



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties under article 18 of the  
Convention on the Elimination of All Forms of Discrimination against Women**

**Third periodic report of States parties**

**Lithuania\***

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\* The present report is being issued without formal editing.  
For the initial report submitted by the Government of Lithuania, see CEDAW/C/LTU/1, which  
was considered by the Committee at its twenty-third session. For the second periodic report  
submitted by the Government of Lithuania, see CEDAW/C/LTU/2, which was considered by the  
Committee at its twenty-third session.

**GOVERNMENT OF THE REPUBLIC OF LITHUANIA**  
**RESOLUTION No 1497**  
**of 25 November 2004**  
**ON THE ENDORSEMENT OF THE REPORT UNDER THE UNITED NATIONS**  
**CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION**  
**AGAINST WOMEN**

Vilnius

Implementing item 562 of the Measures for implementing 2001-2004 Programme of the Government of the Republic of Lithuania, approved by Resolution of the Government of the Republic of Lithuania No 1196 of 4 October 2001 (*Valstybės žinios* (Official Gazette) No 89-3015, 2001) and item (b) of paragraph 1 of Article 18 of the United Nations Convention on the Elimination of all Forms of Discrimination against Women (*Valstybės žinios* (Official Gazette) No 21-549, 1996), ratified by Resolution of the Seimas of the Republic of Lithuania of 10 September 1995 No I-1035 “On the Ratification of the United Nations Convention on the Elimination of all Forms of Discrimination against Women” (*Valstybės žinios* (Official Gazette) No 76-1764, 1995), the Government of the Republic of Lithuania has resolved:

1. To approve the Third Report under the UN Convention on the Elimination of all Forms of Discrimination against Women in Lithuania (appended).
2. To charge the Ministry of Foreign Affairs to submit, in a prescribed procedure, the report to the Secretary General of the United Nations.

Acting Prime Minister

Algirdas Brazauskas

Acting Minister of Foreign Affairs

Antanas Valionis

APPROVED

by Resolution No 1497 of the Government of the  
Republic of Lithuania of 25 November 2004

**THIRD PERIODIC REPORT ON THE IMPLEMENTATION IN THE REPUBLIC OF  
LITHUANIA OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL  
FORMS OF DISCRIMINATION AGAINST WOMEN**

**I. INTRODUCTION**

1. The Government of the Republic of Lithuania submits the third periodic report on the implementation in the Republic of Lithuania of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the Convention) according to item (b), paragraph 1, Article 18 of the Convention. The Report has been prepared following the Guidelines and General Recommendations for the Preparation of Reports approved by the United Nations Committee on the Elimination of Discrimination against Women applied with respect to all Reports submitted after 31 December 2002. The report contains information submitted in compliance with the Concluding Comments of the United Nations Committee on the Elimination of Discrimination against Women with respect to the initial report and the second periodic report of Lithuania considered by the Committee at its 23<sup>rd</sup> Session on 12-30 June 2000 in New York as well as a review of the progress made by the Republic of Lithuania in implementing the Convention in 2000-2004.

2. Lithuania's NGOs were introduced to the draft report and were provided with possibilities to submit their remarks and comments.

**II. INFORMATION ACCORDING TO ARTICLES OF THE CONVENTION**

**Article 1**

3. Article 2 of the Republic of Lithuania Law on Equal Opportunities of Women and Men (1 December 1998 No VIII-947) which came into force on 1 March 1999 defines the concepts of violation of equal rights for women and men (discrimination) and sexual harassment. Article 2 of the Republic of Lithuania Law on Equal Opportunities of Women and Men was amended on 18 June 2002 by defining the concept of indirect discrimination. Amendments to the above-mentioned law expanded the concept of violation of equal rights of both genders – now not only action or inaction, but also legal norm or evaluation criterion, which are formally equal for women and men, but in implementing or applying them, a factual restriction of the use of rights or extending of privileges, priority or advantage to one of the sexes is also treated as violation of equal rights.

4. Starting from 3 July 2002 violation of equal rights for women and men has been defined in Article 2(2) of the Republic of Lithuania Law on Equal Opportunities of Women and Men as direct or indirect discrimination by reason of the person's sex, except when relating to special protection of women during pregnancy, childbirth and nursing; compulsory military service prescribed exclusively for men; different pensionable age for women and men; requirements for safety at work applicable to women aimed at protecting the women's health owing to their physiological properties; specific work which can be performed only by a person of a particular sex; specific temporary measures set forth by the laws, aimed at accelerating the guaranteeing of factual equal rights for women and men and which must be repealed upon implementation of equal rights and equal opportunities for women and men; procedure and conditions of enforcement of certain penalties. It should be emphasised that exclusive conditions for working women, ensuring maternity protection are not treated as discrimination.

5. Indirect discrimination by reason of a person's sex is defined in article 2(4) of the Republic of Lithuania Law of Equal Opportunities of Women and Men as act or omission, a legal provision or criterion of assessment which formally are identical for women and men but the implementation or application thereof entails actual restriction of the exercise of rights, granting priority to or preferential treatment of one of the sexes.

6. Sexual harassment is defined in Article 2(5) of this Law as offensive verbal or physical conduct of sexual nature towards a person with whom there are work, business or other relations of subordination.

7. The provisions of the Republic of Lithuania Law on Equal Opportunities of Women and Men are applied in the areas of employment, education and science, consumer protection as well as with respect to submission of job advertisements or education opportunities advertisements. Moreover, Article 8 of the Law prohibits in job advertisements or education opportunities advertisements requesting information from job seekers about their family status, age (except in cases prescribed by law), private life or family plans. The Law obligates institutions of State government and administration to ensure that equal rights for women and men be guaranteed in all the legal acts drafted and enacted by them, to draw up and implement programmes and measures aimed at ensuring equal opportunities within the sphere of regulation of the institution. Thus the Law of the Republic of Lithuania on Equal Opportunities of Women and Men prohibits in all areas direct and indirect discrimination of both women and men by reason of their sex.

8. The supervision of the implementation of the Republic of Lithuania Law on Equal Opportunities of Women and Men is ensured by the Equal Opportunities Ombudsman. Every natural or legal person has the right to file a complaint with the Equal Opportunities Ombudsman about the violation of equal rights.

9. On 18 November 2003 the Seimas of the Republic of Lithuania enacted the Law of the Republic of Lithuania on Equal Treatment which came into force on 1 January 2005. Direct and indirect discrimination is defined in paragraphs 2 and 3 of Article 2 of this Law in the same way they are defined in the Law of the Republic of Lithuania on Equal Opportunities of Women and Men. It should be noted that the Law extends the list of grounds on which discrimination of persons is prohibited. The Law establishes that violation of the equal treatment requirement covers person's age, sexual orientation, disability, racial or ethnic origin, religion or beliefs as well as sexual harassment.

10. The concepts of direct and indirect discrimination defined in the Republic of Lithuania Law on Equal Opportunities of Women and Men and in the Republic of Lithuania Law on Equal Treatment are in conformity with the concept of discrimination of women set forth in Article 1 of the Convention. It is worthwhile noting that the principle of equality of all persons before the law which *inter alia* means prohibition of discrimination by reason of one's sex is laid down in the Constitution of the Republic of Lithuania and numerous other laws of the Republic of Lithuania which directly set forth the principle of prohibition of discrimination on the grounds of sex.

## Article 2

11. Paragraph 2 of Article 29 of the Constitution of the Republic of Lithuania sets forth the general principle of equality: "No one's rights may be restricted nor any privileges may be granted to anyone on any ground such as sex, race, nationality, language, origin, social status, religion, convictions, or opinions." In the period from 2000 to 30 June 2004 the Seimas of the Republic of Lithuania enacted quite a number of laws which directly establish the principle of prohibition of discrimination on the ground of sex:

11.1. the Civil Code of the Republic of Lithuania (18 July 2000 No VIII-1864), entered into force as from 1 July 2001; the Code of Civil Procedure of the Republic of Lithuania (28 February 2002 No IX-743), entered into force as from 1 January 2003;

11.2. the Code of Criminal Procedure of the Republic of Lithuania (14 March 2000 No IX-785), entered into force as of 1 May 2003;

11.3. the Criminal Code of the Republic of Lithuania (26 September 2000 No. VIII-1968), entered into force as of 1 May 2003;

11.4. the Code of the Enforcement of Sentences (27 June 2002 No IX-994), entered into force as of 1 May 2003;

11.5. the Labour Code of the Republic of Lithuania ( 4 June 2002 No IX-926) entered into force as of 1 January 2003;

11.6. the Law of the Republic of Lithuania on Safety and Health at Work (1 July 2003 No IX-1672) entered into force as of 16 July 2003;

11.7. the Law of the Republic of Lithuania on Social Insurance of Unemployment (16 December 2003 No IX-1904) entered into force as of 1 January 2005;

11.8. the Law of the Republic of Lithuania on the Advance Payment of State Social Insurance Old Age Pensions (18 November 2003 No IX-1828), entered into force as of 1 July 2004;

11.9. the Law of the Republic of Lithuania on Social Insurance of Sickness and Maternity (21 December 2000 No IX-110), entered into force as of 1 January 2001;

11.10. the Law of the Republic of Lithuania on the Accumulation of Pensions (4 July 2003 No IX-1691) entered into force as of 30 July 2003;

11.11. the Law amending the Law of the Republic of Lithuania on Social Assistance (Social Pensions) (20 January 2004 No IX-1966), entered into force as of 1 April 2004 (the title of the Law was changed to the Law of the Republic of Lithuania on State Social Assistance Benefits );

11.12. the Law of the Republic of Lithuania on Social Assistance in Cash for Low-Income Families (Persons Residing Alone) (1 July 2003 No IX-1675), entered into force as of 1 April 2004;

11.13. the Law Amending the Law of the Republic of Lithuania on State Benefits to Families Raising Children (18 May 2004 No IX-2237), entered into force as of 1 July 2004 (the title of the Law was changed to the Law of the Republic of Lithuania on Benefits to Children);

11.14. the Law Amending the Law of the Republic of Lithuania on Social Integration of the Disabled (11 May 2004 No IX-2228), will come into force on 1 July 2005;

11.15. the Law of the Republic of Lithuania on Citizenship (17 September 2002 No IX-1078), entered into force as of 1 January 2003;

11.16. the Law Amending the Law of the Republic of Lithuania on Public Service (23 April 2002 No IX-855), entered into force as of 1 July 2002;

11.17. the Law on Amending Articles 3, 4, 15, 17, 20, 21, 29, 31, 37, 38 and Chapter Six of the Law of the Republic of Lithuania on Local Self-government (14 October 2003 No. IX-1764), entered into force as of 5 November 2003, which establishes that decisions taken by municipal institutions must not violate equal opportunities of women and men;

11.18. the Law Amending the Law of the Republic of Lithuania on Courts (24 January 2002 No IX-732), entered into force as of 1 May 2002, which guarantees equality before the law and the court irrespective of the person's sex, race, nationality, language, origin, social position, religious belief, convictions, views or any other circumstances;

11.19. the Law Amending the Law of the Republic of Lithuania on the Prosecutor's Office (22 April 2003 No IX-1518), entered into force as of 1 May 2003, which establishes that the prosecutor shall make decisions based on the principle that all persons are equal before the law public authorities and officials irrespective of the persons' social or family status, official position, occupation, convictions, origin, sex, race, nationality, language, religious belief, convictions, views and education;

11.20. the Law of the Republic of Lithuania on the Approval of the Statute of the Internal Service (29 April 2003 No IX-1538), entered into force as of 1 May 2003, establishing that every citizen of the Republic of Lithuania has equal rights to join the Internal Service, while the status of the officer may not be restricted on the ground of sex, race, nationality, origin, social and property status, religious belief, convictions or views;

11.21. the Law on the Amendment of the Law of the Republic of Lithuania on Education (23 June 2003 No IX-1630), entered into force as of 28 June 2003.). The Law laid down the provision setting forth equal opportunity for individuals irrespective of gender, race, nationality, language, origin, social position, religion, beliefs or convictions;

11.22. the Law of the Republic of Lithuania on the Basic Principles of the Youth Policy (4 December 2003 No IX-1871), entered into force as of 18 December 2003.

11.23. the Law of the Republic of Lithuania on Equal Treatment (18 November 2003 No IX-1826), will enter into force as of 1 January 2005, which prohibits any direct or indirect discrimination based upon age, sexual orientation, disability, racial or ethnic origin, religion or beliefs and provides for the ways of implementation of equal treatment.

12. Lithuania continues its accession to international legal instruments in the sphere of human rights. The Seimas of the Republic of Lithuania has ratified:

12.1. on 22 April 2003 by Law No IX-1525 (entered into force as of 21 May 2003) - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime;

12.2. on 30 March 2004 by Law No IX-2086 (entered into force as of 8 May 2004) – ILO 156 Convention regarding the Equal Opportunities and Equal Treatment of Women and Men with Family Responsibilities of 1981;

12.3. on 29 June 2004 by Law No IX-2300 (entered into force as of 5 August 2004) - Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women, signed by Lithuania on 2000. Ratification of the Protocol will open wider possibilities to defend their rights for Lithuania's citizens subjected to discrimination on the ground of sex.

**a)**

13. On 14 October 2003 the Seimas of the Republic of Lithuania amended Article 4 of the Law of the Republic of Lithuania on Local Self-government setting forth the principle that decisions adopted by local authorities or local government employees may not infringe human dignity, rights and freedoms as well as equal opportunities of women and men. The provision of the Law elaborates on the principle set forth in Article 29(1) of the Constitution of the Republic of Lithuania, proclaiming equality of all persons before the law, and obligates local authorities and public servants responsible for decision making to have regard to the above principle when making concrete decisions and not to discriminate against natural persons on the ground of their sex; moreover, the above legal provision provides legal possibilities for implementing the principle of equal opportunities of women and men on local government level.

14. The Law of the Republic of Lithuania on Equal Opportunities of Women and Men regulates the implementation of women's rights in all spheres: it lays down the duty of public authorities to implement equal rights of women and men within the sphere of the authority's regulatory competence; the duty of educational institutions, science and studies institutions to implement equal rights of women and men; the employer's duty to implement equal rights of women and men at work; also prescribes the implementation of equal opportunities of women and men in the sphere of consumer protection and precludes discrimination in employment on the ground of age and family status.

15. The purpose of the Law of the Republic of Lithuania on Equal Treatment is to ensure implementation of equal rights of all persons laid down in the Constitution of the Republic of Lithuania, to prohibit any form of direct or indirect discrimination on the ground of the person's sex, sexual orientation, race or ethnic origin, religion or convictions. The Law which came into force on 1 January 2005 expands the list of grounds on which discrimination is prohibited and provides for the legal remedies in case of violation of the individual's rights. According to the Law, every person is entitled to apply to the Equal Opportunities Ombudsman requesting to establish the fact of discrimination on the grounds specified in the Law.

16. The safeguarding of equal opportunities and the principle of prohibition of discrimination is set forth in Article 5 of the Law of the Republic of Lithuania on Education. This is one of the basic principles which must ensure optimum regulation and practical functioning of the system of education.

17. The principle of gender equality is laid down in the Labour Code of the Republic of Lithuania which entered into force as of 1 January 2003. Article 2 of the Code provides that labour relations are regulated, *inter alia*, by the following principle: equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities. The principle means that when employing a person, dismissing him, granting the leave, setting the salary and in other cases provided for in the Labour Code the person shall not be treated differently from other persons neither shall he be provided unequal conditions due to the his gender. It is established in Article 186(3) of the Labour Code of the Republic of Lithuania that men and women shall get an equal pay for equal or equivalent work, while, as provided for in Article 188(3), when applying the work classification system for determining the wage, the same criteria shall be equally applied to both men and women, and the system must be developed in such a way so as to avoid discrimination on the grounds of sex.

18. Article 1.2 of the Civil Code of the Republic of Lithuania which entered into force on 1 July 2001 establishes equality as one of the basic principles of legal regulation of civil relationships: the principle of equality of persons which means that all subjects of civil legal relationships enjoy equal rights and discrimination against them on the grounds of their gender, age or any other ground is prohibited. This principle is set forth in greater detail in other provisions of the Civil Code of the Republic of Lithuania, regulating passive and active capacity of natural persons, family, succession legal relations as well as contractual and tort legal relations.

19. It should be noted that one of principles of legal regulation of the specific sphere of public relations, i.e. that of ensuring equal opportunities and prohibition of discrimination on the grounds of sex has been set forth in the Law of the Republic of Lithuania on the Basic Principles of Youth Policy which establishes that the young person's parents or his other representatives under law, the state or municipal institutions and agencies, public organisations, other natural and legal persons must ensure that every young person should have equal rights with other young persons and should not be discriminated against on the grounds of his own or his parents' or his other representatives' under law on the ground of his sex, age, ethnic origin, race, language, religious belief, vies, social, property, family position, state of health or any other circumstances.

**b)**

20. Article 24 of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men establishes that having completed the investigation, the Equal Opportunities Ombudsman may take appropriate decisions, e.g. to warn regarding a violation which has been committed; to refer the material to investigative bodies if indications of an offence have been established; to hear cases of administrative offences and impose administrative sanctions; 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. If the Equal Opportunities Ombudsman believes that the violation of equal

opportunities of women and men constitutes grounds for instituting criminal proceedings (in case elements of criminal acts have been established), the Ombudsman may refer the investigation material to the prosecutor.

21. Article 41<sup>6</sup> of the Code of Administrative Offences of the Republic of Lithuania (version of the Law of 5 January 1999 No VIII-1017) prescribes liability for the violation of equal rights of women and men: violation of equal rights of women and men laid down in the Law of the Republic of Lithuania on Equal Opportunities of Women and Men makes the officers, employers or persons authorised by them liable to a fine in the amount from LTL 100 to LTL 2000. Paragraph 2 of the above Article establishes that such acts committed by a person already punished by an administrative penalty for the commission of violations provided for in paragraph 1 of this Article make the officers, employers or their representatives liable to a fine in the amount of LTL 2000 to 4000. Article 187<sup>6</sup> establishes administrative liability for failure to comply with the requirements of officers of the Equal Opportunities Ombudsman's office, failure to submit the information, documents and material necessary for the fulfilment of the functions of the officers of the Equal Opportunities Ombudsman's Office, refusal to give explanations as well as for any other interference with the exercise of rights granted under law to the officers of the Office of Equal Opportunities Ombudsman. The above acts shall make officers, employers or their representatives liable to a fine in the amount of LTL 500 to LTL 1000, whereas their repeated commission to a fine from LTL 1000 to LTL 2000. The competence of the Equal Opportunities Ombudsman established in Article 247<sup>6</sup> to hear cases of administrative offences specified in Articles 41<sup>6</sup> and 187<sup>5</sup> and impose administrative penalties.

22. Article 169 of the new Criminal Code of the Republic of Lithuania which came into force as of 1 May 2003 prohibits discrimination on the grounds of sex, ethnicity, race, language, origin, social status, religion or belonging to any group. Any person who commits acts aimed at a certain group of people or a member thereof on account of their sex, sexual orientation, race, ethnicity, language, origin, social status, religion, convictions or views with a view to interfere with their right to participate as equals in political, economic, social, cultural, labour or any other activity or to restrict the human rights or freedoms of such a group of people or of its member shall be punished with public works or a fine, or restriction of liberty, or arrest, or detention, or imprisonment for a period of up to three years.

23. Article 152 of the Criminal Code of the Republic of Lithuania provides for criminal liability for sexual harassment. This is a novel clause of the Criminal Code not included in the old Criminal Code of 1961 in effect until 30 April 2003. The Article establishes criminal liability for harassment of a human being by vulgar or comparable acts or by making suggestions or innuendoes in the presence of a person who is a subordinate by his position in office, seeking sexual contact or satisfaction. This is treated as a misdemeanour the commission whereof is punishable under law by a fine, restriction of liberty or arrest.

