedish Equal Opportunities Ombudsman (1980–2008); Reports AO 1985, CH 1985, EB 1993, XD 1993, DE 1993, YC 1994, HA 1996, JD 1996, PC 2003, ÅA 2003, SD 2007. As parts of the source material are classified as secret and in accordance with standards of research ethics, no reference can be made to documents that may lead to the identification of individuals.

was found, a discussion on what had happened was started with the employer in order to resolve the issue and reach an agreement, and the claimant could claim damages.

The Equal Opportunities Ombudsman and the trade union were able to threaten legal action, such as taking the case to the labour court unless conciliation was reached and unless the employer agreed to some form of redress. Such threats usually sufficed to make employers realise the seriousness of the case. Under the act, the labour court had to be used restrictively, and this was also the prevailing practice. It was mainly cases of special interest that were heard in order to establish a legal precedent.

The reports to the ombudsman resulted in different forms of action. Approximately 40 to 70 per cent of all reports were dismissed because the complainant was not considered to be able to prove that discrimination had actually occurred. In approximately 10 to 20 per cent of cases some sort of conciliation was achieved. Recognition of their case and redress was considered as essential by claimants who felt that they had been treated unfairly. For example, it might be agreed that a complainant be given his or her job back, a higher salary, or a better reference. A third form of action was retraction, that is, complainants relinquished their reports more or less voluntarily. When conciliation was not achieved and the case was legally interesting it could also be taken to the labour court. Finally, some cases came to nothing because of limitation, when the claimant or the official institutions acted too late.

Case Study 3: The Lithuanian Equal Opportunities Ombudsman

Lithuania is the exemplary transmitter and user of western political and ideological instruments in the field of human rights and gender equality among post-socialist countries. Unlike Latvia and Estonia, which strove to demonstrate their continued nationhood by restoring pre-war constitutions upon independence in the early 1990s, Lithuania adopted a new document. The 1992 Constitution of the Republic of Lithuania declares the inborn rights and freedoms of individuals, secures the principle of legal equality of all people, and prohibits the violation of an individual's rights on the basis of his or her sex, race, nationality, language, origin, social status, religion, conviction, or opinions, and provides for the possibility to establish the ombudsman institution and specialised courts (Constitution 1992: §§ 18, 29, 73, and 111). The Lithuanian ombudsman 'family' comprises the parliamentary ombudsmen, established in 1994, the Ombudsman of Equal

Opportunities for Women and Men, created in 1999, and some later ombudsmen in other fields.

The establishment of the Lithuanian Ombudsman of Equal Opportunities for Women and Men is an example of how the permanent collective efforts of politically active women, notwithstanding their political affiliation, may enhance public reflection on gender (in)equality issues in a country undergoing transition, and stimulate politicians to adopt an anti-discrimination legislation. The Nordic Council of Ministers and the United Nations Development Program (UNDP) have played a significant role in bringing together Lithuanian women on gender equality issues and creating bridges between women's NGOs and authorities. According to the recollections of one female parliamentarian:

With the assistance of Nordic experts we drafted the first law on [equal opportunities ... But in 1996 the Conservatives obtained the absolute majority. So we strongly feared that this law would never pass. But it did.⁸

The occasional criticism of the ombudsman institution is related to the failure to establish a unified system monitoring the overall situation of human rights in Lithuania. Specific criticism aimed at the individual ombudsmen concern their specialisation, overlapping mandates, and the nature of their decisions or statements. Unlike the parliamentary ombudsmen, the Equal Opportunities Ombudsman is empowered not only to issue recommendations, but also to hear cases of administrative offences and impose sanctions (Žiobienė 2010). Criticism of the Lithuanian ombudsman institution suggests replacing the existing ombudsmen with a broad human rights agency based on the Paris Principles.⁹ The proposed reform of the Lithuanian ombudsman institution has practical reasons: by assigning the supervision of all types of human rights to a single office, its authority might be strengthened because this also allows human and economic resources to be concentrated. However, dispersion of the legal basis for violation of

⁸ In-depth interview A 2012. Homeland Union (*Tėvynės Sąjunga*), the Lithuanian conservative party, was the ruling party between 1996 and 2000. There were 25 women in the Lithuanian parliament, corresponding to 18 per cent of its members; a women's group with representatives from all parties was established.