24. Article 170 of the Criminal Code of the Republic of Lithuania establishes criminal liability of natural and legal persons for instigation against any group of persons on account of their belonging to a specific national, racial, ethnic, religious or other group. A person who by making public statements orally, in writing or by using the public media ridiculed, expressed contempt of, urged hatred of or encouraged discrimination against a group of residents or against a specific person, on account of their belonging to a specific national, racial, ethnic, religious or other group, shall be

punished by a fine or restriction of liberty or detention or imprisonment for up to 2 years. A person who publicly advocated violence or physical harsh treatment of a group of residents or an individual person on account of their belonging to a specific gender, sexual orientation, national, racial, ethnic, religious group, their beliefs or convictions or who financed or gave other financial support to such activities shall be punished with a fine or restriction of liberty or detention or imprisonment for up to 3 years.

25. Analysis of the provisions of the Criminal Code of the Republic of Lithuania allows to state that the legislator views discrimination on the grounds of sex, as well as instigation against any group of any ethnic origin or any race or belonging to any religious or other group as a violation of the basic legal goods, which incurs criminal liability.

26. Subparagraph 5 of Article 235(2) of the Labour Code of the Republic of Lithuania which came into force as of 1 January 2003 defines violation of equal opportunities of women and men or sexual harassment as a gross breach of work duties for which the violator may be imposed a disciplinary sanction (a warning, a reprimand, dismissal from work). It is established in subparagraph 1 of Article 96(1) of the Code that it is prohibited to refuse employment on the grounds set forth in subparagraph 4 of Article 2(1), including equality of subjects of labour law irrespective of their gender. As established in Article 96(3) of the Labour Code of the Republic of Lithuania, in case the refusal to employ is established by the court to be unlawful, the employer shall be obligated by the court order to employ this person and to pay him compensation in the amount of the minimum wage for the period from the day of refusal to employ him to the day of the execution of the court order.

27. Taking into account the recommendations of the UN Committee on the Elimination of Discrimination against Women, ever more attention is being paid to another painful problem, i.e. violence against women, especially violence in the family.

28. Attempts are undertaken seeking to create legal conditions for more efficiently fighting against violence in the family, which in most cases affects women and children. It is most important that the person who commits acts of violence be isolated from the victim. Both during the preliminary investigation and during the court hearing the prosecutor, the judge of preliminary investigation or the court, seeking to ensure the presence at the trial of the suspect, the accused or the convicted person, preliminary investigation free from interference, the hearing of the case in court and enforcement of judgement as well as to prevent criminal acts, may apply preventive measures with respect to the suspect in the manner prescribed by the Code of Criminal Procedure of the Republic of Lithuania: detention, home arrest, bail, seizure of documents, etc.

29. Many provisions of the Criminal Code of the Republic of Lithuania provide conditions for defending women against all forms violence in everyday life. Chapters XVII-XXXIII establish the *corpus delicti* of crimes and misdemeanours, defining the attempts at human life, health, liberty, freedom and inviolability of sexual self-determination, honour and dignity prohibited under law as well as crimes and misdemeanours against children and family, and prescribe penalties for non-compliance with the said prohibitions. Here the following crimes and misdemeanours should be mentioned: murder (Article 129), serious health impairment (Article 135), minor health impairment (Article 138), causing physical pain or minor health impairment (Article 140), threat to murder or a person serious health impairment or terrorising of a person (Article 145), rape (Article 149), sexual harassment (Article 152), sexual abuse of a minor (Article 153), insult (Article 155), etc.

30. Circumstances aggravating the liability of the offender are listed in Article 60 of the Criminal Code of the Republic of Lithuania. In this relation mention should be made of commission of the act as a result of disorderly conduct or for personal gain or out of other base motives, commission of the act by torturing the victim or subjecting the victim to degrading treatment, commission of the acts against a young child (under 14 years of age), against a pregnant woman, against a person in a helpless state owing to an illness, disability or old age or for other reasons, commission of the act by a person in the state of alcoholic intoxication or under the influence of narcotic, psychotropic or toxic substances, etc. When determining the penalty, the court shall take account both of the culprit's personality, criminal record, goals and motives of the committed acts, other circumstances.

31. Article 135 of the Criminal Code of the Republic of Lithuania "Serious Impairment of Health" determines criminal liability of persons who intentionally cause injury or disease resulting in the victim's loss of his sight, hearing, ability to speak or ability to reproduce, pregnancy; or otherwise incapacitate him or cause him to become ill with a serious incurable disease or a long-lasting and life-threatening illness or a serious mental illness, or to lose considerable capacity for work in a profession or in general employment, or to become permanently disfigured in body. The scope of health impairment is established by forensic medicine experts in compliance with the Regulations for the Establishment of the Scope of Health Impairment approved by the Health Minister, Minister of Justice and Minister of Social Security and Labour by Order No V-298/158/A1-86 of 23 May 2003. Serious health impairment is punishable by a term of imprisonment for up to 10 years. Penalty for the commission of the crime the body of which is qualified in paragraph 2 of this Article as serious health impairment is punishable for a term of imprisonment from 2 to 12 years if the crime has been committed with respect to a young child (under 14 years of age), against a pregnant woman, against a person in a helpless state by torturing or subjecting the person to cruel treatment, etc.

32. Article 138 "Minor Health Impairment" of the Criminal Code of the Republic of Lithuania establishes criminal liability for intentionally causing injury or illness to a human being by reason of which the victim lost an insignificant part of his capacity for work in a profession or in general employment or was ill for a long time but without developing the after effects specified in paragraph 1 of Article 135 of this Code. The Regulations for the Establishment of the Scope of Health Impairment specify that causing injury or illness is deemed as a minor health impairment if it causes illness to a human being for a not longer than 10-day period or where the victim loses only a minor part - over 5 % but not more than 30% - of his capacity for work in a profession or a general employment. Minor health impairment is punishable by restriction of liberty, or detention, or imprisonment for a period of up to three years shall be punished by detention or imprisonment for a term of up to three years. Penalty for the commission of the crime the body of which is qualified in paragraph 2 of this Article as minor health impairment is punishable for a term of imprisonment for up to five years if the crime has been committed with respect to a young child, against a pregnant woman, against a person in a helpless state by torturing or subjecting the person to cruel treatment, etc (analogous to Article 135(2)).

33. Article 140 "Causing Physical Pain or Minor Health Impairment" of the Criminal Code of the Republic of Lithuania establishes criminal liability of persons who by intentional battery or other acts of violence cause physical pain or light injury, or a short disease to a human being. The

conclusion on the causing of pain to a human being is made by the forensic experts on the basis of the case material data confirming the fact of battering or any other violence causing injury or illness is deemed as a minor health impairment if it causes illness to a human being for a not longer than 10-day period or where the victim loses 5 % of his capacity for work in a profession or a general employment. For the above acts the culprit may be punished by public works or a fine, restraint of liberty, detention, or by imprisonment for a term of up to one year. As it has already been mentioned the person who committed the above act may be held criminally liable only subject to a complaint filed by the victim if his legal representative has made a statement or the prosecutor has voiced his demand.

34. Article 143 of the Criminal Code of the Republic of Lithuania establishes that a person who, using physical or psychological violence, compels a pregnant woman to have an illegal abortion shall be punished by public works or detention, or by imprisonment for a term of up to two years.

35. Article 143 “Threatening to Murder or Cause Serious Health Impairment or Terrorising the Person” of the Criminal Code of the Republic of Lithuania establishes that criminal proceeding will be instituted against any person who threatens to kill a human being or cause serious health impairment to him if there are sufficient grounds to believe that the threat may be carried out. The commission of the act shall be punishable by public works or a fine, or by restriction of liberty, or detention, or imprisonment for a term of up to three years. It should be noted that criminal liability under the Article arises in cases where only a threat is made. If a person really starts preparing for the crime – is looking for means and instruments, gathers accomplices, works out the action plan or makes an attempt at the person’s life or at causing him health impairment, he is held criminally liable for preparing to murder the person or to make an attempt at the person’s life or for attempting to cause him grave impairment of health. The act is punishable by a term of imprisonment of liberty for a term of up to four years. The offender may be held criminally liable only subject to a complaint filed by the victim if his legal representative has made a statement or the prosecutor has voiced his demand.

36. Paragraph 1 of Article 149 of the Criminal Code of the Republic of Lithuania, regulating liability for rape establishes that any person who, through physical violence or threats of imminent violence or otherwise depriving the person of the possibility to resist or by exploiting the helpless state of the victim, has sexual intercourse with the person against the person’s will, shall be punished by imprisonment for a term of up to seven years. It is established in paragraph 2 of the Article that any person who commits rape with a group of accomplices shall be punished by imprisonment for a term of up to 10 years, whereas paragraph 3 establishes that any person who rapes a minor shall be punished by imprisonment from three to ten years, while as established in paragraph 4 that any person who rapes a child shall be punished by imprisonment for a term of 5 to 15 years. It is established in paragraph 1 of Article 150, which regulated criminal liability for rape, that any person who, against the will of the victim, satisfies his sexual desires through anal, oral or any other type of intercourse using physical violence or threats of imminent violence or in any other way depriving the victim of the possibility to show resistance or by exploiting the helpless state of the victim, shall be punished by detention or imprisonment for a term of up to six years; paragraph 2 of this Article establishes that any person who commits the acts specified in paragraph 1 of this Article aided by a group of accomplices, shall be punished by imprisonment for a term of up to eight years; as established in paragraph 3 of this Article, any person who commits the acts specified in paragraph 1 of this Article

in relation to a minor shall be punished for a term of imprisonment from 2 to 10 years; as established in paragraph 4 any person who commits the actions provided for in paragraph 1 of this Article with respect to a child shall be punished by imprisonment from 3 to 13 years; thus the new Criminal Code of the Republic of Lithuania implements the appropriate recommendation of the Committee on the Elimination of Discrimination against Women to define rape without any reservations as sexual intercourse against a person's will.

37. Pre-trial investigation in respect of criminal acts under the Criminal Code of the Republic of Lithuania may be commenced both where there is a complaint filed by the victim or his lawful representative or on the initiative of law enforcement institutions or where there is a statement by any other person. In the cases provided for by the Code of Criminal Procedure of the Republic of Lithuania law enforcement institutions must commence investigation if it establishes elements of a criminal act even though the victim has not filed any complaints. On the other hand, in respect of certain less dangerous criminal acts (paragraph 1 of Article 139, paragraph 1 of Article 140, Article 145, paragraph 1 of Article 149, paragraph 1 of Article 150, Article 152, Article 155, etc.) criminal proceedings may be instituted only provided there is the victim's complaint or a statement of the victim's lawful representative or the prosecutor's demand. This provision protects the person's right to privacy and provides conditions facilitating reconciliation of the victim and the offender; whether or not the culprit will be punished for the committed criminal act will depend on the will of the victim. In the cases where the victim for serious reasons is unable to defend his legitimate interests or the case is of public concern, the prosecutor takes up the defence of the victim's rights having submitted a demand to commence pre-trial investigation.

38. It has been mentioned that should elements of criminal act be discovered the law enforcement institutions commence pre-trial investigation, question the suspect, the victim, the witnesses, collect evidence and, upon completion of pre-trial investigation, refer the case for hearing before the court. However, with respect to certain cases (paragraph 1 of Article 140, Articles 152, 154, 155, etc of the Code of Criminal Procedure of the Republic of Lithuania) pre-trial investigation is not conducted, the cases are heard as private prosecution cases in accordance with Articles 407-417 of the Code of Criminal Procedure of the Republic of Lithuania. Exceptions will be made in the cases where the prosecutor, being convinced that the committed criminal act is of public (not only private) concern or that damage has been inflicted thereby to a person unable for serious reasons to defend his interests, files a written application to the court stating that he will prefer public charges. In such event the private prosecution proceedings are terminated, the material of the case is transferred to the prosecutor and the investigation and trial proceed according to the regular procedure. Cases where the person suspected of having committed the criminal act is unknown are also treated as exceptions– in such cases pre-trial investigation proceeds according to the regular procedure.

39. In private prosecution cases pre-trial investigation is not carried out and the victim files the application directly in court. Having received the victim's application the examining judge holds a reconciliation hearing at which the accused and the victim are urged to seek reconciliation. In case of failure to reach reconciliation the court makes a ruling to consider the victim's application at the trial. During the private prosecution proceedings the victim acquires the status of the private prosecutor, i.e. he himself prefers the charges – collects the evidence and submits the collected evidence to the court, reads out the bill of indictment, etc. At the same time the court may charge the pre-trial investigations

institutions to determine within the set time period the circumstance of the case which the court is not in the position to determine. Having heard the case the court will render the judgement.

40. In order to protect the life, health, property, constitutional rights and freedoms of the participants in operational activities, witnesses, victims or other persons connected with the criminal case as well as to ensure comprehensive and objective investigation of the circumstances of the case, measures aimed at protecting the victims of misdemeanours, witnesses and their family members from criminal influence provided for in the Code of Criminal Procedure of the Republic of Lithuania as well as by the Law of the Republic of Lithuania on the Protection from Criminal Influence of Participants in the Operational Activities, Officers of Justice and Law Enforcement Institutions (13 February 1996, No I-1202), i.e. physical protection of the person and his property, temporary relocation of the person to a safe place, change of place of residence, work or study, etc.

41. Measures of protection from criminal influence may be applied to the persons listed in paragraph 1 of Article 3 of the above-mentioned law – participants in the operational activities; persons taking part in the criminal proceedings: witnesses, victims, experts, defence counsels, the suspects, the accused, the convicted, the acquitted; officers of justice and law enforcement institutions: judges, prosecutors, pre-trial investigation officers, court bailiffs; family members of the above-listed persons: parents, adoptive parents, children, adopted children, brothers and sisters, grandparents, grandchildren and spouses, where, when carrying out pre-trial investigation or hearing criminal cases relating to grave or very grave crimes there are grounds to believe that the life or health of the persons is in danger or the persons' property may be destroyed or the persons' constitutional rights and freedoms are in danger. Measures of protection from criminal influence are applied to victims, witnesses and their family members provided the above persons actively co-operated with the officers of justice and law enforcement institutions, helped to detect a criminal act or were a source of other valuable information for the officers of justice and law enforcement institutions. Measures of protection from criminal influence may be assigned and applied when carrying out operational activities, during pre-trial investigation, during the court hearing of a criminal case, also after the completion of operational activities or court hearing of a criminal case.

42. It is stated in 2003-2004 National Programme for Equal Opportunities for Women and Men, approved by Resolution No 712 of the Government of the Republic of Lithuania on 3 June 2003, that violence against women both in public and private life constitutes violation of human rights and is a major obstacle for implementing gender equality. Violence against women violates and restricts women's possibilities to exercise human rights and fundamental freedoms. Violence based on the conflict between genders (battering or other domestic violence, sexual molestation and exploitation, trafficking in women and children, forced prostitution, sexual harassment) are contrary to human honour and dignity. The measures of the Programme aims at developing a system for combating violence against women and to ensure a set of measures embracing education, of law enforcement institutions, support for the victims of violence, work with the persons who committed acts of violence, provision of information to the public and victims of violence, education and health care, analysis of the effective legal acts and drawing up recommendations for their revision, drafting of new legal acts on the basis of the above recommendations and building of an adequate legal basis for combating violence against women, especially as regards domestic violence, expanding the network of crisis centres, ensuring support got victims of violence and work with the persons

committing acts of violence, supporting the projects of NGOs relating to the said issues, including information of the public about the problem, preparation of the information and its spread among the victims of violence.

43. In 2004 the draft of Domestic Violence Reduction Strategy and the draft measures for implementing the Strategy in 2005-2007 was worked out and agreed with other institutions. The main directions of the Strategy are prevention of domestic violence, assistance to the victim of domestic violence, work with the person engaged committing acts of violence, information and education of the public, as well as changing patriarchal stereotypes, cooperation with the NGOs. Funds for the implementation of the above actions will be allocated from the State Budget of the Republic of Lithuania. It is expected that with the adoption of the concept and after bringing into life the measures of its implementation the situation will be improved in principle.

44. Legal acts of the Republic of Lithuania provide for strict sanctions for violence. As it has already been mentioned the new Criminal Code of the Republic of Lithuania and Code of Criminal Procedure of the Republic of Lithuania, which have been harmonised with the EU law, provide legal measures to protect by penal law measures human and civil rights and freedoms, public and state interests from criminal acts; when protecting human and civil rights and freedoms as well as public and state interest, to detect criminal acts without delay and to identify and apply the relevant law to ensure that the person guilty of the commission of the criminal act be justly punished and no innocent person be punished. Various types of violence – murder, bodily injury, rape, other physical violence is punishable under the appropriate Articles of the Criminal Code of the Republic of Lithuania.

45. It is being sought to create legal conditions for isolating the person who committed an act of violence from the victim. It is worth while noting that the problem is especially acute when the person resorts to domestic (family) violence thereby in most cases causing damage to women and children. Both during the pre-trial investigation and during the court hearing the prosecutor, the pre-trial judge or the court, seeking to ensure the participation of the suspect, the accused or the convicted person in the judicial proceedings, unhindered pre-trial investigation, court hearing and execution of the judgement and to prevent commission of any new criminal acts preventive measures may be imposed on the suspect according to the procedure established by the Code of Criminal Procedure of the Republic of Lithuania – detention, home arrest, bail, seizure of documents, etc.

46. In criminal proceedings arrest is restricted, under international and constitutional human rights requirements, by the necessary grounds, conditions, time limits and the established procedure. An arrest may be ordered only by the court or the pre-trial judge and only when there is probable cause to believe that a suspect might obstruct the course of proceedings or will go into hiding from the pre-trial investigation officers or the prosecutor or the court or obstruct the course of the proceedings or commit serious or very serious crimes or medium-gravity crimes listed in the law. An arrest may be employed only in the investigated and considered cases involving crimes which, under criminal law, provide for a stricter penalty than deprivation of liberty for a term of over a year, i.e. imposition of arrest is not allowed in the investigation of misdemeanours and certain crimes, e.g., provided for in paragraph 1 of Article 140 of the Criminal Code of the Republic of Lithuania (causing physical pain or minor health impairment).

47. Taking into account the fact that in cases of family violence arrest may often not be applied for the above-mentioned reasons, the culprit residing with the victim even after the commencement of

the criminal proceedings, may exert upon the victim unlawful influence or even continue resorting to violence, the Criminal Code of the Republic of Lithuania does not contain any adequate provisional measures, the Ministry of Justice of the Republic of Lithuania has drawn up a draft law amending Articles 120, 121, 126 of the Criminal Code of the Republic of Lithuania and supplementing the Code with Article 132<sup>1</sup>. The draft law provides for a new preventive measure - obligating the suspect to reside separately from the victim if there is justified cause to believe that suspect residing together with the victim will attempt to exert upon the victim an unlawful influence or commit new criminal acts against the victim or the persons residing together with him. The measure may be imposed by the pre-trial judge or upon the court ruling whereby the judge/the court will also be able to obligate the suspect to refrain from communicating or seeking communication with the victim or the persons residing together with him, also refrain from visiting certain places visited by the victim or persons residing together with the victim. It should be noted that enactment of the above legal provisions will immensely aid the victims of domestic (family) violence, in most cases women and children. Revised draft of the Law was approved of by Resolution No 1191 of the Government of the Republic of Lithuania of 20 September 2004 and submitted to the Seimas of the Republic of Lithuania.