⁹ The Paris Principles relate to the status and functioning of national institutions for the protection and promotion of human rights. In terms of mandate, the Paris Principles require that such institutions have a broad mandate that extends to all human rights. They were adopted by the UN Human Rights Commission in Resolution 1992/54, and by the UN General Assembly in Resolution 48/134 (see Annex 1993).

human rights leads to the formal disappearance of gender equality as a matter in its own right.

The Ombudsman of Equal Opportunities for Women and Men (*Motery ir vyrų lygių galimybių kontrolieriaus tarnyba*) was renamed the Office of Equal Opportunities Ombudsman (*Lygių galimybių kontrolieriaus tarnyba*, henceforth referred to as 'Office') in 2003. Today, the Office takes overall responsibility for the supervision and implementation of the Law on Equal Opportunities for Women and Men (1998) and the Law of Equal Treatment (2003) in Lithuania. Both laws deal with public life; they oblige state and municipal agencies, education, science and research institutions, employers, and conveyors of commodities and services to implement equal opportunities in their respective fields, but neither law applies to family and private life.

The ombudsman investigates individual complaints concerning direct and indirect discrimination on the grounds of gender, age, racial or ethnic origin, religion and beliefs, disability, sexual orientation, language, social status and harassment or sexual harassment. He or she submits recommendations and proposals to Parliament and governmental institutions on the priorities of gender equality policy, including recommendations on amendments to relevant legislation. The ombudsman also supervises mass media for use of discriminatory advertisements and the description of one social group as being superior or better than another.¹⁰

The Office dealt exclusively with gender equality matters in the years 1999 to 2004. The exclusion of the words 'women' and 'men' from the title of the Office was a sign of the diversification of the grounds for discrimination and signalled the disappearance of gender as a special issue of discrimination. However, in defence of grouping the various grounds of discrimination under the control of the Office, Aušrinė Burneikienė (2012), its first and re-elected ombudsperson, argued that expanding the list of the grounds of discrimination highlighted women's vulnerability in comparison to men, for instance age having a stronger impact on the social life of women than of men.

From a theoretical perspective, three conditions – naming, blaming, and claiming – need to be met before someone files a complaint with an ombudsman. As van Roosbroeck and van de Walle (2008: 293) put it: "The individual may *name* the problem and *blame* a person or organization that he believes is responsible, but if he does not know of the existence of an

¹⁰ For more information on the Office of the Equal Opportunities Ombudsman, see http://www.lygybe.lt/en/titulinis_10_25.html [2 Feb. 2014].

ombudsman, he will not reach the *claiming* phase.” Hence, it is difficult to estimate to what degree formal complaints represent the level of discrimination in Lithuanian society.¹¹ Since 1999, when the Office was established, the number of investigations of complaints has increased steadily. Gender discrimination complaints are still predominant compared to complaints with regard to other types of discrimination. Over the reporting period (1999–2012), on average men comprised 40 per cent of all complainants. The latest increase in men’s complaints is usually explained by the expansion of the grounds of discrimination and by the on-going financial crisis that makes men complain. According to the opinion of the Ombudsperson: “I think about 90 per cent of our decisions are respected ... And only if someone disagrees they go to court” (Burneikienė 2012). The majority of the disputed cases that are submitted to the court are won by the Office.

Looking at the variations in the number of individual complaints since the establishment of the Office, there is a connection between the selected grounds of discrimination (since 2005) divulged via the Office’s mass media activity and international and local organisations addressing the respective issues. This has a twofold effect: it stimulates a social reflection on ‘publicised’ social issues and motivates individuals to approach the Office.