48. The Instruction of Centralised Registration of Criminal Acts, Persons who Committed the Acts and Victims of the Acts, approved by Order No IV-160 of the Minister of the Interior of 8 May 2003 became effective as of 24 May 2003. The Instruction establishes the procedure for the registration, management of data of persons recognised as victims in compliance with Article 28 “Victim” of the Code of Criminal Procedure of the Republic of Lithuania and the procedure for filling in, registration, sending and keeping of statistical cards (Card 50). Up till now such data system has not been administered by the Informatics and Communications Department under the Ministry of the Interior, therefor it was not possible to ascertain the number of women and children who were victims of domestic (family) violence. The introduction of the above- mentioned statistical card should materially improve the analytic characterisation of women – victims of coercion and violence.

49. In the Republic of Lithuania the official statistics of offences registers only a minor portion of all domestic violent misdemeanours, as in most cases the victims of domestic (family) violence do not apply to law enforcement institutions or other public organisations. According to the data of the Informatics and Communications Department under the Ministry of the Interior, in Lithuania in the period from May to December 2003, 13 890 women and 21 065 men became victims of criminal acts; 300 persons were subjected to violence by their spouses, 137 by cohabitants, 18 by partners, 146 by their children.

50. According to the data of victimological investigation of violence against women, conducted in 1997, not less than 63.3.% of Lithuania’s adult women after becoming 16 years of age have been at least once subjected to physical, sexual violence or threats by men; 42.4% of married women or women cohabiting without a registered marriage have at least once experienced physical, sexual violence, threats from their current spouse or partner; according to the data of the investigation conducted in Lithuania in 2001-2002 within the framework of the educational campaign “Life without Violence” carried out by Women’s Issues Information Centre supported by the United Nations development fund for women, 82% of the questioned women over 16 years of age had been subjected to psychological abuse or violence in the family, 35% had been subjected to physical violence. 87% of all those questioned responded that violence against women in the family existed in Lithuania.

51. In most cases penal and administrative measures for combating violence in the family are not very effective. There still is a shortage of alternative measures of influence to be used against the persons committing acts of violence. Thus taking into account the Committee's recommendations to guarantee victims of violence protection, legal aid and shelter, the Government of the Republic of Lithuania supports the development of assistance centres for women victims of violence. In 2000-2004 new assistance centres for women and children subjected to violence were being set up in the districts of Lithuania and the victims have been offered new prevention programmes. E.g., the chief police commissariat of the town of Šiauliai, with the assistance of public organisations of women, is implementing the prevention programme "Violence in the family". On the initiative of the commissariat a centre for support to battered women and children was opened in the Dainai police precinct of the town of Šiauliai. Having attended a specialised course in psychology, women, former police officers, who were working in the centre, provided psychological, social, legal assistance to victims of violence. In May 2002 child and mother assistance centre "Užuoveja" ("Shelter") was set up under the police commissariat of Panevėžys district. Currently the centre is financed by the district municipality. From 2002 the centre has provided assistance to 10 women and 87 children. Plans have been worked out to organise in future reconciliation of victims of prostitution in the centre.

52. More than 20 women's crisis centres provide assistance (including shelter, psychological, legal assistance and consultation, "hot line" telephone services) to victims of violence. Implementing the 2003-2004 National Programme for Equal Opportunities for Women and Men, support has been given to over 11 projects of NGOs, intended for provision of social assistance to victims of domestic violence, including their temporary accommodation, provision with food, legal, psychological consultations, other assistance. In 2003, LTL 50 000 have been allocated from the Reserve Fund of the Government of the Republic of Lithuania for maintaining and developing telephone lines offering free assistance to victims of domestic violence. Especially successful in its activities is the Vilnius boarding house for mothers and children providing all-round assistance to battered women and children is financed by the Vilnius city municipality. Successful functioning of the said Mother and Child boarding house is an example for emulation for the crisis centres opened in the territories of other municipalities.

53. On 10 November 2003 the Ministry of the Interior, the Police Department under the Ministry of the Interior and the public organisation Vilnius Women's House concluded a tripartite agreement for the provision of assistance to women subjected to abuse and violence, victims of prostitution and trafficking in human beings. Under the agreement the public organisation Vilnius Women's House obligated itself to provide by toll free telephone line anonymous consultations and information to victims violence, prostitution and trafficking in human beings in Vilnius, Kaunas, Klaipėda and Alytus. The Police Department under the Ministry of the Interior which has committed itself under the agreement to remunerate the public organisation Vilnius Women's House for the provided services has transferred to the organisation LTL 30 000.

54. In 2004 the Women's Issues Information Centre (Vilnius) together with the Oslo Centre for Legal Assistance to Women started implementing the project "Legal Consultations to Women" the purpose of which is provision of free legal consultations to Lithuania's women. Starting from 10 April 2004, every Wednesday and Thursday 5 students of Lithuania's Law University offer free legal

consultations on the issues of family law, labour law and domestic violence. The duration of the project is one year.

55. The first Men's Crisis and Information Centre was set up in Vilnius in 2002. The centre offers consultation and therapy services to perpetrators of violence who try to eliminate violent behaviour in the family.

56. Teaching of police officers and social workers is organised, public information campaigns are held, investigation of the sources of violence has been carried out, gender role research and gender studies are conducted (especially studies relating to the men's and boys' role, to all forms of violence against women, including domestic violence). Society, especially women's organisations, besides organising information campaigns, have provided substantial assistance to battered women. Recommendations are being worked out with a view to including the gender issue in the study programmes of lawyers, social pedagogues, social workers, police officers, physicians. Lectures on violence against women and children have been included in the study programme of students of the Police Faculty of the Law University of Lithuania. Since 2001 police officers have been participating in implementing various projects (training, conferences, workshops) relating to domestic violence. Implementing 2003-2004 National Programme for Equal Opportunities for Women and Men, the Manual of Legal and Practical Advice for Women Subjected to Domestic Violence has been prepared and presented to municipal institutions, wards, NGOs, women's crisis centres, police officers.

c)

57. Article 30 of the Constitution of the Republic of Lithuania establishes that any person whose constitutional rights or freedoms are violated shall have the right to appeal to court, whereas Article 109 ordains that In the Republic of Lithuania, justice shall be administered only by courts.

58. Court proceedings – civil, criminal and administrative are regulated by the Code of Civil Procedure of the Republic of Lithuania, Code of Criminal Procedure of the Republic of Lithuania and Code on Administrative Offences of the Republic of Lithuania and the Law of the Republic of Lithuania Amending the Law on Administrative Proceedings (19 September 2000 No VIII-1927), in which the Law is set forth in a new revised version.

59. Article 6 of the Code of Civil Procedure of the Republic of Lithuania establishes that justice in civil cases is administered only by courts on the basis of the principle of equality of persons before the law and justice, irrespective of their sex, race, views, origin, social status and other circumstances.

60. The same principle is set forth in Article 6 of the Code of Criminal Procedure of the Republic of Lithuania of. It is established in the Article that administration of justice in criminal cases is based on the principle of equality of persons before the law and court irrespective of their origin, social and financial position, nationality, race, sex, education, language, religious or public views, type or character of activity, place of residence and other circumstances. Moreover, it is also prohibited to accord to any one privileges, or make restrictions on grounds of any circumstances, personal traits, social and financial position of the people.

61. Its is established in Article 252 of the Code of the Republic of Lithuania of Administrative Offences that cases of administrative offences are investigated on the basis of equality of all citizens

before the law and the investigating body (officer) irrespective of the origin, social and property status, race or ethnicity sex, education, language, education, religious views, type or character of activity, place of residence and other circumstances. Analogous provisions are also included in the draft Code of the Republic of Lithuania of Administrative Procedure that is under preparation.

62. Similar provisions are also set forth in Article 6 of the new Revised Version of the Law of the Republic of Lithuania on Administrative Proceedings, which establishes the procedure for hearing administrative cases relating to complaints arising from administrative legal relations. The Article establishes that justice in administrative cases is administered only by courts on the basis of equality of all persons before the law and the court, irrespective of race, sex, ethnicity, language, origin, social status, religious views, beliefs and convictions, type or character of activity, place of residence and other circumstances.

63. The above-mentioned legal acts set forth the general principle of prohibition of discrimination in court proceedings on the grounds of sex and the principle of equality of all persons regardless of age, sex and other circumstances before the court resolving a legal dispute or defending the person's infringed rights. Every natural person, irrespective of his sex, shall have the right to defend his infringed rights in court in accordance with the administrative, criminal and civil procedure. The possible fact of infringement of the right and not sex, race or social status or other circumstances is the criterion constituting a legal ground for applying to the court for the defence of infringed rights.

64. Moreover, on 13 July 2004 the Seimas of the Republic of Lithuania passed the Law amending Article 1 and adding Article 2<sup>1</sup> and an Annex to the Law of the Republic of Lithuania on Equal Opportunities of Men and Women (13 July 2004 No IX-2346), drafted implementing legal acts of the European Union. Under this Law the burden of proof in the cases of discrimination on the basis of sex rests on the defendant; it is established that when hearing in courts or other competent institutions complaints and applications about discrimination on the basis of sex filed by natural persons, it is presumed that the fact of direct or indirect discrimination occurred. The person or the institution complained about must prove that the principle of equal opportunities has not been violated.

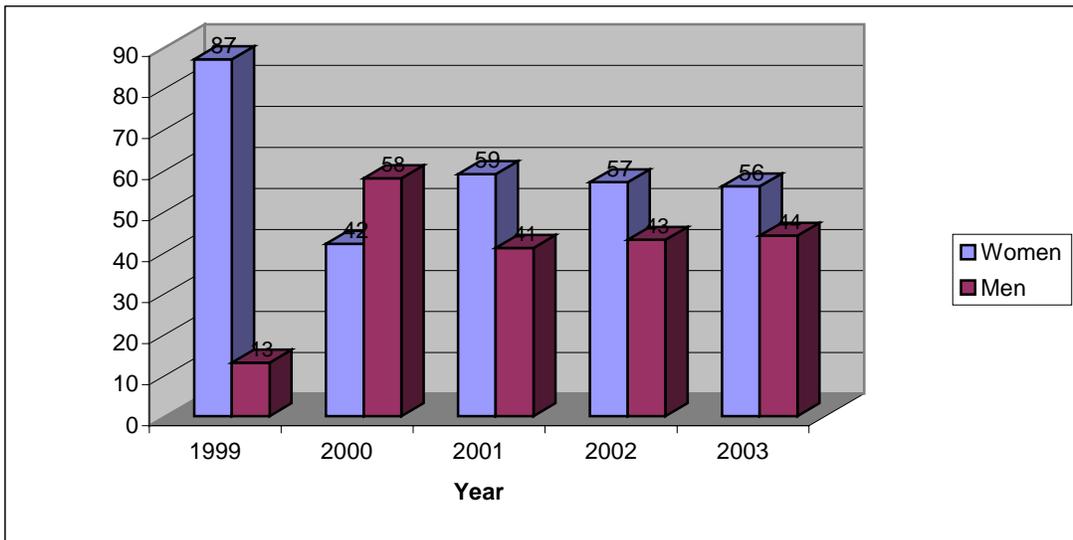
65. Violated rights, freedoms or other legitimate interests of persons may be defended not only in court. The Equal Opportunities Ombudsman investigates of both women's and men's complaints about direct or indirect discrimination and sexual harassment. The Ombudsman may commence investigation at his own initiative. The acceptance and investigation of complaints is regulated under articles 18-25 of the Law of the Republic of Lithuania on Equal Opportunities of Men and Women. A complaint is investigated within a month, as necessary the duration of investigation may be extended for one more month. The complainant is notified of the investigation results in writing. Also, from 1 January 2005 with the entry into force of the entry into force of the Law of the Republic of Lithuania on Equal Treatment, the Equal Opportunities Ombudsman will accept complaints about direct or indirect discrimination not only on the basis of sex.

66. In 1999 the Office of Equal Opportunities Ombudsman received 31 complaints, 4 cases were investigated on the initiative of the Ombudsman, in 2000 the amount of received complaints equalled 52 the Ombudsman initiated investigation of 5 cases, in 2001 63 complaints were received and 10 cases were investigated on the initiative of the Ombudsman, the amount of complaints

received in 2002 equalled 72 and the Ombudsman initiated investigation of 34 cases, in 2003 50 complaints were received and investigation of 15 cases was conducted on the initiative of the Ombudsman. In 2003 more than half of the complaints (56%) were filed by women, men, however, do not feel like putting up with discrimination (44% of all complaints).

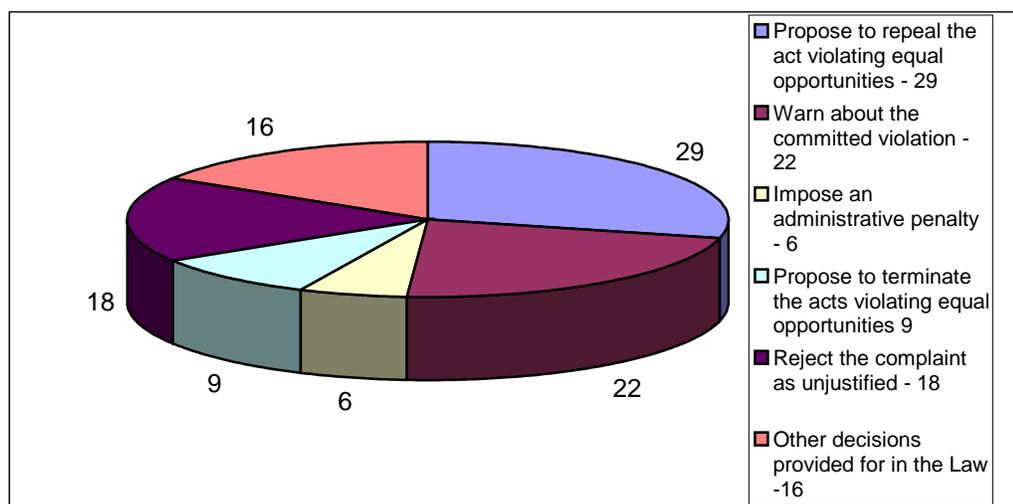
67. Summing up the years of activities of the Equal Opportunities Ombudsman Office, it should be noted, that women apply to it more frequently (except in 2000 when men filed a greater amount of complaints about their violated rights). In 1999 complaints filed by women amounted to 87% and those by men – 13%; in 2000 women filed 42% of complaints, men- 58%; in 2001 complaints filed by women amounted to 59% and those by men – 41%; in 2002 complaints filed by women amounted to 57%, those filed by men – to 43 %, in 2003 complaints filed by women amounted to 56%, those filed by men – to 44% of all received complaints.

Persons who filed complaints to the Equal Opportunities Ombudsman Office during the accounting periods, broken down by gender



68. The majority of complaints filed to the Equal Opportunities Ombudsman Office about discrimination on the basis of sex were justified. However, it worth while emphasising that even in the cases where the complaint was not justified, the investigation process, i.e. questioning of the persons who were the subject of complaint, witnesses, introducing them to the investigation results constitutes a good educative, cognitive and at the same time preventive measure. If the complaint falls outside the competence of the Equal Opportunities Ombudsman, the person who filed the complaint is familiarised with the specific character of complaints which fall under the remit of jurisdiction of the Equal Opportunities Ombudsman and the person is informed to whom he should apply.

## Decisions of the Equal Opportunities Ombudsman (in percent)



69. The majority of decisions taken by the Ombudsman are proposals to state institutions to repeal or amend legal acts so as that they contain no provisions violating equal rights of women and men. In 2003 4 administrative cases were investigated and administrative penalties were imposed on offenders. All the penalties were imposed for the violation of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men in the sphere of provision of goods and services. The sanctions applied to the offenders throughout the years of service of the Equal Opportunities Ombudsman were lenient, e.g. administrative fines in the amount from LTL 100 to LTL 2000 because, in the Ombudsman's opinion, an administrative penalty will not compel the offender (undertaking or organisation) to abide by the principle of equal opportunities of women and men. The office of the Ombudsman is disseminating the ideas of gender equality introducing the public to the Law of the Republic of Lithuania on Equal Opportunities of Women and Men, attempts to change the traditional attitude to female and male work, the role of woman and man in the family, society. 4 administrative cases regarding discriminating job advertisements have been heard, 4 employers have been imposed administrative fines.

70. It is worthwhile noting that not a single decision of Equal Opportunities Ombudsman has been appealed against, the taken decisions are being implemented. Certain decisions – motions to repeal or amend the legal acts which violates equal opportunities have been implemented, other motions are being considered. In all cases the institutions, having considered the Ombudsman's motion to amend or repeal the legal act violating equal opportunities, notifies the office of the investigation results and gives a reasoned explanation of the failure to implement the decision as well as the specifying date of its implementation. Often old legal acts are not amended due to the codification, systematisation and new acts are adopted or the old ones are included into other legislation. It should be noted that in all cases the persons or institutions who are complained against express approval of the principle of ensuring equal opportunities of men and women set forth in the note of investigation.

71. Residents have the right to apply to the Office of Equal Opportunities Ombudsman not only filing written complaints, applications, statements, but also by word of mouth, by telephone by e-mail. Residents of more remote localities often find it difficult to come to the Office of Equal Opportunities Ombudsman for the necessary consultation. Often the residents have no intention to write a complaint, they just want to consult about the possible settlement of a certain problem, to get information about their rights established by laws, to enquire about the possibilities of protecting themselves from possible discriminating actions. Annually some 200 persons apply to the Office in person, enquiring in general about all provisions of Lithuanian legal acts which, in their opinion, violate equal opportunities of women and men. Very often women who are on maternity leave or are bringing up a child below 12 months apply to the Office and enquire about their guarantees under law for their return to their jobs after the expiry of their leave. All applicants are offered legal consultation. Where immediate consultation is impossible, the applicant is contacted later.

72. In the cases established by law provision may be made for preliminary pre-trial procedure for settling disputes. For example, it is established in paragraph 1 of article 30 of the new version of the Law of the Republic of Lithuania on the Amendment of the Law on Consumer Protection (19 September 2000 No VIII-1946) that the National Consumer Protection Board shall carry out analysis of consumer out-of-court appeals, i.e., examine the documents submitted by the Service and Inspection, regarding any infringement of consumer rights; and adopt decisions on protection of consumer rights. It is established in Article 23 of the Law of the Republic of Lithuania on Design (7 November 2002 No IX-1181) that protests regarding the registration of designs shall be considered by the Section of Appeals of the State Patent Bureau. It is established in Article 5 of the Law of the Republic of Lithuania on Administrative Disputes Commissions (14 January 1999 No VIII-1030~~4~~) that municipality Administrative Disputes Commission shall consider individuals' complaints concerning the legality of individual administrative acts and actions of the entities of municipal public administration, also the lawfulness and motivation of the entities' refusal to perform the actions assigned to their competence or delay in performing said actions. County Administrative Disputes Commission shall consider complaints (applications) contesting the legality of individual administrative acts and actions of territorial entities of state administration, i.e., state institutions, agencies, services located in the county, as well as their employees, also municipal institutions, agencies, services located in the county as well as their employees, also the legality and motivation of the entities' refusal to perform the actions assigned to their competence or delay in performing said actions. It is established in Article 9 of this Law that the Chief Administrative Disputes Commission shall consider complaints (applications) contesting the legality of the individual administrative acts and actions of central entities of state administration, also complaints concerning the legality and motivation of refusal by the above persons to perform actions assigned within their competence or delay in performing said actions.

73. None of the above-mentioned laws, providing for preliminary out-of-court dispute settlement procedure, contains any discriminating provisions that would on the grounds of sex restrict the persons' right to apply to the said out-of-court dispute settlement institutions. In addition, all the above-mentioned laws provide for the right of the entity dissatisfied with the pre-trial investigation results to subsequently apply to court.

74. It is worth while noting that the new Code of Criminal Procedure of the Republic of Lithuania ensures the possibility to make an unhindered application to the court and guarantees commencement of pre-trial investigation if there is as much as the slightest ground to believe that a criminal acts has been committed. Of course such minimum ground is not sufficient for justifying the application of strict procedural coercive measures, however the performance of procedural actions connected with the investigation of the possibly committed criminal act. It is noteworthy that *de facto* specialisation of judges in hearing family and juveniles cases has been introduced in many regional courts.

d)

75. Article 3 of the Law of the Republic of Lithuania on Equal Opportunities of Men and Women establishes the duty of all state institutions to ensure within the limits of their competence that equal rights for women and men be guaranteed in all the legal acts drafted and enacted by them, to draw up and implement programmes and measures aimed at ensuring equal opportunities of women and men. Article 4 of the Law establishes the duty of institutions of education and science to implement equal rights of women and men. The institutions of education and science must ensure equal conditions for women and men regarding admission to vocational educational institutions, colleges, institutions of higher education, and to qualification improvement courses. The institutions of education and science must award women and men grants and provide loans for students, select the curricula, assess their knowledge. Within the limits of their competence the institutions of education and science must ensure that curricula and text books do not propagate discrimination of women and men. Article 5<sup>(1)</sup> regulates implementation of equal opportunities in the sphere of consumer protection. A seller and producer of goods or a service provider, in implementing the equal rights of women and men, must apply equal conditions of payment and guarantees for the products, goods and services of the same and equal value to all consumers, regardless of their sex, in providing consumers with information regarding products, goods and services or advertising them, ensure that it would not express degradation, scorn or restriction of rights or the granting of privileges on the grounds of the person's sex and that the public attitudes would not be formed that one sex is superior to another. Also Article 8 prohibits to request information from job seekers about their family status, age or family plans.

76. Item 9 of Article 4. Principles of Local Self-government of the Law of the Republic of Lithuania on Local Self-government has been supplemented with a new principle that the decisions taken by municipal institutions or public servants must not violate equal opportunities of women and men. In this way *de jure* equal rights of women and men are ensured in local self-government, legal conditions are provided for implementing the principle of equal opportunities, developing institutional mechanisms at the municipal level. Special attention is given to strengthening administrative capacities of public servants, especially those at municipal institutions, to ensure equal opportunities of women and men. For this purpose the Institute of Public Administration included in the mandatory introductory the training courses for public servants the module of ensuring equal opportunities of women and men.

77. It is established in Article 3 of the Law of the Republic of Lithuania on Public Service that the public service of the Republic of Lithuania is based, among other things, on the equal rights principle whereas the public servant must equally serve all residents irrespective of their sex,

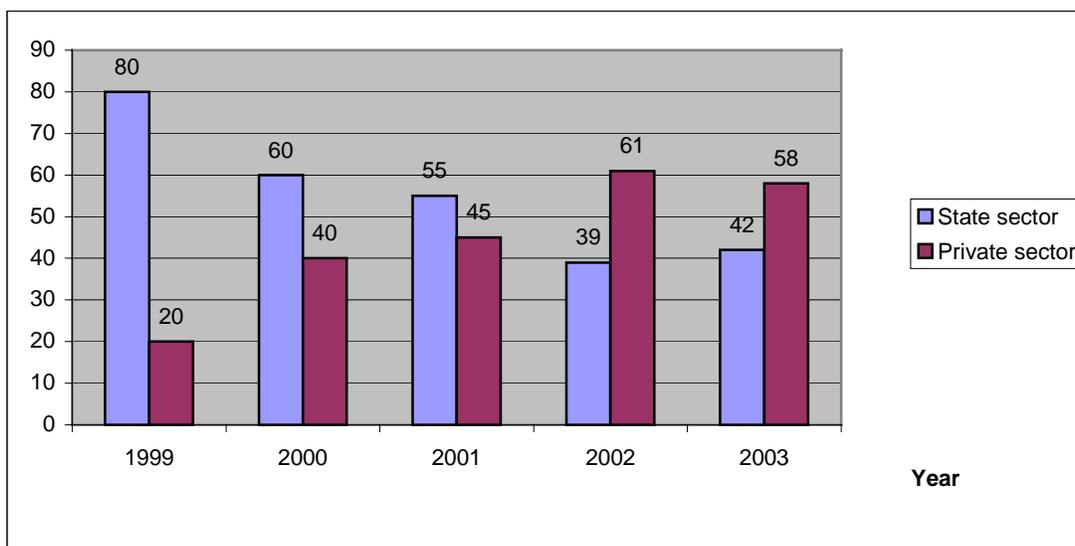
ethnicity, race, language, origin, social status, religion and political view, act in good faith when taking a decision on applications, not to abuse the powers and authority granted to him.

e)

78. Article 5 of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men establishes the duty of employers at enterprises all forms of ownership as well as heads of institutions to implement equal rights for women and men at workplace. When implementing equal rights for women and men at workplace the employer must apply equitable recruitment criteria, provide equal working conditions, opportunities to improve qualification and provide equal benefits, apply equal criteria in assessing the quality of work, provide equal pay for work of equal value, take appropriate means to prevent sexual harassment of the employees, take appropriate means to prevent persecution of an employee who has lodged a complaint on grounds of discrimination.

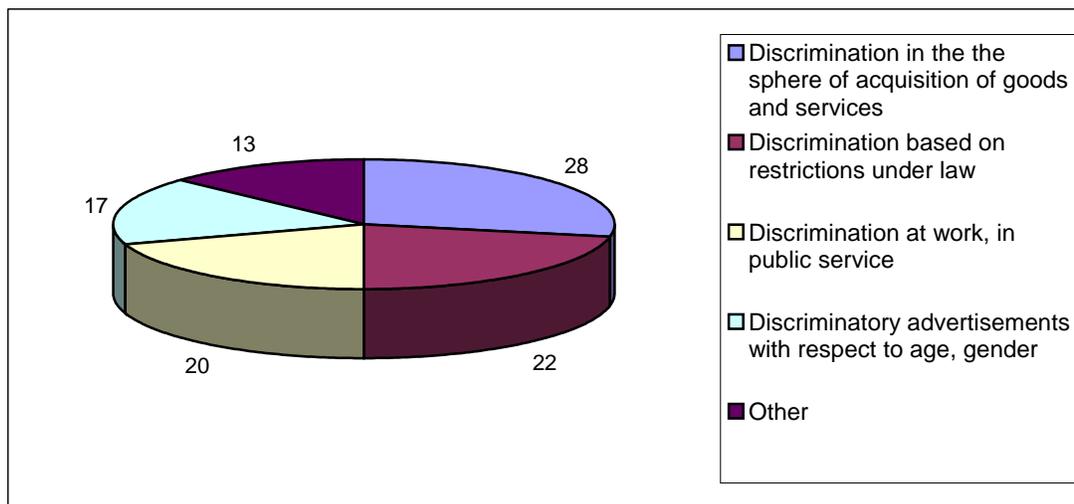
79. Every year the Office of the Equal Opportunities Ombudsman receives a growing number of complaints and applications. In 2000-2001 more complaints were lodged about violations in the public sector (60% and 55%, accordingly). In 2003-2004 the majority of processed complaints concerned violation of equal opportunities of women and men at private enterprises, institutions, organisations (in most cases related to discriminating job advertisements in the media).

Complaint investigation carried out in the public and private sectors (in percentage)



80. Summing up the received complaints and investigation carried out on the Ombudsman's initiative, we may distinguish several problems that keep recurring throughout the four years of functioning of the Equal Opportunities Ombudsman's Office and did not lose their urgency in 2004.

Subject matter of complaints and of investigations carried out on the Ombudsman's initiative  
(in percentage)



81. It is worth while noting that 2003 saw an increase in the number of investigations of cases relating to discrimination in the sphere of goods and services supply (part of them carried out following the receipt of a complaint, other were initiated by the Ombudsman).

f)

82. When carrying out Lithuania's legal system reform in the period from 2000 to 2004, it was sought to bring the effective legal acts in line with the international obligations of the Republic of Lithuania, harmonise them with the EU *acquis*. As the principle prohibiting discrimination on the basis of sex and ensuring equal opportunities, one of the basic elements in enforcing and protecting human rights and freedoms, had not been set forth in all national legal acts, certain amendments and supplements to the said acts were adopted.

83. The principle of equality of persons in civil legal relations had not been directly established in the Civil Code of the Republic of Lithuania in effect until 1 July 2001. Article 1.2 of the new Civil Code of the Republic of Lithuania that became effective as from 1 July 2001 establishes the principle of equality of persons – one of the basic principles of regulation of civil legal relations, stating that civil relationships shall be regulated in accordance with the principles of equality of their subjects' rights.

84. With a view to systematising Lithuania's labour law, bringing it line with market economy conditions, fulfilling the commitments to align Lithuania's labour law with the EU labour law *acquis* as well as other international commitments of Lithuania and seeking to avoid different regulations of labour relations in sectors of the economy (private and state), the Labour Code of the Republic of Lithuania was adopted on 4 June 2002 and came into force as from 1 January 2003. This Code is more flexible, in closer conformity with the current economic conditions, promoting decision-making on the basis of bipartite agreement between the employers and the trade unions, consolidating equality, flexible forms of labour organisation, ensuring adequate protection to women, especially pregnant women as well as parents bringing up children. The key objectives of the Code are

reforming in principle the labour law, regulating anew the greater part of labour and related relations, establishing by a legal instrument a single source of codification of labour law. As social partnership is gaining in importance in the entire Europe and in Lithuania the Labour Code of the Republic of Lithuania has become the principal document of harmonisation of interests of social partners. As established in Article 2 of the Code, one of the main principles of the regulation of labour relations is equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities.

85. A new version of the Law of the Republic of Lithuania on Safety and Health at Work was adopted on 1 July 2003, the purpose of which is to lay down the general requirements on safety and health at work applicable to working young people, pregnant workers and workers who have recently given birth or are breastfeeding and persons with limited functional capacity, to regulate public administration of safety and health at work and the competence of State institutions, the rights and obligations of employers, representatives of employers and workers in order to ensure safe and healthy working conditions, as well as the rights of representatives of workers when ensuring safe and healthy working conditions for workers, general principles of responsibility for violation of legislation on safety and health at work, general legal provisions and requirements in order to protect workers against occupational risks or to reduce such risks; general provisions of occupational risk assessment, the procedure of investigation of accidents at work and occupational diseases. The following definitions are given in the Law: "worker who is breastfeeding" means a worker who submits to her employer a certificate issued by a health care institution confirming that she takes care of her child and breastfeeds him until he is 12 months of age, "worker who has recently given birth" means a mother who submits to her employer a certificate to this effect issued by a health care institution and who takes care of her child until he is 12 months of age, "pregnant worker" means a worker who submits to her employer a certificate issued by a health care institution to that effect. Article 3 of the Law establishes that safe and healthy working conditions must be ensured for every worker regardless of the nature of business of an undertaking, the type of employment contract, number of workers, profitability of the undertaking, workstation, working environment, work type, the duration of the working day (shift), the worker's citizenship, race, nationality, sex, sexual orientation, age, social background, political views or religious beliefs. The guarantees of safety and health at work, provided by this law shall also apply to public servants of State and municipal institutions and agencies.

86. The Office of the Equal Opportunities Ombudsman, when investigating complaints about discrimination by reason of the person's sex and having established in legal acts violations of equal opportunities for women and men, shall be entitled to address the appropriate institution and propose to repeal or amend the legal act which violates equal opportunities. Every year the Office submits over 15 proposals to repeal or amend legal acts violating equal rights of women as well as men. Thus, seeking to avoid discrimination of women Order No 301 of the Health Minister of 31 May 2000 on prophylactic health checks at health care institutions was amended and prophylactic health check requirements for women and men were unified revoking the requirement for women to check with the gynecologist. The Office also proposed to supplement the revised versions of the Law of the Republic of Lithuania on Construction (8 November 2001 No IX-583) and to provide for fitting out a special room for women to breastfeed the infants, etc. Following the entry into force on 3 July 2002 of the

amendments to the Law of the Republic of Lithuania on Equal Opportunities of Women and Men Article 8 of the Law has been supplemented setting forth the prohibition to specify requirements in job advertisements or education opportunities advertisements, giving priority to one of the sexes and to request information from job seekers not only about their family status, private life, but also their age.

g)

87. The criminal laws of the Republic of Lithuania have no norms directly or indirectly discriminating women. It is also worth while noting that the norms of the Criminal Code of the Republic of Lithuania establish greater protection for pregnant women from the point of view of criminal law, e.g. criminal act against a pregnant woman is an incriminating circumstance or an element qualifying an act as criminal, detention is not applicable to pregnant women, etc.

88. It must be noted that the Criminal Code of the Republic of Lithuania not only contains no provisions discriminating women but also affords them an opportunity to effectively defend themselves from criminal acts. These provisions are of utmost significance in case of domestic (family) violence when a woman being subjected to violence is defending herself from the attacker. Thus, Article 28 establishes a person's right to self-defense. The person may exercise the right regardless of whether he has the possibility of avoiding the attempt or calling for assistance from another person or state authority. Under the Code a person, who acts in a way which would otherwise formally constitute a criminal act or a misdemeanour as stipulated in the criminal statute shall not be liable under criminal statutes if this act is committed in self-defence or defence of another, in defence of property, the inviolability of the person's dwelling, or other rights, or in defence of the interests of society or the state, from a direct and imminent threat, provided that by so acting the person does not go beyond the limits of self-defence. The limits of self-defence are exceeded where defence is clearly disproportionate to the nature and degree of danger of an attempt or where homicide is committed or a serious health impairment is caused with specific intent. No criminal liability is incurred when the limits of self-defence are exceeded by reason of extreme confusion or fright, caused by the attempt, or where the person is defending against breaking and entering of a dwelling.

89. It is established in subparagraph 5 of paragraph 1 of Article 59 of the Criminal Code of the Republic of Lithuania that commission of an act under mental or physical coercion shall be considered as a mitigating circumstance reducing the liability of the offender. The above circumstance shall be considered as mitigating only where such coercion does not completely relieve him of criminal liability.

90. It is established in Article 60 of the Criminal Code of the Republic of Lithuania that circumstances shall be considered as aggravating the liability of the offender if the act is committed against a woman known to be pregnant. Article 129 of the Code treats the murder of a pregnant woman as the crime of qualified murder. Heavy penalties of deprivation of liberty are provided for causing injury or health impairment to a pregnant woman. According to subparagraph 4 of paragraph 2 of Article 135 of the Code, a person who causes grave injury or health impairment to a pregnant woman shall be punished by a term of imprisonment from 2 to 12 years, whereas according to subparagraph 4 of paragraph 2 of Article 138, a person who causes minor injury or health impairment to a pregnant woman shall be punished by a term of imprisonment for up to 5 years.

### Article 3

91. Gender equality is the priority element of the Programme of the Government of the Republic of Lithuania for 2001-2004. The purpose of the Programme is to ensure equal opportunities for women and men in education, improvement of qualifications, in employment, promotion, equal pay, to accord women full participation, on the basis of equality with men, in decision-making at all levels of political and public life, widen the scope of their employment in prestigious spheres of activity, in high-ranking positions in public institutions.

92. The National Programme for Equal Opportunities for Women and Men for 2003-2004 was approved by Resolution No 712 of the Government of the Republic of Lithuania of 3 June 2003. The Programme was drawn up in response and with regard to the Concluding Observations of the UN Committee for Elimination of Discrimination against Women and Recommendations to the Government of the Republic of Lithuania regarding the implementation of the Convention (consideration by the Committee of the reports by the Member states. The initial report and the second periodic report of Lithuania was considered in New York at its 472nd, 473rd and 480th meetings, on 12-30 June 2000.), the Beijing Declaration and the Platform for Action adopted at the IV World conference of Women (Beijing, 4-15 September 1995), the final document of the 23rd special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (Beijing +5)" (New (New York, 5-9 June 2000), other commitments and obligations on gender equality matters laid down in other international treaties and agreements. The Programme should be treated as one of the principal complex actions of the Government of the Republic of Lithuania, ensuring women's comprehensive development and progress, their proper participation in political, social, economic and cultural life, the Programme is an instrument for implementing the obligations provided for in Article 3 of the Convention and the recommendations of the UN Committee on Elimination of Discrimination against Women.

93. The object of the Programme – gender equality - is conceived as one of the key principles of democracy which is based on gender equity, responsibility, opportunities in all spheres of life seeking equitable division of influence in economics, public life and decision making processes as well as elimination of obstacles for full-fledged participation in economic, social, cultural, political and public life. Lithuania's laws ensure *de jure* equal opportunities of women and men thereby creating the required legal ground. The Programme serves for implementing legal provisions in practice.

94. The main goals of the Programme include creation of equal opportunities for men and women to participate in the life of society, i.e. to achieve a balanced representation of women and men in the spheres of society life where any gender is underrepresented, to ensure that both men and women receive services and financial resources in the most equitable manner possible, to identify specific problems encountered by women and men and to address them. The two main goals of the Programme - to ensure their rights of women under the conditions of equal opportunities of women and men and to implement equal opportunities of women and men in all spheres of activity – are interconnected.

95. The main directions of the Programme are the following: ensuring equality of rights for women and men in the spheres of health and environmental protection, combating violence against women and trafficking of women; ensuring equal opportunities for women and men in the spheres of

employment, education, politics and decision-making; strengthening, improving and developing enforcement mechanisms and methods, including institutional mechanisms, statistics, measures aimed at eliminating gender stereotypes.

96. The measures for implementing the Programme covering various areas are being implemented with the assistance of non-governmental organisations. The measures are financed with the funds of the State budget of the Republic of Lithuania from the general appropriations approved for ministries and organisations participating in the implementation of the Programme. LTL 727 000 have been allocated from the State budget of the Republic of Lithuania for the implementation of the above-mentioned measures, LTL 262 000 from the amount were allocated in 2003, and LTL 465 000 – in 2004. The majority of measures under the Programme are financed from the EU structural funds.

97. The implementation of the Programme is coordinated by the Commission of Equal Opportunities of Women and Men formed by Resolution No 266 of the Government of the Republic of Lithuania on 7 March 2000. Members of the Commission annually prepare, by 1 December, reports on the carrying out of the Programme implementation measures the responsibility for the implementation of which has been placed on the respective ministries represented by them. Every year a generalised report on the implementation of each measure is presented to the Government of the Republic of Lithuania. More detailed information about the carrying out of the Programme implementation measures is given when providing information according to the Articles of the Convention.

98. The initial results of the Programme implementation showed that the Programme is proceeding in the right directions: the measures for the settlement of gender equality problems, for achieving the set goals in the relevant spheres are being implemented in a comprehensive manner and with good results. The Programme aims at achieving not only quantitative changes, which are not always an appropriate criterion, but also qualitative changes. In order to achieve qualitative changes of the current situation the period set for the execution of the Programme implementation measures should be extended. With a view to that and having regard to the exceptional significance of gender equality, it has been proposed to extend the duration of the Programme in 2005-2006. All ministries have given their approval to the proposal.

99. The gender aspect is integrated whereas special measures intended for women have been included in other programmes: National Programme for Increasing Employment in 2001-2004, approved by Resolution No 529 of the Government of the Republic of Lithuania of 8 May 2001, Small and Medium-sized Business Development Strategy until the Year 2004 and small and medium-sized business development measures for 2002-2004, approved by Resolution No 1175 of the Government of the Republic of Lithuania of 19 July 2002, the Programme of Implementation of Poverty Reduction Strategy in 2002-2004, approved by Resolution No 1753 of the Government of the Republic of Lithuania of 7 November 2002, the mother and Child Programme approved by Resolution No 754 of the Government of the Republic of Lithuania of 16 June 2004, etc. The following programmes address one of the key problems of gender equality – trafficking in human beings, especially in women and children: Programme on the Control and Prevention of Trafficking in Human Beings and Prostitution (2002-2004), approved of by Resolution 62 of the Government of the Republic of Lithuania of 17 January 2002, Trafficking in Human Beings and Prostitution Preventive Educative 2003-2004 Programme approved by Order No ISAK-1699 of the Minister of Education and

Science of the Republic of Lithuania of 28 November 2003, 2003-2004 Programme for Psychological Rehabilitation, Vocational Guidance and Employment of Victims of Trafficking in Human Beings and Prostitution, approved by Order No A1-111 of the Minister of Social Security and Labour of 1 July 2003. More detailed information relating to the implementation of the above-mentioned programmes is presented according to the Articles of the Convention.