With the 2008 financial crisis, discrimination took on another connotation in popular discourse both in the labour market and at state level. People tended to interpret the closedown of enterprises, staff or payment cutbacks, and other unfavourable decisions to overcome the crisis as discrimination and complained to the Office. The adoption of many legal acts cutting public expenditure and worsening the economic situation of vulnerable social groups, especially of pensioners and disabled people, were considered to be discriminatory and brought before the Office.

An analysis of the Office’s reports suggests that, despite its juridical limits, the Office contributes to the implementation of the idea of equality in Lithuanian society by raising legal awareness, establishing standards of political correctness, and creating gender sensitivity. For instance, there have been no discriminatory job requirements in advertisements published by the public sector since 2009.

¹¹ According to the findings of the latest European research on discrimination, 67 per cent of Lithuanians did not consider gender discrimination a social problem in 2009, see *Gender Equality in the EU* (2010).

The establishment of the ombudsman institution in Lithuania is considered to be a successful case of UNDP involvement in the processes of democratisation in Central and Eastern Europe and of Nordic cooperation with the Baltic States. Lithuania's Office of Equal Opportunities Ombudsman was the first office of its kind in a post-socialist country.¹² It not only conveyed the message that there was a strong women's agency in Lithuania, but also represented the 'woman's card', not for the first time played by Lithuanian leaders as proof of national progress towards modernisation and democratisation. The two anti-discrimination laws were also a political compromise between on the one hand traditional feminists aiming for gender equality in an unequal society and politicians wishing to demonstrate conformity to the current trend of EU equality policy of preventing injustice and promoting human rights on the other.

There is a widespread opinion that democratic changes in the central and east European countries, including the establishment of new political institutions, have been implemented under pressure from the EU and transnational agencies in exchange for EU and NATO membership. This impression is not entirely wrong. However, under the umbrella of the mandatory requirements for EU membership, local civil society organisations exploited the chance to promote the development of democratic institutions in their country, a process in which the collaboration with transnational agencies that provided a transfer of knowledge and financial support played a crucial role.

Conclusions: Gender equality policy as problem solving

Today, discussions about human rights and gender discrimination have become part of the global agenda, which means that all states are under pressure to adapt (Squires 2007; Donnelly 2003). Gender discrimination is tackled in an institutionalised problem-solving process throughout Europe. However, as shown in the three case studies, how this process is formulated, conceptualised, and implemented depends to a large extent on the social, political, and historical context.

Globalisation and, not least, Europeanisation were perceived as both a challenge and an opportunity for the Nordic countries to gain influence in international politics. This in turn contributed to the prominent role that the Nordic Council and the Nordic Council of Ministers assigned to gender

¹² Poland was the first and only socialist country to establish the ombudsman institution, the Commissioner for Civil Rights Protection (*Rzecznik Praw Obywatelskich*), in 1987.

equality politics in the international political context. The Nordic model of gender equality, in connection with the human rights discourse, was partly used as an instrument to gain international political influence. However, it is also evident that the ambition to promote Nordic gender equality was based on the will to contribute to a more equal and democratic world. From this perspective the opportunity to spread Nordic ideas of gender equality to the independent Baltic States was viewed as a ‘window of opportunity’.

It is also evident that the historical contexts have influenced the establishment of the Equal Opportunities ombudsmen in both Sweden and Lithuania. In Sweden, the autonomy of the labour market made it rather difficult to handle discrimination. The Europeanisation processes strengthened the position of the ombudsman and diminished the impact of national peculiarities. In 1994, upon entering the EU, new Acts were implemented that allowed greater interference in the labour market. In Lithuania, Europeanisation was a constituent of the transitional process from the socialist system. The adoption of the new constitution in 1992 and the creation of the Equal Opportunities Ombudsman in 1999 was in line with EU membership. However, the EU was not the only international organisation to influence Lithuanians’ disposition towards new signals and changes. The reconstruction of the ombudsman in 2003 was inspired and influenced by the UN, the global human rights discourse, and gender and diversity politics.

The state handles discrimination via a set of regulations, but this does not necessarily mean that a particular discriminated individual will be acknowledged. As Hans Ingvar Roth points out, in order to win a discrimination suit, one must possess expertise regarding the law’s rules and processes, considerable sums of money, and a stubborn streak (Roth 2007: 63). We would like to add that one must also have convincing evidence, preferably be well educated, and in possession of social capital. In accordance with Fraser and Honneth recognition and identity politics has become a vital element in gender equality politics. The issue of recognition has, at least in Sweden, changed the conditions for gender equality politics and to some extent also diminished the impact of the redistribution policies.

The creation of the ombudsman institution as such is today regarded as an important tool in the endeavour for public trust in the nation state as being a true upholder of democracy, an endeavour that has become all the more important with the enlargement of the EU. The Equality Opportunities Ombudsman as an independent state institution offers individuals an opportunity to resolve issues of violation of human rights in individual

cases, free of charge and in a relatively short time. Despite the variety of existing models and the subject matter to be dealt with, the main characteristic of the ombudsman is institutional independence in relation to the appointing authority and subordination to the courts. Another characteristic of the ombudsmen is the process of conciliation and negotiation of agreements.

Today gender equality constitutes a recognised principle in the global discourse of human rights. However, it is still an open question to what extent the idea of gender equality has transformed political thought and political action. Despite the common recognition of the significance of gender equality on the level of principles there is neither national nor international consensus about which policies it implies.



(Top) What step next? (norden.org / Photographer: Silje Bergum Kinsten)

(Bottom) The Nordic ministers for gender equality at a seminar in connection with the UN Commission on the Status of Women, New York, 23 Feb. 2011 (norden.org / Photographer: Cia Pak)

References

- “Annex: Principles Relating to the Status of National Institutions” [The Paris Principles] (1993). New York: United Nations. Available from <http://www.un.org/documents/ga/res/48/a48r134.htm> [2 Feb. 2014].
- Aylott, N., Johansson, K.M., and Simm, K. (2011/12) “Är nordisk demokrati en exportvara?” *RJ:s årsbok* 4, 136–141.
- Bergqvist, C. (1999) “Norden: En modell eller flera?” *Likestilte demokratier? Könn og politikk i Norden*, ed. by Bergqvist, C. Oslo: Universitetsforlaget, 3–13.
- Bergqvist, C. et al., eds (1999) *Equal Democracies? Gender and Politics in the Northern Countries*. Oslo: Scandinavian UP.
- Bergqvist, C. and Jungar, A.C. (2000) “Adaption or Diffusion of the Swedish Gender Model.” *Gendered Politics in Europe*, ed. by Hantrais, L. Basingstoke: Palgrave Macmillan, 160–179.
- Bergqvist, C., Jungar, A.C., and Adman, P. (2008) *Kön och politik*. Stockholm: SNS.
- Björkman, J., Fjæstad, B., and Harvard, J., eds (2011/12) “Ett Nordiskt rum: Historiska och framtida gemenskaper från Baltikum till Barents hav.” [Theme Issue] *RJ:s årsbok* 4.
- Blomberg, E., Waldemarson, Y., and Wottle, M. (2011) “Jämställt företagande 1990–2010.” *Kvinnors företagande – mål eller medel?*, ed. by Blomberg, E. et al. Stockholm: SNS.
- Bruun, N., Flodgren, B., Halvorsen, M., Hydén, H., and Nielsen, R. (1990) *Den nordiska modellen: Fackföreningarna och arbetsrätten i Norden – nu och i framtiden*. Malmö: Liber.
- Burch, S. (2011/12) “Låt det nordiska komma in.” *RJ:s årsbok* 4, 60–71.
- Burneikienė, A. (2012) [Interview with Aušrinė Burneikienė, 4 Sept.]. “Constitution of the Republic of Lithuania” (1992) Available from <http://www3.lrs.lt/home/Konstitucija/Constitution.htm> [2 Feb. 2014].
- “Copyright Norden: The Nordic Model – Fact or Fiction?” (2008) [Theme Issue] *Nordic Yearbook*. Available from <http://www.norden.org/sv/publikationer/publikationer/2008-758> [2 Feb. 2014].
- De los Reyes, P., Edwards, M. and Sundevall, F, eds (2013) *Internationella relationer: Könskritiska perspektiv*. Stockholm: Liber.
- Donnelly, J. (2003) *Universal Human Rights in Theory and Practice*. Ithaca: Cornell UP.
- Donnelly, J. (2013) *International Human Rights*. Boulder: Westview Press.