100. The implementation of equal opportunities and rights of women and men as well as the safeguarding of the human rights strategy is guaranteed by the National Human Rights Support and Protection Activities in the Republic of Lithuania Plan under the UN development programme, approved by Resolution No IX-1185 of the Seimas of the Republic of Lithuania of 7 November 2002. One of the priority goals of the National Human Rights Support and Protection Activities in the Republic of Lithuania Plan is human rights monitoring. For that purpose continuous monitoring of the position of women is performed at all levels: the situation on the labour market (career possibilities, remuneration for work, safety at work, protection of pregnant women, leave, sexual harassment, etc.), the status of women in the family (including single women), violence against women, especially family violence, trafficking in human beings. At the same time possibilities for the protection of the rights of the women are ensured.

101. Under the National Human Rights Support and Protection Activities in the Republic of Lithuania Plan the following specific measures are implemented with regard to women's rights protection and implementation: in the sphere of protection of reproductive rights of women – the national strategy of reproductive health policy is being prepared, the strategy specifies the priority goals, methods and directions of reproductive health improvement; in the sphere of prevention of violence against women – it is planned to work out and submit proposals regarding feasibility of preparation of social educative programmes for persons who commit acts of violence, their family members, at the same time addressing the issue of state aid to women and children subjected to domestic and sexual violence (promoting the activities of crisis centres with “hot line” telephone services, provision with free temporary accommodation, etc.); in the sphere of protection of the rights of the elderly – it is planned to prepare and start implementing a programme the purpose of which is to provide the elderly with better conditions for studying, acquiring a qualification, finding a job.

102. The institutional mechanism for implementing equal opportunities for women and men, comprising three interconnected levels that are closely cooperating – the Parliamentary, Governmental and public - is being further perfected and developed following the recommendations of the United Nations Committee on the Elimination of Discrimination against Women. A group of women parliamentarians unites women MPs with different political opinions, encouraging discussions on issues vital to all Lithuanian women, closely cooperating with women's NGOs, members of the Commission for Equal Opportunities for Women and Men. The National Women's Forum is operating under the Family and Child Commission of the Seimas of the Republic of Lithuania.

103. A lot of effort has gone into ensuring further development and upgrading of capacities on the government level. The Advisor to the Prime Minister, responsible for addressing the issues of equal opportunities of women and men as well as work with non-governmental organisations was appointed in 2002. From 2001 the Ministry of Social Security and Labour has been empowered to coordinate the implementation of equal opportunities of women and men in all spheres of activity, i.e. the Minister for Social Security also became the Minister for Gender Equality. Every state institution

is in its turn responsible for ensuring gender equality in the sphere of its regulation (e.g. the Ministry of Social Security and Labour is responsible for ensuring equal opportunities of women and men in the sphere of labour and social protection). Each Ministry has been appointed a member of the Commission for Equal Opportunities for Women and Men. In addition the Commission for Equal Opportunities for Women and Men coordinates the implementation of 2003-2004 National Programme for Equal Opportunities for Women and Men, submits to the Government of the Republic of Lithuania and other state institutions conclusions and proposals on the implementation of the principle of equal opportunities and rights of women and men, takes care of the dissemination of the ideas of equal opportunities of women and men closely cooperating for the purpose with the Office of Equal Opportunities Ombudsman, women's non-governmental organisations. The Commission for Equal Opportunities for Women and Men has been actively urging to put into effect the recommendations to the Government of the Republic of Lithuania on the implementation of the Convention in Lithuania of the Beijing Declaration and the Platform for Action, the final document of the 23rd special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (Beijing +5)", of the United Nations Committee on the Elimination of Discrimination against Women.

104. Identifying the problems of equal opportunities of women and men in different spheres and ensuring the monitoring of dealing with the problems is hardly possible without possessing disaggregated statistical data. Every year the Statistical Department under the Government of the Republic of Lithuania presents statistical data of various sectors broken down by sex in the publication "Women and Men in Lithuania." A list of statistical data reflecting gender-related problem areas in our country has been compiled. Statistical data of crimes or misdemeanors, from among them crimes and criminal misdemeanors relating to discrimination against women, are stored at the Department of Informatics and Communications under the Ministry of the Interior. Judicial statistics is published on the web site of the National Court Administration. Responsibility for the implementation of labour market policy has been placed on the labour exchanges, other services are responsible for collecting statistical data broken down by sex.

105. The institution of the Equal Opportunities Ombudsman has been strengthened. The name of the office was changed after the passing of the Law of the Republic of Lithuania on Equal Treatment the name of the office was changed to the Office of Equal Opportunities Ombudsman. The Office now has more personnel, has been granted additional financing. The Budget of the Office for 2004 was LTL 480 000. The staff number on the Office's pay-roll is 10, currently it has 6 staff members.

106. Currently attempts are made to develop the institutional mechanism at the municipal level. In 2001 the Vilnius city municipality (the first and so far the only one in Lithuania) appointed a person responsible for the issues of equal opportunities of women and men, however, now adequate legal ground for further development of the municipal level has already been put in place and the capacities of municipal public servants on gender equality issues are further strengthened.

107. The public sector comprises non-governmental women's organisations which are active in various spheres of gender equality. Their number amounts to over 100. The year 2001 saw the establishment of an informal coalition of non-governmental organisations for the defense of women's rights, uniting all counties and municipalities of Lithuania, actively cooperating with other structures

of the institutional mechanism – the group of women parliamentarians, the office of the Equal Opportunities for Women and Men Ombudsman, the Commission for Equal Opportunities for Women and Men. The Women's Issues Information Centre is one of the most active links of the public sector. The Centre supports the electronic network uniting 130 state institutions, non-governmental organisations and individuals. The electronic network transmitting information in the most efficient and speedy manner provides conditions for the exchange of ideas, experience, proposals, other necessary information, thereby promoting informal cooperation of different sectors. The Kaunas Women's Employment Information Centre actively contributes to the establishment of women's employment information centres in other regions of the country. The network of women scientists is being developed with active assistance of gender study centres which number 4 in Lithuania. A coalition of non-governmental organisations for combating violence against women is in being established. Non-governmental organisations have been invited as full-fledged members to the European Women's Lobby – the association of ES women's organisations.

108. Although the funding of non-governmental and women's organisations is still insufficient, the greater part of funding is guaranteed in the budgets of national programmes, first of all in the budget of the 2003-2004 National Programme for Equal Opportunities for Women and Men. The implementation of the measures provided for in the Programme is supported by the EU structural funds, therefore the projects of the organisations which have been recognised as successful tenderers in the tendering procedures are financed not only from the State Budget of the Republic of Lithuania but also with the EU resources. Non-governmental organisations have been invited to take part in the implementation of other programmes mentioned above in the Report. As from 2004, residents may allocate 2% of their income tax to non-governmental organisations. This provides the said organisations additional conditions for performing the function of ensuring women's human rights.

109. In the 2003-2004 National Programme for Equal Opportunities for Women and Men a lot of attention is devoted to developing public servants' capacities to address the issues of gender equality. The Lithuanian Institute of Public Administration has prepared the training programme "Women, Men and Public Sector Management." The purpose of the Programme is imparting to the participants the knowledge and skills about gender equality, encouraging them to realise that only a person who has rejected the stereotypes may expect success in work, study, politics, as well as disclosing the importance in public life of the partnership between woman and man. It was proposed to include the Programme in the introductory phase of study of public servants.

110. Gender equality in society is sought by applying gender mainstreaming methods. The project "Gender Mainstreaming in Lithuania": has been implemented as from 1 January 2002. The Project has been financed with the resources of the UNDP, the 2003-2004 National Programme for Equal Opportunities for Women and Men and by the Government of Norway. The Project is implemented by Women's Issues Information Centre in conjunction with the Ministry of Social Security and Labour. The project is aimed at supporting mainstreaming of gender perspective into all spheres, including legislation, policies and programmes of the Government of Lithuania, various parts of the institutional mechanism, state institutions, non-governmental organisations, cooperation of social partners, strengthening of gender equality capacities, especially those on the municipal level, seeking to change the stereotypes of the role of men and women in the country's economy which have a detrimental effect on women's employment, establishing and maintaining a permanent electronic

network embracing all women's NGOs, all structures of institutional gender equality mechanism, women scientists, politicians. The Project covered one-third of Lithuania's municipalities, training was provided for nearly 500 representatives of targeted groups: public servants, social partners, women's NGOs.

111. Despite the obvious progress, capacities of public servants, especially those on the municipal level, of social partners in dealing with the equal opportunities of women and men, gender mainstreaming issues will be further strengthened, the institutional implementing mechanism will be upgraded and developed.

## **Article 4**

### **Part 1**

112. After the passing of amendments to Article 2 of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men, item 6 of paragraph 3 of this Article establishes that "specific temporary measures set forth by the laws, aimed at accelerating the guaranteeing of factual equal rights for women and men and which must be repealed upon implementation of equal rights and equal opportunities for women and men" shall not apply to discrimination on the grounds of sex. Thus the so-called positive discrimination has been set forth in the legislation of the Republic of Lithuania, i.e. specific temporary measures. The provision has been laid down seeking to achieve gender balance in certain spheres of public, political, economic life. Gender mainstreaming together with specific gender-oriented measures constitute grounds for proper implementation of the principle of equal opportunities of women and men. Thus, training of representatives of different target groups, especially the project "Gender Mainstreaming in Lithuania" implemented by the Women's Issues Information Centre in 2002-2004 cover both training opportunities in gender mainstreaming and explanation of the concept of temporary specific measures and its practical application.

113. Article 18 of the Law of the Republic of Lithuania on State Social Insurance Pensions (18 July 1994 No I-549; 19 December 2000 No IX-84) establishes different pensionable age of women and men. Women acquire the right to draw state social insurance old age pension upon reaching the age of 60, whereas pensionable age for men is 62.5 years. In addition, it is established in Article 55 of the Law that beginning with 1 January 1995 and in each subsequent year the obligatory insurance period shall be increased by one year per year for women and men and until it reaches 30 years for men and 25 years for women. Henceforth this period shall be increased by 1 year for women until it reaches 30 years, i.e. is endeavoured to establish equal obligatory insurance period for women and men. In the European Union different pensionable age established for women and men is not treated as discrimination, however, the general tendency in the EU is to equalise the pensionable age for men and women by increasing the pensionable age of women to match that of men. The tendency is also noticeable in Lithuania, an EU Member State. It should be noted that Article 44, paragraph 1, item 6 of the revised version of the Law of the Republic of Lithuania on Public Service (23 April 2002 No IX-855) establishes that retirement age for both women and men is 62.5 years.

114. The election laws of the Republic of Lithuania contain no provisions pressurising the implementation of gender quotas, i.e. the proportion of men and women in the lists of a political party and political organisation candidates to the Seimas or municipal councils is not regulated by law. Drawing up the candidate lists remains the internal matter of political parties and political

organisations. It is worth while indicating that the candidate lists of the Lithuanian Social Democratic Party is drawn up in compliance with gender quotas. Women also topped the Labour Party list of candidates during the election to the European Parliament, therefore as many as 5 women out of 13 candidates have been elected. In the Presidential elections in 2004 two women candidates ran for the office of the president and for the first time in Lithuania's history a woman candidate was elected to the second round.

## **Part 2**

115. All persons in Lithuania have been provided equal opportunities to choose and get a qualified professional training, to make use of privileges when studying. In order to reduce the number of girls and women who do not finish school and have no professional qualification, tertiary school and college regulations allow to grant students academic leave in case of health impairment or for any other serious reason (including maternity and child-care leave).

116. Article 278 of the Labour Code of the Republic of Lithuania regulates maternity protection. Pregnant women or women who have recently given birth or breast-feeding women may not be assigned to perform work in the conditions that may be hazardous and affect the health of the woman or the child. The list of hazardous conditions and dangerous factors prohibited for pregnant women, women who have recently given birth or breast-feeding women is approved by the Government of the Republic of Lithuania. In compliance with the list of hazardous conditions of work and working environment risk assessment results, the employer must establish the nature and duration of potential effect to safety and health of a pregnant woman, woman who has recently given birth and breast-feeding woman. Upon assessment of the potential effect, the employer must take necessary measures to ensure that the above risk is eliminated. Where the elimination of dangerous factors is impossible, the employer shall implement measures to adjust the working conditions so that exposure of a pregnant woman, a woman who has recently given birth or a breast-feeding woman to risks is avoided. If the adjustment of her working conditions does not result in avoidance of her exposure to risks, the employer must transfer the woman (upon her consent) to another job (working place) in the enterprise, agency or organisation. Having been transferred to another job (working place) in the enterprise, agency or organisation, the pregnant woman, the woman who has recently given birth or the breast-feeding woman shall be paid not less than her average pay she received before being transferred to another job (working place). If transferring a pregnant woman to another job (working place) where her and her expected child's exposure to risks could be avoided is not technically feasible, the pregnant woman shall, upon her consent, be granted a leave until she goes on her maternity leave and shall be paid during the period of extra leave her average monthly pay. If it is not technically feasible to transfer a woman who has recently given birth or a breast-feeding woman after her maternity leave to another job (working place), where her or her child's exposure to risks could be avoided the woman shall, upon her consent, be granted an unpaid leave until her child is 1 year of age and shall be paid for the period maternity insurance contributions prescribed by law. Where a pregnant woman, a woman who has recently given birth or a breast-feeding woman has to attend medical examinations, she must be released from work for such examinations without loss in her average pay, if such examinations have to take place during working hours. In addition to the general break to rest and to eat, a breast-feeding woman shall be at least every three hours given at least 30-minute breaks to breast-feed. At the mother's request the breaks for breast-feeding may be joined or

added to the break to rest and eat or given at the end of the working day, shortening the working day accordingly. Payment for these breaks to breast-feed shall be calculated according to the average daily pay of the employer. Pregnant women, women who have recently given birth or breast-feeding women may not be assigned to work overtime without their consent. Pregnant women, women who have recently given birth or breast-feeding women may be assigned to work at night, on days off or on holidays, or be sent on business trips only with their consent. If such employees refuse to work at night and submit a certificate that such work would affect their safety and health, they shall be transferred to day-time work. Where it is not possible to transfer such employees to day-time work due to objective reasons, they shall be granted a leave until they go on maternity leave or child-care leave until the child is 1 year of age. During the period of leave granted before the employee goes on maternity leave she shall be paid her average monthly pay.

117. Article 37 of the Law of the Republic of Lithuania on Labour Protection ensures maternity protection and establishes that pregnant or breast-feeding women or women who have recently given birth must be provided with safe and healthy conditions of work. Such women shall have the right to choose to work full-time or part-time. By this Law the State establishes guarantees for safety and health at work for pregnant women, women who have recently given birth or women who are breast-feeding. It shall be prohibited to assign pregnant and breast-feeding women and women who have recently given birth to perform work that may be hazardous to the health of the woman or the child. In compliance with the list of hazardous conditions and dangerous factors prohibited for pregnant women, women who have recently given birth or breast-feeding women, that was approved by Resolution No 340 of the Government of the Republic of Lithuania of 19 March 2003 the employer must establish the nature and duration of potential effect to safety and health of a pregnant woman, woman who has recently given birth and breast-feeding woman. Upon assessment of the potential effect, the employer must take necessary measures prescribed by Article 278 of the Labour Code of the Republic of Lithuania.

#### **Article 5**

118. The objectives and measures of the 2003-2004 National Programme for Equal Opportunities for Women and Men are directed at eliminating the stereotypes. The objectives of the Programme is to change the stereotypes of the role of women and men in the country's economy, encourage the media to create and use non-stereotypical, balanced and multifaceted portrayals of the representatives of both genders. For the above purposes round tables have been held during the last two years at which social partners, non-governmental organisations discuss the role of women and men in economics and measures are taken to organise their training. Specialists of territorial labour exchange and labour market specialists also undergo training on the issues relating to non-stereotypical consulting vocational guidance of women and men and improvement of job search possibilities. Beginning with 2003 the Ministry of Culture has been supporting the projects of non-governmental organisations aimed at shaping a versatile non-stereotypical image of women and men via the mass media. Annually LTL 30 000 are allocated for the purpose.

119. Gender stereotypes encumber the implementation of equal opportunities for women and men in the system of education, work, politics, public life. Thus, in 2003 the drafters of the Ethical Code of Journalists and Published were submitted proposals regarding the amendment of certain provisions of the Code to encourage the mass media to avoid all stereotypical portrayals of women

and men and to create and use non-stereotypical, balanced and diverse images of representatives of both genders.

120. In 2000-2004 attempts were made to implement the recommendations presented by the Committee regarding the ways and means for the creation of a positive image of women in the mass media. Funds of the 2003-2004 National Programme for Equal Opportunities for Women and Men are used to support the projects of non-governmental organisations which are aimed at creating in society non-stereotypical, diverse images of women and men. In 2001 Lithuania actively participated in implementing the project “Mass Media and Gender Policy” financed by Open Society Fund – Lithuania Regional Women’s Programme and introduced a documentary “Will it be better tomorrow?” In 2003 the scientists of Vilnius University carried out a sociological survey “Gender Stereotypes in the Media”. Project had been carried out with financial help from Women's Programme of the Open Society Fund-Lithuania. The conclusions of the sociological survey are further used when planning the measures aimed at eliminating the stereotypes.

a)

121. The educational system greatly contributes to changing the stereotypes of the role of women and men in the spheres of life. This is also noted in the Recommendations of the UN Committee for the Elimination of Discrimination against Women. Thus, seeking the establishment of gender equity in the general education system, the requirements for the subject of a general education textbook were confirmed by Order 452 of the Minister of Education and Science of 9 April 2003. The Requirements establish that gender tolerance is one of the textbook evaluation criteria. Standards for general curricula and attained education levels for 1-10 forms of Lithuania’s schools of general education, approved by Order No ISAK-1015 of the Minister of Education and Science of 9 July 2003 (hereinafter referred to as Standards for General Curriculum and Education Levels), establish that the school and the teacher must instil in the individual respect for human dignity, human rights and freedoms. The issues of equal opportunities for women and men are addressed in the textbooks for cultivation of the students’ civic, moral positions. Workshops, qualification improvement courses addressing the issues of gender equality are held for teachers of educational institutions. The Pedagogues Professional Development Centre held seminars “Gender Tolerance in Education” for school principals, social pedagogues, class masters, psychologists, specialists of moral education. During the year a cycle of seminars “Life skills” was held for the pedagogues at which the issues of gender equality were addressed.

122. The Standards for General Curriculum and Education Levels are observed when developing the children’s perception of values, building grounds for forming positive personal opinion, developing tolerant attitude to physical, religious, social, cultural differences of human beings. Moral education as an integral part of teaching aims at developing a person’s perception of one’s own self as an individual realising the likeness and difference of all people, harbouring respect for every human being, feeling one’s own and other people’s freedom, dignity, value, develop tolerance to other people who are different, perceive one’s own and accept other person’s singularity. The aim of social education is to develop communication and co-operation skills accepting the difference of opinions and convictions without infringing on other people’s interests and to instil a tolerant attitude to differences of people. Technological education pursues the goal of teaching people to protect human values, develop respect for their own personal worth and other person’s opinion,

openness in communicating and co-operating with others in creative and practical activity irrespective of gender, health condition or social status. The contents of education is connected to moral and civil values of the modern world, co-ordinated development of the inborn abilities of the child, it is related to the provision of values, general inborn skills and competencies that are necessary for the life of an individual and society, targeted development of social, cognitive and cultural competence, building critical thinking skills, life-long learning skills and developing capacity for perfection.