- Fraser, N. (2003) *Den radikala fantasin – mellan omfördelning och erkännande*. Göteborg: Daidalos.
- Gellhorn, W. (1966) *Ombudsmen and Others: Citizens' Protectors in Nine Countries*. Cambridge, Mass.: Harvard UP.
- Gender Equality in the EU in 2009: Report* (2010). Brussels: European Commission. Available from http://ec.europa.eu/public_opinion/archives/ebs/ebs_326_en.pdf [2 Feb. 2014].
- Gender Equality – the Nordic Way* (2010). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2010-701> [2 Feb. 2014].
- Globaliseringsredogörelse: De nordiska samarbetsministrarnas globaliseringsredogörelse till de nordiska statsministrarna, oktober 2008* (2008). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2008-771> [2 Feb. 2014].
- Guidelines [2010a] for the Nordic Council of Ministers' Co-operation with Estonia, Latvia and Lithuania 2009–2013* (2010). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/en/publications/publikationer/2010-725> [2 Feb. 2014].
- Guidelines [2010b] for the Nordic Council of Ministers' Co-operation with North-West Russia 2009–2013* (2010). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2010-722> [2 Feb. 2014].
- Hafner-Burton, E.M., and Tsutsui, K. 2005) "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology* 110 (5), 1373–1411.
- Harvard, J. (2011/12) "Det nya Norden – hårt eller mjukt?" *RJ:s årsbok* 4, 11–26.
- Honneth, A. (2007) *Disrespect: The Normative Foundations of Critical Theory*. Cambridge: Polity.
- Hunt, L. (2007) *Inventing Human Rights: A History*. New York: W.W. Norton.
- In-depth interview A (2012) held on 6 September.
- [The] International Nordic Region: The International Co-operation of the Nordic Council of Ministers* (2013) Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2013-753> [2 Feb. 2014].
- Ishay, M.R. (2004) *The History of Human Rights: From Ancient Times to the Globalization Era*. Berkeley: University of California Press.
- Jämsides [Side by Side]* 1988–1990.

- Ketels, C. (2009) *Global Pressure – Nordic Solutions? The Nordic Globalization Barometer 2009*. Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2009-711> [2 Feb. 2014].
- Kharkina, A. (2013) *From Kinship to Global Brand: The Discourse on Culture in Nordic Cooperation after World War II*. Stockholm: University, 2013.
- Klinth, R. (2013) “Den svenska pappapolitiken i historisk belysning.” *Arbete & jämställdhet: Förändringar under femtio år*, ed. by Blomberg, E. and Niskanen, K. Stockholm: SNS, 233–62.
- Krizsan, A., Skjeie, H., and Squires, J. (2012) *Institutionalizing Intersectionality: The Changing Nature of European Equality Regimes*. Basingstoke: Palgrave MacMillan.
- Kütt, Riina (2008) *Sharing a Common Goal: Nordic–Baltic Cooperation on Gender Equality 1997–2007*. Helsinki: Nordic Council of Ministers.
- “[The] Law on Equal Opportunities for Women and Men” [Lithuania] (1998). *Official Gazette* No VIII-947.
- “[The] Law on Equal Treatment” [Lithuania] (2003). *Official Gazette* No. IX – 1826.
- Meeting Change: Nordic Council Programme* (2008) Copenhagen: Nordic Council. Available from <http://www.norden.org/sv/publikationer/publikationer/2007-753> [2 Feb. 2014].
- Melby, K., Ravn, A.-B., and Carlsson Wetterberg, C., eds (2009) *Gender Equality and Welfare Politics in Scandinavia: The Limits of Political Ambition?* Bristol: Policy Press.
- Nielsen, R. (1990) *En svensk jämställdhetslagstiftning i ett europeiskt perspektiv*. Stockholm: Allmänna förlaget.
- Nielsen, R. and Halvorsen, M. (1990) “Jämställdhet.” *Den nordiska modellen: Fackföreningarna och arbetsrätten i Norden – nu och i framtiden*, by Bruun, N., Flodgren, B., Halvorsen, M., Hydén, H., and Nielsen, R. Malmö: Liber, 259–294.
- Niskanen, K. and Nyberg, A., eds (2009) *Kön och makt i Norden, vol. 1: Landsrapporter*. Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/da/publikationer/publikationer/2009-569> [2 Feb. 2014].
- Niskanen, K. and Nyberg, A., eds (2010) *Kön och makt i Norden, vol. 2: Sammanfattande diskussion och analys*. Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2010-525> [2 Feb. 2014].

- Nordic-Baltic Co-operation on Gender Equality 2001–2003* (2001). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2001-416> [2 Feb. 2014].
- Nordic-Baltic Co-operation on Gender Equality 1998–2003* (2004a). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2005-477> [2 Feb. 2014].
- Nordic-Baltic Co-operation on Gender Equality 2004–2006* (2004b). Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/sv/publikationer/publikationer/2005-478> [2 Feb. 2014].
- [The] Nordic Council – Our Council* (2012) Copenhagen: Nordic Council of Ministers.
- [The] Nordic Model in a New Era: Programme for the Swedish Presidency of the Nordic Council of Ministers 2013*. Copenhagen: Nordic Council of Ministers. Available from <http://www.norden.org/en/publications/publikationer/2012-749> [2 Feb. 2014].
- Peltonen, C. (2012) [Interview with Carita Peltonen].
- Piirimäe, P. (2011/12) “Baltiska provinser eller en del av Norden?” *RJ:s årsbok* 4, 111–20.
- Roth, H.I. (2007) *Vad är mänskliga rättigheter?* Stockholm: Natur & Kultur.
- Sandberg, E. (1975) *Målet är jämställdhet: En svensk rapport med anledning av FN:s kvinnoår*. SOU 1975:50. Stockholm: Liber.
- Scott, J.W. (1988) *Gender and the Politics of History*. New York: Columbia UP.
- Scott, J.W. (1996) *Only Paradoxes to Offer: French Feminists and the Rights of Man*. Cambridge, Mass.: Harvard UP 1996.
- Singer, P. (2011) *The Expanding Circle: Ethics, Evolutions, and Moral Progress*. Princeton: Princeton UP.
- Squires, J. (2007) *The New Politics of Gender Equality*. Basingstoke: Palgrave MacMillan.
- StAAF, A. and Zanderin, L., eds (2011) *Mänskliga rättigheter i svensk belysning*. Malmö: Liber.
- Strang, J. (2013) *Nordic Communities: A Vision for the Future*. Copenhagen: Nordic Council of Ministers.
- [The] Swedish Equal Opportunities Ombudsman, Annual Reports 1980–2008; Reports to the Ombudsman 1980–2008.
- Tollin, K. (2011) *Sida vid sida: En studie av jämställdhetspolitikens genealogi 1971–2006*. Stockholm: Atlas.

- Towns, A. (2009) "The Status of Women as a Standard of 'Civilization'." *European Journal of International Relations* 15 (4), 681–706.
- van Roosbroek, S. and Van de Walle, S. (2008) "The Relationship between Ombudsman, Government, and Citizens: A Survey Analysis." *Negotiation Journal* 24 (3), 287–302.
- Wetterberg, G. (2010) *The United Nordic Federation*. Copenhagen: Nordic Council of Ministers.
- Young, I.M. (2000) *Inclusion and Democracy*. Oxford: Oxford UP.
- Žiobienė, E. (2010). "Reform of the Ombudsman Institutions in Lithuania." *Jurisprudencija* 1 (119), 29–42.