123. During the 5 years of its activity the Office of the Equal Opportunities Ombudsman has been sparing no effort to influence and change the stereotypical images of woman and men prevailing in the society. The Office employees actively participate in radio and TV broadcasts propagating equality of women and men, hold meetings, seminars, other events for the members of the society at large. The Office employees also take part in the events organised by other agencies, introduce their participants to the Law of the Republic of Lithuania on Equal Opportunities of Women and Men, acquaint them with the activities of the Office, analyse the images of woman and man portrayed by the mass media, is concerned with the ongoing change of the role of woman and man in the modern society. Throughout the year the Office of Equal Opportunities Ombudsman takes part in over 50 events of the kind.

**b)**

124. It is established in paragraph 5 of Article 38 of the Constitution of the Republic of Lithuania in the family spouses have equal rights. As set forth in article 3.156 of the Civil Code of the Republic of Lithuania, the father and the mother have equal rights and duties in respect of their children. Article 180 of the Labour Code of the Republic of Lithuania establishes that parental leave before the child has reached the age of three shall be granted, at the choice of the family, to the mother (adoptive mother), the father (adoptive father), the grandmother, the grandfather or any other relatives who are actually raising the child also to the employee who has been recognised the guardian of the child. The leave may be taken as a single period or be distributed in parts. The employees entitled to this leave may take it in turn. During the period of this leave the employee shall retain his work position, with the exception of cases when the enterprise is dissolved. Occasionally the Office of Equal Opportunities Ombudsman receives complaints from men about the possibility to use of parental leave.

125. Creating favourable conditions for women and men to better integrate their work and family duties and in this way increasing employment is one of priority goals identified both in the 2003-2004 National Programme for Equal Opportunities for Women and Men and in the National Programme for Increasing Employment in 2001-2004. Ratification of ILO Convention (No. 156) Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities provides an additional stimulus to assist working parents who have members of the immediate family who clearly need care or support and who seek to keep their position and successfully compete in the labour market. On 17 October 2003 the Minister of Social Security and Labour by Order No AI-160 approved the Recommendations to Employers and Employees to Apply, by Mutual Agreement, Flexible Forms of Work Organisation, which provides possibilities to develop flexible occupation forms and application of flexible working time and place of work provisions which are acceptable to both the employers and the employees.

## Article 6

126. Taking into account the Recommendation of the United Nations Committee on the Elimination of Discrimination against Women, further a comprehensive information regarding the legislative and factual information on combating trafficking in human beings in Lithuania is presented.

127. The Government of the Republic of Lithuania continues the consistent and purposeful policy of control and prevention of trafficking in people in conformity with international legal norms. The legal acts of the Republic of Lithuania relating to the prevention and control of trafficking in human beings, in essence, are in conformity with the requirements of international legal acts, i.e. requirements for control and prevention of trafficking in human beings set by the UN, EU, Council of Europe, Europol, other international organisations and institutions. The UN Conventions against Organised Crime and its two protocols – on trafficking in persons and on the smuggling of migrants - have ratified on 19 March 2002 by Law No IX-794., Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organised Crime was ratified on 25 March 2003 by Law No IX-1397, on 22 April 2003, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime was ratified on 22 April 2003 by Law No IX-1525. The Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography was ratified on 10 June 2004 by ALW No IX-2269. It is provided in the preamble to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognised human rights. On 4-5 June, Interior Ministers of Central and Eastern European states gathered in Vilnius for a two-day regional seminar “On the Acceleration of Ratification Processes of the United Nations Convention Against International Organised Crime and Accompanying Protocols.” The seminar analysed the specifics of transposition into national law of the Palermo Convention and its Protocols. Co-operation is strengthened with the United Nations Office on Drugs Control and Crime in Vienna targeting organised crime, corruption, drug abuse and trafficking of human beings. In 2003 work was started on the draft of the Council of Europe Convention for actions against trafficking in human beings. Lithuania, being a member state of the Council of Europe is actively contributing to the preparation of the Convention. The work on the Convention will be completed in 2005.

128. Lithuania’s strenuous efforts in combating trafficking in human beings has received a high evaluation from the US Department of State. In compliance with the minimum standards set in the US Victims of Trafficking and Violence Protection Act of 2000, Lithuania was for two years running – in 2001 and 2002 attributed to the first group of countries, i.e. countries which fully meet the above minimum standards. In 2002 such evaluation was given only to 18 countries out of 90.

129. In the Republic of Lithuania trafficking in human beings was criminalised as early as in 1998. The revised version of the Criminal Code of the Republic of Lithuania which came into force

on 1 May 2003 also provides criminal liability for trafficking in humans and related crimes. Article 147 “Trafficking in Human Beings ” of the Code establishes that a person who for monetary or other personal gain sold, bought or in any other way transferred or acquired a human being shall be punished with imprisonment for up to eight years. As provided in paragraph 1 of Article 157 of the Code, a person who sold, bought or in any other way transferred or acquired a child shall be punished with imprisonment for up to eight years, whereas paragraph 2 of Article 157 of the Code stipulates that a person who earned his living from buying and selling young children shall be punished with imprisonment from 2 to 10 years.

130. According to the data of the Police Department under the Ministry of the Interior, in 1999-2003, 62 cases of trafficking in humans were investigated in Lithuania, 25 of the cases were referred to the court. 12 cases were investigated in court, 20 persons were convicted. 66 suspects were arrested in criminal cases of 2002, 56 women victims were established, 80% of the victims - women under 25 years of age.

131. Taking into account the Recommendations of the UN Committee for the Elimination of Discrimination against Women that subjecting only the prostitutes to punishment encourages sexual exploitation of women, national legal acts regulating combating trafficking of persons, the victims of which is in most cases are women and children, were revised and amended. Legal acts provide stricter penalties for crimes and misdemeanours against morals. According to the laws of the Republic of Lithuania persons are held criminally liable for living off the proceeds of prostitution of other people or involving other persons to engage in prostitution, while engaging in prostitution incurs administrative sanctions. It should be noted that the above-mentioned laws do not differentiate the subjects of violations according to sex but apply both to men and to women. It must be emphasised that in the Republic of Lithuania engaging in prostitution does not qualify as a criminal act and therefore the person who engages in prostitution is not subject to criminal prosecution. Engaging in prostitution makes a person liable under Article 182<sup>1</sup> of Code of Administrative Offences the Republic of Lithuania of the : “Engaging in prostitution is punishable by a fine from LTL 300 to LTL 500. The same acts committed by a person with an administrative punishment record for the offence provided in paragraph 1 of this Article shall be punishable by a fine from LTL 500 to LTL 1000 or administrative detention for up to 30 days.”

132. The Ministry of the Interior has drafted relevant amendments to the Code of Administrative Offences of the Republic of Lithuania that would allow to release from liability of engaging in prostitution victims of trafficking in humans and to impose administrative liability upon persons making use of the prostitutes’ services. Of special significance is the proposed amendment to the Law of the Republic of Lithuania on the Legal Status of Aliens. The primary objective of the amendment the unification in Lithuania’s legislative system of the definition of the concept of victim of trafficking in human beings.

133. Further improvements are introduced in the system of protection from criminal influence of witnesses and victims of trafficking in human beings. The Law of the Republic of Lithuania on the Protection of Officers Engaged in Operational Activities, Officers of Justice and Law Enforcement Institutions from Criminal Influence which in force in Lithuania applies both to witnesses and to victims of trafficking in humans and their family members. The measures of protection from criminal influence defined by this Law may be assigned and applied in the course of operational activities or

pre-trial investigation or hearing of the criminal case in court as well as after the completion of operational activities or court hearing of the criminal case. In compliance with the Code of Criminal Procedure of the Republic of Lithuania, the victim or the witness may repeatedly request the prosecutor or pre-trial investigation officer to ensure them anonymity.

134. International co-operation in combating trafficking in human being is developed on the basis of bilateral agreements. The Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on the co-operation in combating organised crime, terrorism and other major crimes was ratified on 7 May 2002 by Law No IX-868 (came into force on 12 June 2002). The parties committed themselves by this Agreement to actively cooperate in combating various grave crimes, including trafficking in humans and soliciting. On 1 February 2002 the Agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Sweden on the Development Co-operation and Technical Assistance in Justice and Home Affairs Matters. By the Agreement the parties to it, realising that the spreading organised crime, illegal drug and psychotropic materials trafficking, illegal trafficking in human beings and terrorism cause ever growing danger which may only be eliminated by a far-reaching and efficient international co-operation and, proceeding on the basis of the principles of equality of rights, reciprocity and mutual benefit, agreed to further develop their close co-operation. On 13 June 2002 the Seimas of the Republic of Lithuania ratified by Law No IX 951 the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Uzbekistan on Co-operation in Combating Crime (entered into force on 10 July 2002). As stated in the Agreement, one of the directions of co-operation between the parties to the Agreement is combating trafficking in human beings and prostitution. The Agreement makes provision for co-operation in the following areas: exchange of information that may assist in the prevention, detection and investigation of a crime, provision of assistance in the investigation of facts of crime and of activities of persons, organisations, offices and undertakings, checking the persons, articles and documents according to the appropriate records, exchange of work experience by organising and delivering, *inter alia*, secondment programmes, consultations and workshops. Lithuania is co-operating under bilateral international agreements with in the area with 16 states (Latvia, Estonia, Poland, Russia, Ukraine, Belarussia, Moldova, Azerbaijan, Uzbekistan, Kazakhstan, United States of America, China, Sweden, Finland, Germany, Hungary). A bilateral international agreement with Armenia has already been signed and presented for ratification the Seimas of the Republic of Lithuania.

135. Lithuania actively contributes to regional co-operation in combating trafficking in human beings since this problem may not be settled by the efforts of only one state. Co-operation is developed both at the EU level and at the Council of Europe and Nordic and Baltic levels.

136. Chairing the Council of Europe, Lithuania set the priorities of chairmanship - Lithuania chairing the Council of Europe focused on combating trafficking in human beings and promoting the rights of women. In 2003 the Committee of Ministers of the Council of Europe adopted a decision to prepare the draft European Convention on Action against Trafficking in Human Beings. Taking into account that the majority of international legal acts on the issues are in fact acts of criminal law, the sum and substance of the future Convention is protection of the human rights of the victims of trafficking in humans, especially from the position of gender equality. Lithuania actively backed up the decision and appointed experts to participate in the drafting of the Convention. In view of its

importance, the links of its provisions to the competence of various national institutions the draft convention was presented for consideration to all Lithuania's interested state institutions and NGOs.

137. On 24 November 2003 Lithuania was visited by the Commissioner for Human Rights of the Council of Europe, Alvaro Gil-Robles. During the visit and in his recommendations prepared after the visit the Commissioner paid a lot of attention to the issues of trafficking in human beings and especially protection of victims. In their activities Lithuania's competent institutions are having regard to the recommendations presented by the Commissioner.

138. Close co-operation links the Nordic and Baltic countries. The international Conference on „Women and Democracy” was held on 15-17 June 2001 in Vilnius. More than 600 participants from the public, private, and nonprofits sectors in the United States, the Nordic and Baltic countries, Poland, Germany and Russia attended the Vilnius conference, as well as guests from Belarussia, other countries in the region, and several international organisations. Participants, who included the Presidents of Latvia and Lithuania and several Ministers from the region, assessed and built on progress made to promote women's political and economic participation. During the Conference on 15 June 2001 an informal meeting of the ministers of the Nordic and Baltic countries responsible for the issues of gender equality was held, at which a decision was adopted to organise in the Nordic and Baltic countries an information campaign against trafficking in women. The information campaign was supported by the Nordic Council of Ministers and national governments. The campaign was held in 2002-2003. In Lithuania, the principal goals of the campaign were to bring to the public attention the problem of trafficking in human beings, to inform the risk groups of the danger of trafficking in humans, to organise the teaching of representatives of state and municipal institutions, non-governmental organisations, police officers, pedagogues, journalists. The campaign was first of all oriented towards the residents of remote municipalities, especially those lacking information of the dangers of trafficking in human beings. Information literature was published and disseminated – placards, booklets, a book “Prevention and Control of Trafficking in Human Beings in Lithuania”, a methodical publication for sociological pedagogues “Trafficking in women and children: methodical advice to pedagogues. Aspects of preventive activity”, preventive publication to young people “Your positive way”. On 9 April 2003 the Nordic and Baltic countries the Equal Opportunities, Justice and Internal Affairs Ministers adopted a statement against trafficking in human beings, especially women and children, and recommendations on further actions necessary to be taken to combat the phenomenon.

139. Lithuania's delegation participated in the first meeting of the Nordic and Baltic countries high political level special purpose task force (working group) for combating trafficking in human beings held on 27-28 November 2003 in Stockholm, Sweden, at which the tasks of the working group were delineated: to draw the politicians' attention to the problem of combating trafficking in human beings and especially problems of prostitution, sexual exploitation, forced labour and to secure implementation of all possible measures to prevent the occurrence of the phenomenon. The proposal to make the situation assessment, to exchange information and results on a regular basis and to better control the overall operations on the local, regional and international levels was also received with approval.

140. On 29 November 2003 the Baltic Assembly adopted a resolution against trafficking in women and children, which calls on the Parliaments and the Governments of the Baltic States to draw

up harmonised legal acts in all Baltic States, related to combating the prostitution, including criminalised purchase of sexual services; to improve the work of law enforcement bodies, to pay attention to ensuring the enforcement of the adopted legal provisions; in conjunction with women's non-governmental organisations, to improve education of people on the issues of gender equality, eradication of patriarchal attitudes and prejudices; to gradually review school curricula, with gender equality taken into account, to speed up the introduction of sexual education in secondary schools; to take measures on banning advertisements and announcements about sexual services.

141. A group of experts for addressing the problem of trafficking in women has been formed in the Council of Baltic States Working Group on Organised Crime. In the July 2003 to July 2004 period Lithuania, chairing the CBSS Working Group on Democratic Institutions identified combating trafficking in human beings as a priority issue during its chairmanship. The Ministry of Foreign Affairs of the Republic of Lithuania organised on 30 March 2004 in Vilnius an international seminar "Trafficking in human Beings, Especially Women and Children: Legal Aspects" About 50 experts from practically all CBSS member states as well as Belarus, Moldova, Ukraine as well as representatives of the Council of Europe, the UNDP and the International Organisation for Migration took active part. The seminar touched upon international norms, both existing ones and norms in preparation. It was recognised that international law can only work when national law is in place. The seminar also discussed the issues relating to national norms defining criminal liability for trafficking in human beings as well as the principal aspects of victim rights protection.

142. Lithuania's delegation presented at the 59<sup>th</sup> session (in 2003) and 60<sup>th</sup> session (in 2004) of the Commission on Human Rights a joint statement of eight states on the co-operation of Nordic and Baltic states to combat trafficking in human beings.

143. In 2003 the Organisation for Security and Co-operation in Europe adopted the Action Plan for Combating Trafficking in Human Beings, presenting recommendations and examples of best practices to Member States as well as the guidelines of the OSCE Secretariat and its institutions in combating THM. The document covers the main aspects of combating trafficking in human beings – investigation, law enforcement and prosecution, prevention, protection of victims of trafficking in human beings and rendering assistance to their integration. Also it relevant OSCE structures have tasked with hosting and facilitating annual meetings in Vienna of national co-ordinators, representatives or experts on combating trafficking, to monitor the process of the implementation of the OSCE Action Plan. This will provide them with a chance to build networks, exchange information, and outline priorities for co-operation. Lithuania supports the above-mentioned Action Plan and the development of its implementation mechanism at the OSCE secretariat.

144. In 2002-2004 the Ministry of Foreign Affairs through the diplomatic missions and consular post encouraged international co-operation, calling for a more active exchange of information relating to prostitution and trafficking in human beings with the appropriate law enforcement institutions of the states with which legal assistance agreements have been signed. All information that is received is transmitted to Lithuanian police information centre. Officers of Lithuania's diplomatic missions and consular posts hold special meetings with competent officers of the Ministries of Foreign Affairs and the Interior of the host states for discussing the issues of trafficking in human beings, control and prevention of prostitution and for exchanging work experience. The Ministry of Foreign Affairs transmits to the competent institutions the received material on the experience of other states in the

matters of trafficking in human beings, control and prevention of prostitution. The diplomatic missions and consular posts of the Republic of Lithuania provide continuous consular assistance to trafficking in human beings victims willing to return to Lithuania: In 2003 such assistance was provided to 19 persons (from them 5 men), during the first quarter of 2004 – to one woman.

145. In 2002 the Ministry of Foreign Affairs compiled a list of Non-governmental organisations competent to provide assistance to victims of prostitution in foreign states. The list contains entries of over 500 non-governmental institutions and centres to which victims of prostitution and trafficking in human beings may apply in foreign states. The Ministry of Foreign Affairs has also drawn up methodical recommendations to officers of diplomatic missions and consular posts of the Republic of Lithuania abroad on the manner of provision of assistance to victims of trafficking in human beings and prostitution.

146. The problems of trafficking in human being, especially women and children, is considered from various aspects in many programmes, projects and measures, including the EU EQUAL programme. International and Lithuanian legal acts have been analysed on the basis of the 2003-2004 National Programme for Equal Opportunities for Women and Men, outlining further directions of revision and amendment of legislation and appropriate recommendations have been drawn up especially as regards protection of and assistance to victims of trafficking in human beings.

147. Trafficking in human beings and prostitution prevention educational programme for 2003-2004 has been implemented. The Programme had been approved with a view to introducing in schools the preventive educational programme, creating conditions for introducing early prevention of trafficking in human beings and building interdepartmental co-operation. Implementing the programme the Ministry of education and Science conducts trafficking in human beings and prostitution preventive work at educational establishments, trains specialists capable of providing assistance to children victims or their family members. Introduction in Lithuania's schools of preventive educational programme is on the agenda, the purpose of the programme is familiarising young people, especially girls with the danger of prostitution, develop their morals. Plans for developing the system of consulting services for children of risk groups and their parents, for working out and introducing measures for upgrading pedagogical, psychological, sociological, legal and medical consultation activities provided to risk group children and their parents are underway. Lectures on danger linked to trafficking in human beings and prostitution are given at educational establishments of all types. Plans are underway to expand the system of consultation services provided to children of risk groups and their parents, to work out and implement measures for upgrading pedagogical, psychological, social, legal and medical consultations to include the provision of necessary assistance to risk group children and their parents. Lectures about the perils of trafficking in human beings and prostitution are arranged at educational establishments of all types. The published "Manual for developing social skills" is intended for developing social skills of primary school children.

148. The pilot Programme of Psychological Rehabilitation, Professional Training and Employment for Victims of Prostitution and Trafficking in People for 2003-2004 is being implemented from 1 July 2003 in 6 municipalities in Lithuania; seeking to increase the opportunities for the victims of trafficking and prostitution to return to the labour market, to encourage the victims of trafficking in people and prostitution to seek employment, to acquire professional qualification, and

increase their general skills. The first stage of the Programme implementation in 2003 was devoted to creating the network of training of specialists for work with the trafficking in women victims and social counselling organisations for implementing the pilot programme in 2 municipalities. In 2003, 4 victims of trafficking in women volunteered for inclusion in the Programme, 7 consultations were arranged. One of the Programme participants expressed her wish to joint the employment opportunities programme aimed helping people who have been unemployed for a long time to return to the labour market. One of the women involved in the Programme decided to acquire at the Labour Exchange Training Centre a profession that is in demand on the labour market.

149. Lithuania was the first in the region to adopt and successfully implement the National Programme for Control and Prevention of Trafficking in Human Being and Prostitution (2002-2004). The Programme envisages a complex of legal, organisational, educational, social rehabilitative, assistance, prevention and other measures of combating trafficking in human beings and prostitution. The principal goals of the programme is to eliminate reasons and conditions of trafficking in human beings and prostitution, to develop a system of measures for the prevention of trafficking in humans and prostitution, to destroy the networks of criminal groups, associations engaged in organising trafficking in human beings and prostitution, to guarantee assistance and protection to trafficking victims. The implementation of the programme execution measures entails revision of laws, performance of scientific analytical investigation, carrying out of measures to upgrade education, to improve prevention, social integration of trafficking victims as well as those aimed at eliminating the structures built for the purpose of organising trafficking in human beings. A working group consisting of representatives of ministries and non-governmental organisations directed by the Ministry of the Interior has been formed for co-ordinating and monitoring the implementation of the Programme. A report on the implementation of the measures of the National Programme for Control and Prevention of Trafficking in Human Being and Prostitution (2002-2004).is every half year submitted to the Government of the Republic of Lithuania. Over LTL 3 million has been allocated from the State Budget of the Republic of Lithuania for the implementation of the Programme.

150. Implementing the National Programme for Control and Prevention of Trafficking in Human Being and Prostitution (2002-2004), the Government of the Republic of Lithuania gives a lot of attention to promoting the initiatives and financing non-governmental organisations educating potential and actual trafficking in human beings victims, providing them social, psychological and other material and non-material assistance. Projects implemented by non-governmental organisations and municipalities, aimed at providing social assistance to victims of trafficking in human beings, their reintegration into society as well as preventive and educational work have been financed for three continuous years. It is worth while stating, that the problem is receiving ever more attention on the part of non-governmental organisations: in 2002, 5 non-governmental organisations presented their projects, whereas in 2004 their number reached 25. All in all 28 projects aimed at providing assistance to trafficking victims and their reintegration into society were financed in 2002-2004. In three years over LTL 200 000 were allocated for the purpose.

151. Considering, that the problems of trafficking in people and prostitution have not yet been resolved, a draft Programme for Control and Prevention of Trafficking in Human Being and Prostitution (2005-2007) has been prepared with the intention of continued implementation of measures for prevention and control of these phenomena.

152. Efficient implementation of the above-specified programmes, measures, projects is in keeping with item 36 of the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women, recommending improvement of reintegration into society of victims of trafficking in women.

153. The institutional mechanism, capacities of officers of institutions, especially those of law and order and law enforcement institutions. With a view to ensuring better detection of cases of trafficking in people, since 2003 the unit of Lithuanian criminal police bureau investigating organised crime cases and organised crime investigation units of territorial police offices have been specialising in the investigation of trafficking in human beings cases: specialised groups for investigating cases of trafficking in human beings have been set up or responsible officers have been appointed.

154. With a view to ensuring efficient international co-operation with foreign state institutions of law enforcement in the investigation of criminal acts, including trafficking in human beings, co-operation on the issues relating to search for criminals or missing people is pursued through the Lithuanian national bureau of Interpol. A permanent working group was formed in the Lithuanian police service in 2003 which was charged to ensure furnishing of information in the performance of the “Red Routes” operation co-ordinated by the General Secretariat of the Interpol. Based on the plan of the operation, the participating countries furnish to the Interpol Intelligence Division information about investigation related to trafficking in women for the purpose of their sexual exploitation.

## **Article 7**

### **a) and b)**

155. Taking into account the Observations of the Committee on the Elimination of Discrimination against Women concerning the increase of women’s participation in the political life of the country, activities of the administrative structures and the making of decisions of all levels, a sociological survey has been held based on the 2003-2004 National Programme for Equal Opportunities for Women and Men by the Market Research and Public Opinion company “Baltijos tyrimai” (public surveys). The results, conclusions and recommendations of the survey provide a basis for further implementation of purposive activity, projects and measures directed at promoting women’s participation in political activities and decision-making processes.

156. The project “Gender Mainstreaming in Lithuanian Policies” has been implemented since 2002. The project is supported with the Swedish International Development Agency (SIDA) and resources of the 2003-2004 National Programme for Equal Opportunities for Women and Men. The project is widely known under the name of “MILDA” (Women’s Initiative in Lithuania for Democracy Growth). The project partners are the Ministry of Social Security and Labour, Women’s Employment Information Centre of Kaunas and consultative firm “Sprangbradan Utvecklingskonsulter AB” (Sweden). The aim of the project is promoting gender mainstreaming in political decision making, strengthening the co-operation of women politicians and non-governmental organisations, upgrading the women’s political competence and capacity, promoting the public understanding of gender equality in decision making, changing the stereotypes of women’s participation in politics, strengthening the institutional gender equality mechanisms at the government level in dealing with gender equality matters. Positive results have been achieved in the two years of the project implementation. The project has involved the participation of 513 women. As many as 12

measures have been implemented, including training, seminars, workshops, conferences, study visits. The superior quality of the project is evidenced by the fact that as many as 12 women out of the 50 project participants nominated for the election to the municipal council in 2002 were elected. The conference “Changing Role of Men” was organised in February 2003 according to the project; a seminar for women journalists was held in March 2003, attended by 17 women journalists. In June 2003 a cognitive programme was organised in Sweden in which 12 women public servants participated, in August 2003, 5 women politicians and 10 students took part in the seminar “Mentoring”.

157. This and other projects had a positive effect on the results of the Election to the European Parliament on 13 June 2004 – women who contested in the election received 6 parliamentary seats out of 13 assigned to Lithuania in the European Parliament (one woman refused to fill the parliamentary seat as she contested in the Presidential election, therefore the final number of women MEPs was 5 out of 13) as the winning parties had nominated more women opening their respective party lists. Moreover, some women outrated the other candidates who had been given a higher order of sequence on the party list. This is illustrative of the changing public attitude to women in highest positions of decision-making, the impact of the above-mentioned projects. The first round of the Presidential election in Lithuania was held on 13 June 2004. There were two women among the five candidates to the post of the President of the Republic of Lithuania. A woman candidate was for the first time in Lithuania’s history elected to the second round.

158. The United Nations Committee on the Elimination of Discrimination against Women has noted that in Lithuania the number of women elected to municipal councils and the Seimas of the Republic of Lithuania was not adequate. In 200-2004 women accounted only for 10.6% of the Seimas Members, from them 6 (43 %) women chaired Commissions of the Seimas of the Republic of Lithuania. Prior to 2003 one Seimas Committee was chaired by a woman. The taken measures conditioned the reduction of the gender disbalance in the election results. The 2004 results of the elections to the Seimas of the Republic of Lithuania, as announced on 31 October 2004: 20.57% women and 79.43% men. For the first time after the restoration of Lithuania’s independence (2000-2004) there were three women ministers in the Government of the Republic of Lithuania. From 1 May 2004 their number fell to two. The third woman minister from the Cabinet of Ministers was delegated by Lithuania to the position of the European Commissioner. It is noteworthy that not many EU Member States delegated women to the European Commission. The judge from Lithuania appointed to the European Human Rights Court is also a woman. After the 2002 elections to the municipal councils 20.6% of councillors are women. Still it has to be admitted that in 2003 only two women were elected mayors (out of 60 mayors).

159. Participation in political, society and state life should be treated not only as the means of for realising the goals and interests of women, but also as an indicator of the implementation of the principle of gender equality.

160. Article 35 of the Constitution of the Republic of Lithuania guarantees the citizens’ right to freely form societies, political parties and associations. The above provision is elaborated on by law. The Law of the Republic of Lithuania on Associations (22 January 2004 No IX-1969) regulates the specific features of establishment, management, activities, reorganisation, dissolution (reorganisation and liquidation) of legal persons the legal form whereof is association. As provided

for in Article 2 of the Law, an association is a public legal entity of limited civil liability (“association,” “public organisation,” “confederation,” “union,” “society” or other) the purpose whereof is to co-ordinate the activities of the association members, to represent or protect the interests of the association members, or to meet other public interests. It is established in Article 4 of the Law that an association may be founded by legally capable natural persons who are 18 years of age or older and/or legal persons following the conclusion of an agreement to establish an association. The association shall have at least 3 founder. It is noteworthy that the Law sets only the minimum number of founders, but it does not restrict the founding of associations on the basis of sex. Both women and men have equal rights to establish associations to meet their interests, provided that these do not contradict the Constitution and laws of the Republic of Lithuania. The Law of the Republic of Lithuania on Political Parties and political Organisations was revised and adopted as the Law Amending the Law of the Republic of Lithuania on Political Parties and Organisations (23 March 2004 No IX-2072 ). The Law has been reviewed and enacted as the Law of the Republic of Lithuania on Political Parties. Article 3 of the Law establishes that citizens of the Republic of Lithuania have the right to freely join political parties, take part in their activities and withdraw from them, whereas article 5 establishes that political parties may be founded by citizens of the Republic of Lithuania who are 18 year of age or older. The Law does not restrict party membership on the basis of sex, neither does it set any similar restrictions for party founding.

161. A revised version of the Law of the Republic of Lithuania on Public Agencies was enacted under the title of the Law of the Republic of Lithuania Amending the Law on Public Agencies (27 January 2004 No IX-1977). The Law regulates the setting up, management, activities, organisation, reorganisation, transformation and liquidation of public agencies. As established in Article 2 of the Revised Version of the Law of the Republic of Lithuania on Public Agencies, a public agency is a non-profit limited civil liability legal person set up in accordance with this and other laws for the purpose of meeting public interests in performing publicly useful activities. Paragraph 1 of Article 4 of the Law establishes that a public agency may be founded by state or municipal institutions and other persons that are not seeking any profit from the agency activities, after concluding an agreement on the setting up of a public agency. The number of founders is not limited. It is worthwhile mentioning, that this Law, establishing legal grounds for improving public interests, does not prescribe any restrictions on the grounds of sex when establishing public agencies and performing specific activities of public importance and/or use.

162. Paragraph 3 of Article 3 of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men obligates all state institutions to support, in the manner prescribed by laws, the programmes of public organisations, public agencies, associations, and charity foundations, which help implement the equal opportunities of women and men. In 2003 the Office of the Equal Opportunities Ombudsman in conjunction with the Ministry of Social Security and Labour and non-governmental organisation the Women’s Employment Information Centre of Kaunas founded a public agency Equal Opportunities Development Centre the purpose of which is to disseminate the ideas of gender equality and seek proportional participation of women and men in public life. The Office of Equal Opportunities Ombudsman in 2003 took part in implementing 10 joint projects with Lithuanian and foreign state institutions and non-governmental organisations, the objective of which is to promote women’s more active participation in the country’s political, economic life, to familiarise the public with gender mainstreaming in political decision making, to discuss the state and municipal

budget formation having regard to the principle of gender needs, to develop the understanding of equal opportunities, to raise the level of legal culture.

### Article 8

163. Laws of the Republic of Lithuania put no restrictions on the rights of women to hold posts in the diplomatic service and to represent Lithuania at the international level on equal terms with men. The Government of the Republic of Lithuania nominated the Lithuania's Minister of Finance to the position of the European Commissioner and at the present time she is fulfilling the duties of the Commissioner. The judge appointed to the European Human Rights Court from Lithuania is a woman.

164. The table presented below shows the number of women in the diplomatic service:

Women in the diplomatic service in 2000-2004

	Employees		
	total	from them women	
		total	percentage
<b>December 2000</b>			
Diplomatic Service staff	357	144	40
Diplomatic Service staff posted abroad	170	57	34
Heads of missions	37	5	13
<b>December of 2001</b>			
Diplomatic Service staff	364	143	39
Diplomatic Service staff posted abroad	179	58	32
Heads of missions	40	4	10
<b>December of 2002</b>			
Diplomatic Service staff	376	149	40
Diplomatic Service staff posted abroad	184	67	36
Heads of missions	42	5	12
<b>December of 2003</b>			
Diplomatic Service staff	392	162	41
Diplomatic Service staff posted abroad	208	82	39
Heads of missions	44	6	14
<b>March of 2004</b>			
Diplomatic Service staff	395	165	42
Diplomatic Service staff posted abroad	206	84	41
Heads of missions	44	6	14

### Article 9

#### Part 1

165. Article 3 of the Law of the Republic of Lithuania on Citizenship passed by the Seimas of the Republic of Lithuania on 17 September 2002 establishing the legal status of citizens of the Republic of Lithuania stipulates that citizens of the Republic of Lithuania have all social and economic, political and economic rights and freedoms that are enshrined and guaranteed by the

Constitution and laws of the Republic of Lithuania, and international treaties to which the Republic of Lithuania is a party. Both in the above-mentioned and other Articles of the Law legal status of women and men – citizens of the Republic of Lithuania – is treated equally.

166. Article 7 of the Law of the Republic of Lithuania on Citizenship specifies the ways of Acquiring Citizenship of the Republic of Lithuania. Citizenship of the Republic of Lithuania is acquired by birth, by exercising the right to citizenship of the Republic of Lithuania, by being granted citizenship of the Republic of Lithuania (naturalisation), by voicing one's option or on other grounds, as provided for by international treaties of the Republic of Lithuania or on other grounds provided for by this Law (e.g. citizenship may be granted by way of exception by the President's decree).

167. Neither Article 12 of the Law of the Republic of Lithuania on Citizenship, which specifies the conditions for granting, nor Article 13 which lists the reasons for refusing to grant citizenship of the Republic of Lithuania provide for any criteria of discrimination on the grounds of sex which would allow to accord women and men different treatment in granting or refusing them citizenship of the Republic of Lithuania. As set forth in paragraph 3 of Article 12 of the Law on citizenship, a person who meets the conditions for being granted citizenship set in this Article (has passed the examination in the Lithuanian language, for the last ten years has been permanently residing in the territory of the Republic of Lithuania, has a legal source of support in the territory of the Republic of Lithuania, has passed the examination in the basic provisions of the Constitution of the Republic of Lithuania, is a stateless person or a citizen of a state under the laws of which he loses citizenship of the said state upon acquiring citizenship of the Republic of Lithuania and notifies in writing of his decision to renounce citizenship of another state held by him after he is granted citizenship of the Republic of Lithuania, is granted citizenship of the Republic of Lithuania taking into account the interests of the Republic of Lithuania.

168. It should be noted that Articles 17 and 18 of the Law of the Republic of Lithuania on Citizenship, which provide for, accordingly, retention of the right to citizenship of the Republic of Lithuania and grounds for the loss of the citizenship, provide equal grounds for the retention and loss of citizenship both for women and men. Article 19 grants a person of any sex – a citizen of the Republic of Lithuania the right to renounce the citizenship of the Republic of Lithuania.

169. Article 4 of the Law of the Republic of Lithuania on Citizenship lays down the principle of retention of citizenship of the Republic of Lithuania in case of marriage and divorce. Contracting of a marriage by a citizen of the Republic of Lithuania with a foreign national or with a stateless person, also dissolution of such marriage does not by itself change the citizenship of either spouse. This means that marriage with a foreign national does not automatically make a woman who is a citizen of the Republic of Lithuania a citizen of the country of spouse's nationality or a stateless person.

## Part 2

170. The Law on Citizenship of the Republic of Lithuania also regulates the issues of citizenship of children. The principle of *ius sanguinis* is enshrined in Article 8, i.e. it is provided that a child, both of whose parents at the moment of his birth were citizens of the Republic of Lithuania, is a citizen of the Republic of Lithuania regardless of whether he was born in the territory of the Republic of Lithuania or beyond its borders.

171. The issue of citizenship of children one of whose parents is a citizen of the Republic of Lithuania is resolved in the following manner: if the parents of the child hold citizenship of different states and at the moment of the child's birth one of the parents was a citizen of the Republic of Lithuania, the child will be a citizen of the Republic of Lithuania if it was born in the territory of the Republic of Lithuania. If the parents of a child hold citizenship of different states and at the moments of the child's birth one of them was a citizen of the Republic of Lithuania, the citizenship of the child born beyond the boundaries of the Republic of Lithuania, until the child is 18 years of age, may be determined by agreement between the parents. A child, one of whose parents at the moment of its birth was a citizen of the Republic of Lithuania and the other parent was either a stateless person or unknown, shall be a citizen of the Republic of Lithuania regardless of the place of the child's birth. A child born in the territory of the Republic of Lithuania whose parents are stateless persons permanently residing in Lithuania shall acquire citizenship of the Republic of Lithuania. A child found in the territory of the Republic of Lithuania, both of whose parents are unknown, shall be considered born in the territory of the Republic of Lithuania and shall be a citizen of the Republic of Lithuania, unless circumstances are disclosed whereunder the child would acquire a different status.

#### **Article 10**

172. The principle of equal opportunities is enshrined in the Law of the Republic of Lithuania on Education. The Law of the Republic of Lithuania on Education guarantees accessibility of education to each individual, opportunity for attainment of a general education level and a primary qualification and creates conditions for in-service education or gaining a new qualification. Article 4 of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men also establishes the duty of institutions of education and science to ensure equal conditions for women and men regarding admission of women and men to all institutions of education and science; awarding of grants and providing loans to students; selection of curricula; assessment of their knowledge. The system of education is open to the residents of Lithuania and is intended to meet the needs of different age groups and genders.

173. Women in Lithuania are better educated than men. Schools of general education have an equal percentage of male and female students, however girls are more inclined to seek college and university education (girls account for 60% of students at all levels of education). Thus, boys as a rule study at schools of general education and vocational schools, while girls attend higher educational establishments (over 63%). In the majority of states men form the majority of students at higher educational establishments, starting from the lowest level. In Lithuania the percentage of women at educational establishments of all levels (at the present time this includes even doctoral studies) exceeds that of men.

174. The principle of equal opportunities established in the Law of the Republic of Lithuania on Education guarantees the implementation of equal rights of women and men in the system of education. Lithuania's system of education is socially just, it ensures equality for individuals irrespective of gender, race, ethnicity, language, social position, religion, beliefs or convictions. It assures each individual access to education, opportunity for attainment of a general education level and a primary qualification and creates conditions for in-service education or gaining a new qualification. Among the principal goals of the provisions of the National Education Strategy (2003-2012) were endorsed by Resolution No IX-1700 of the Seimas of the Republic of Lithuania of 4 July

2003 is expanding the accessibility of education, creating conditions for continuous, life-long learning.

175. One system of admission to educational institutions is operating in Lithuania. The system ensures women and men equal conditions of admission. Taking into account maternity status and social position women are provided possibilities to continue studies, upgrade qualification. In the 2003-2004 academic year girls accounted for 51.2% of students at all educational establishments. In 2003, 83.5% of girls and 79.9% of boys were studying. The percentage of studying girls and boys is almost equal at pre-school, primary and basic school levels. At the secondary school and higher educational establishment level the percentage of student girls is higher than that of student boys. This shows that in future women's average level of education will still be higher than that of men. The comparison of the ratio of women and men at educational establishment of different types reveals that 11-12 forms which used to be almost exclusively female are now being slowly filled up with male students (the ratio of girls fell down from 67% in the 1990-1991 school year to 53% in the 2003-2004 school year). The ratio of girls and boys at vocational schools has remained almost unchanged in the last five years (girls account for 40% of vocational school students). Comparing the levels of education, it is evident that girls are less inclined to study at lower levels of vocational schools, however their number goes up at the fourth level – where girls, who have acquired secondary education, account for almost 58% of students, moreover, the number of girls is continuously falling at the II, III and IV levels. The only exception is vocational schools of I level where the number of women students is growing. There is an insignificant but steady increase of girl students at universities (close to 59% in the 2003-2004 academic year). In professional training boys prefer worker's professions whereas the preference of girls as a rule show preference for public service. Although the number of girls college and university graduates exceed that of boys, more often than not boys acquire better-paid skills. This conditions the future difference in income, as the sectors of economic activities in which the majority of work force are men offer better wages.

176. Currently in Lithuania the majority of students at all study levels (including doctoral studies) are women, however women encounter difficulties seeking academic career. Women professors constitute a mere 9.5%. However, achieving the title of academician proves next to impossible: out of the total of 163 academicians there are only 10 women corresponding members and expert members and only one full member - academician.

177. The profession of the pedagogue is most feminine. Women constitute 86% of teachers at schools of general education, over 67% of teachers at vocational schools. Women account for over 80.1% of teachers in the system of education in Lithuania (both state and non-state establishments).

**a)**

178. Equal pre-school education opportunities are ensured both to pre-school children attending educational institutions following the Recommendations to municipalities concerning centralised admission of children to pre-school and pre-primary teaching groups, approved by Order No ISAK-918 of the Minister of Education and Science of 25 June 2003, and those who do not attend such groups pursuant to the Procedure of Provision of Educational Assistance to Families Bringing up Children of Pre-school Age at Home, approved by Order No ISAK-842 of 4 June 2004. It is recommended to form at educational institutions groups for pre-school education before the beginning of the school year. Should there be any vacancies, groups may be formed throughout the

whole year. The parents are free to choose the educational institution, group, time of admission into the group, other services. Families, bringing up a pre-school child at home are provided services of institutional pre-school education by schools implementing pre-school education programmes. The above services are intended for educating children of 1 to 5 years or 6 years following the pre-school education programme. The services also include pedagogical, special pedagogical, social pedagogical and psychological assistance.

179. Equal conditions for acquiring education have been ensured at schools of general education. Pre-school, pre-primary, basic and secondary education is considered as one of the principal priorities of the education system, basis for the life-long learning. The documents of basic and secondary education (the 2003-2005 General Plans of Education for Schools of General Education, approved by Order No 408 of the Minister of Education and Science of 31 March 2003, Standards of Pre-school Education and General Curricula and Educational Standards for I-X Forms of Lithuania's Schools of General Education, approved by Order No ISAK-1015 of the Minister of Education and Science of 9 July 2003) guarantee equal opportunities for all students to choose elective subjects, subject modules, engage in afterschool activities, stand for election to school self-government bodies.

180. A revised version of the Law of the Republic of Lithuania on Education is presented in the Law on the Amendment of the Law on Education (17 June 2003 No IX-1630). The principle of equal opportunities applied in the education system is set forth in the revised version of the Law, Article 5(1): the educational system is fair, it ensures equality for individuals irrespective of gender, race, nationality, language, origin, social position, religion, beliefs or convictions; it assures each individual access to education, opportunity for attainment of a general education level and a primary qualification and creates conditions for in-service education or gaining a new qualification.

181. The Law of the Republic of Lithuania on Higher Education (21 March 2000 No VIII-1586), came into force as of 1 September 2000, General Regulations of the Post-secondary School approved by Order No 5 of the Minister of Education and Science of 5 January 2000 establish equal conditions for both men and women to choose a profession and specialisation, to acquire a post-secondary education diploma at all state and non-state post-secondary schools as well as conservatories and a non-university school of higher education diploma- at all state and non-state colleges. Women who wish to acquire a professional qualification are not subject to any requirements or restrictions. They have a right to choose according to their capacities and inclinations a vocational training programme or to upgrade their qualification. The procedure of professional examination of vocational training approved by Order No ISAK-1743 of the Minister of education and Science of 5 December 2003 regulates the acquisition of qualification by students, registration of education results, issue of the diploma and qualification documents irrespective of the student's gender. The Law of the Republic of Lithuania on Higher Education also guarantees equal conditions for women to be admitted to higher educational establishments, to choose the desired study direction and in this way acquire the desired qualification degree and/or professional qualification.

**b)**

182. The examinations held by Lithuania's higher educational establishments, the lecture halls, study programmes, other educational activities are devoid of any specification of human gender with an intention to discriminate.

183. At schools of general education students are provided with equal opportunities to use of the same study curricula, teaching methods, teaching aids as prescribed by the Standards of General Curricula and Education Levels. Both girls and boys use school premises and facilities of identical quality.

184. The same pre-school and pre-primary educational curricula are used for boys and girls. The process of education goes on in mixed groups of boys and girls in the same premises and using the same facilities.

185. Vocational education and training programmes are compiled in accordance with the general requirements of acquisition of relevant vocational skills and general capacities irrespective of whether the programme is implemented at a village or city vocational school as established in the General Requirements of Basic Vocational Training Programmes approved by Order No 1167 of the Minister of Education and Science. All vocational training programmes included in the State Register of Studies and Training Programmes are intended for the representatives of both genders without any restrictions or exceptions. Teaching methods are applied according to the abilities of students, specific character of the programme, teaching basis, however, nothing in the above-said differentiates according to gender. Evaluation and legitimating of the learning achievements is not conditional on the gender.

186. Within the limits of their competence the establishments of education and science must ensure that curricula and text books do not propagate discrimination of women and men. One of the objectives of the National Programme for Equal Opportunities for Women and Men for 2003-2004 is to set forth the provisions of non-discrimination in textbooks, to provide legal conditions for checking whether or not the teaching curricula and textbooks aim at reinforcing gender bias. The Requirements for School of General Education Textbooks were approved by Order No 452 the Minister of Education and Science of 9 April 2003. The Requirements prescribe that tolerant gender policy constitutes one of the basic criteria for textbook (textbook manual) evaluation.

187. Seminars, qualification upgrading courses on gender equality issues for educational establishment employees have been organised in the framework of the National Programme for Equal Opportunities for Women and Men for 2003-2004. A cycle of seminars "Gender Tolerance in Education" was held for school principals, social pedagogues, form masters, psychologists, moral education specialists at the Pedagogues Professional Development Centre. A cycle of seminars "Life Skills" analysing gender equality issues was organised for pedagogues in a year's time.

188. Seeking to deal with the gender knowledge divide and encourage women to acquire better-paid professions, introduction of Standards for General Curriculum and Education Levels regulating the upgraded technological education content to meet the needs the changed society was started from the beginning of the 2003-2004 school year in schools of general education working on the basis of the basic education curriculum. Technological education programmes are being prepared for replacing former classes in handicraft. Another novelty is the inclusion of enterprise and consumer development classes in the general technologies curricula. What is more, all technological programmes are prepared to suit both genders, therefore girls and boys are thought in joint groups.

189. Seeking to instil mutual gender respect, promulgate the ideas of education, career, vocational upgrading, the Office of the Equal Opportunities Ombudsman issued a leaflet "Equal

Opportunities for Girls and Boys”. The leaflets are distributed among the secondary school teachers, their intention is to make teachers think whether they devote boys and girls equal time during a lesson, whether they present the material observing the gender equality principle, whether they evaluate the students’ knowledge according to this principle.

**d)**

190. Lithuania’s educational system provides equal opportunities for women and men to receive in the prescribed manner grants, allowances and other aid while studying. Student grants are divided into two categories: those paid based on the study results and social grants. Students are also provided a possibility to receive state loans for studies, living expenses and studies abroad.

191. Women students raising young children are provided additional social guarantees, additional support. Full-time higher educational establishment women students raising young children may receive social grants, whereas women students raising young children who have taken a state loan for studies have the repayment of the loan postponed until the child reaches the age of three.

192. The main forms of sequential studies established in the Law of the Republic of Lithuania on Higher Education are as follows: full-time, part-time and correspondence studies. This provides women a possibility to choose the form of studies that is most acceptable to them having regard to their family status and employment.

**e)**

193. Equal opportunities are provided for formalising the informally acquired knowledge and acquiring professional qualification. The Regulations for Informal Adult Education and its Legitimation were endorsed by Order No 1353 of the Minister of Education and Science of the Republic of Lithuania of 1 October January 2001 and Order No ISAK-27 of 13 January 2004 and Order No 258 of 25 February 2003 formalised the possibility of independent study.

194. An action plan for encouraging women to seek a scientist’s career and for reducing the gender gap has been worked out on the basis of the National Programme for Equal Opportunities for Women and Men for 2003-2004. Implementing the plan, representatives of the Ministry of Education and Science were appointed to the EU Committee “Science and Society” by Order ISAK-179 of the Minister of Education and Science “On the Appointment of Lithuania’s Representatives and Experts to Special Programmes Committees of the EU 6<sup>th</sup> Framework Programme” of 9 February 2004. One of the main objectives of the committee is to guarantee equal opportunities of women and men in research activities. The concept of the Baltic states network “Women in Science and High Technology” has been worked out with the participation of the Ministry of Education and Science (with the ministries of education of the Baltic states acting as partners.)

**f)**

195. In order to reduce the number of girls and women who are school drop-outs or who fail to acquire professional qualification, students who are pregnant or raising children are provided conditions to take academic leave.

**g)**

196. The Regulations of Lithuania's education and science institutions guarantee all students, regardless of gender, equal opportunities to use school library, sports hall, textbooks, equal quality teaching aids and premises, be provided with accommodation at the school hostel, take part in school self-governance, sports events or choose other means of self-expression.

197. In Lithuania students of both genders are provided conditions to make use of general physical culture programmes and educational standards. According to the set requirements schools of general education of all levels prepare physical culture programmes and physical preparedness norms. The content of formal and supplementary education is differentiated with regard to the students' age and gender. Thus justified regard is had (without discrimination) to anatomical, physiological and psychological and social peculiarities of education of representatives of different genders. Physical education at schools of general education is one of the three subjects most favourite with boys and girls. Girls and boys are given classes on physical education by physical culture teachers.

198. In Lithuania girls are provided equal opportunities to actively participate in sports and physical education classes, however, these are attended by a greater number of boys. A survey carried out in 2003 revealed that sports groups are more often chosen by boys, while girls prefer art groups. Lack of financing, poor facilities, overcrowded sports halls are also to blame for that. Not all schools offer facilities to take a shower after physical training classes.

199. Seeking to attract more girls to sports groups, newer and more interesting sport branches are popularised, more sports clubs for girls are being set up. Lithuania has 102 sports schools in 2003 attended by 47 764 school students, of them 13 352 girls (28.37%). In 2003 140 young promising athletes were training at Lithuania's Olympic Sports Centre, of them 54 girls.

200. In 2003-2004 all willing general school and vocational school graduates could be examined to receive a credit in physical education. All are provided equal opportunities to have equally qualified pedagogues. The content and methodology of classes in physical education, home assignment regulating physical activity, increasing mental and physical capacity for work should be better adapted to suite the needs of girls of all age groups.

**h)**

201. Starting from 2000, classes in universal programmes in Health Care and Preparation for Family Life and Sexuality Education, recommended by experts in education contents, are given at Lithuania's schools of general education. The programmes are a constituent part of education and cover the imparting of scientific knowledge and ability to use it in concrete situations as well as development of the attitude to family acceptable for the society. The above-mentioned programmes are intended for promoting mature sexuality (constituent part of moral education) when respect is instilled for one's own and the opposite gender. Education in sexuality covers the development of communication skills, helps develop responsibility in this way forming an independent personality immune to external influences. The purpose of education in sexuality is achievement of internal maturity, preparedness for marriage, fatherhood and motherhood, whereas the objective of sexual education is to provide children with knowledge about pregnancy, childbirth, AIDS, sexually

transmitted diseases, spiritual and physical damage inflicted by abortion. The analysis of Standards for General Curriculum and Education Levels of 2004 showed that there are many possibilities for including the Preparation for Family and Sexuality Development Programme in the curriculum, however, as teaching subjects they are not sufficiently used. The Minister of Education and Science formed a working group charging it to analyse substantially the Preparation for Family and Sexuality Development Programme and to work out its concept. The skills of healthy living and proper personal hygiene are formed in school students at schools following the programme "Hello School!"

### **Article 11**

202. Lithuania's main document regulating labour law – the Labour Code of the Republic of Lithuania -entered into force as of 1 January 2003. The Code established equality of subjects of labour law irrespective of their gender, sexual orientation, race, national origin, language, origin, citizenship and social status, religion, marital and family status, age, opinions or views, political party or public organisation membership, factors unrelated to the employee's professional qualities. Several articles of the Code are devoted to regulating equal opportunities of women and men, including that of receiving equal pay for equal or equivalent work, maternity protection (including the provision prohibiting termination of an employment contract with a pregnant woman from the day on which her employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, maternity (paternity) leave, etc. The Code has been harmonised with the European Union legislation and contains no provisions discriminating women or men.

203. The statistical data reflects women and men economic activity rates, employment and rate of unemployment of women and men by age groups. The data is presented in Table 1 of the Annex to this Report.

204. The Concluding Observations of the UN Committee on the Elimination of Discrimination against Women express concern about the fact that there tends to be a higher number of women among the higher-educated unemployed. In 2000-2004 in Lithuania more women with higher and tertiary education were unemployed than men. Data relating to unemployed women and men by education is presented in Table 2 of the Annex to this Report. Still it can be perceived that women of the older age group become ever more active in business activities. In 2000 the number of women of 51-60 age group engaged in business was by 3.8% higher than that of men of the same age group. As seen from the data in Table 3 in the Annex to this Report, in 2000-2002 general employment of women in the economic activity was higher than that of men. The data is presented in Table 3 of the Annex to this Report.

205. According to population employment surveys, general employment of Lithuania's population is growing while unemployment is falling:

### POPULATION EMPLOYMENT

	2001	2002	2003
Population aged 15 and older, beginning of the year, thou	2800.4	2816	2829.6
Labour force	1635.8	1630.3	1641.9
Employed	1351.8	1405.9	1438
Unemployed	284	224.4	203.9
Unemployment rate, percent	17.4	13.8	12.4
Young people(15–24 years), percent	31.1	23	25
Female, percent	14.7	12.9	12.2
Male, percent	19.9	14.6	12.7
Employment (population aged 15–64 years), percent	57.2	59.6	60.9

206. Male employment (61%) in May 200 was much lower than the EU average (72.6%) whereas that of female was higher than the EU average (5 – 8.2% and 53.1%). By age-groups employment in Lithuania was higher than the EU average employment of women aged between 24 and 54 years (77% and 65%) and average employment of population of both genders of the age of 55 to 64 years. Employment of young women and men until the age of 54 years in Lithuania was below the EU average. The average employment rate in Lithuania was less than the EU average. In 2001 the average employment rate fell to 57.2%.

207. In 2003, as against 2002, employment of the population aged between 15 and 64 years increased by 1.3% and the average employment rate was 60.9%. The Vilnius county witnessed the largest gains of 3.9% in the employment of the population which reached 63.8%. In 2003 the Tauragė County had highest employment of 66.2% after the annual gain of 1.9 %. The lowest employment was in the Alytus County – 54.5 % and in the Utena County - 57%. The number of the unemployed falls with the population employment gains. On 1 January 2004 the number of the unemployed registered at the Lithuanian Labour Exchange was 158.8 thousand. In a year's time the number of the unemployed fell by 32.3 thousand or by 17%. At the beginning of 2003 the number of unemployed women and of unemployed men was almost equal but in a year's time the number of unemployed women slightly increased. On 1 January 2004 the number of unemployed women accounted for 53.6% of the total number.

208. Although for several years the female unemployment rate has been below male unemployment rate, female employment rate has been constantly falling behind male employment. According to the data presented by the Statistical Department under the Government of the Republic of Lithuania, employment of women (15 to 64 years of age) was much lower within the period than employment of men and reached only 58.4% (men - 63.7%). Total population employment rate in the 3rd quarter 2002 as against that of the beginning of the previous year increased up to 52.6%. At the beginning of 2002, 64.9% of the employed women worked in the service sector (15.6% in education, 14.6% in trade, repair of motor vehicles and personal and household goods, 11.5% in health and social work) and only 19.5% were employed in the manufacturing and 14.2% in agriculture sectors. Men were more equally distributed during the period - 46% were employed in the service sector, 22.2% in industry (18.3% manufacturing, 11.9% in construction), 21.3% in agriculture and the rest in other spheres of economic activity.

209. Assessing employment of women, elderly women and rural women must be singled out as constituting a specific category. It must be admitted that finding employment for elderly persons, both women and men, is more difficult. Still, in the beginning of 2002 employment rate of women aged 50-64 years was 44.9% while that of men of the same age group – 54.4%. In rural residential areas the number of women among the long-unemployed as well as among the job seekers registered at the labour exchange for 6 to 12 months was also higher than that of men. On 1 November 2002 female unemployment rate was already higher than male unemployment, having reached 10.9% (male unemployment was 9.9%).

210. The number of women managers in the country's economic life is going up. According to the data of the small and medium size enterprise conditions survey carried out by the Statistical Department under the Government of the Republic of Lithuania in conjunction with the Ministry of Economy, the number of women enterprise managers has increased. Thus, in 2000 there were only 29.2% of women managers, whereas in 2001 their percentage was already 40%. The majority of women managers are in the 31-50 age group. The prevailing age group among male managers is 21-40 years.

211. As noted in the Recommendations of the UN Committee for the Elimination of Discrimination against Women, the tendency towards feminisation of poverty is getting ever more marked – poverty has become the plight of women of all groups. Therefore the Committee recommended the Government of the Republic of Lithuania to explore the state of poverty of women in different age groups and to implement effective poverty reduction programmes.

212. Incomplete employment of women directly conditions poverty feminisation, whereas long-term unemployment has an especially painful effect on women. Although long-term unemployment has fallen compared to the situation in 2001, the total scope of unemployment is not decreasing. According to the labour force survey data, in 2003 about 50% of the unemployed had been jobless for a year's period and longer (102.3 thousand unemployed), from them about 32% had been unemployed for 2 years and longer (65.7 thousand unemployed). Long-term unemployment is widespread both among men and among women, but female unemployment rate is slightly higher. On the other hand, male long-term unemployment (2 years and more) is slightly higher. The unemployed who are 50 years old and older face the highest risk of long-term unemployment, from them long-term unemployed accounted for about 62% in 2003. (from them especially long-term unemployed for 2 years or longer accounted for about 44%).

213. The Committee has also noted that female-managed households are especially poverty prone. This trend remains marked in the 2000-2004 period as well. Single persons and childless married couples have highest income whereas the lowest income is received by households with children, single mothers with underage children or families where the woman is the breadwinner and the man is unemployed, since women's average wages are lower than men's are.

214. Seeking to improve the economic condition of women, in view of the current unemployment, employment, Lithuania's Single Programming Document for 2004-2006, approved by Resolution No 935 of the Government of the Republic of Lithuania of 2 August 2004 has been consistently gender-mainstreamed, thereby providing for the possibilities to improve women's economic position with the support of the EU structural funds.

215. Preparation of the National Action Plan for Employment has been started following the European Employment Guidelines which would be gender-mainstreamed through the entire document as well as special measures for increasing female employment would be provided.

216. The National Action Plan of the Republic of Lithuania for Combating Poverty and Social Exclusion for 2004-2006 intended for improving the situation of the most vulnerable groups of the population and their opportunities, reducing poverty and social exclusion has been prepared. Long-term objectives of the Plan is ensuring for the needy, the persons belonging to social exclusion groups not only material goods or social services, but also opportunities to acquire adequate education, receive good quality health services, have housing meeting the established public standards, healthy working conditions, the possibility to choose and to influence decision making. State institutions, municipalities, non-governmental organisations will take part in the implementation of the Plan. All measures of the Plan have been drafted taking into consideration different problems and needs of women and men. Special measures for reducing social exclusion of women have been provided for. Monitoring of the implementation of the Plan will be performed by a working group with the Equal Opportunities Ombudsman participating.

217. Although Lithuania's legal acts provide both for women and men equal rights and equal opportunities to participate in the labour market, lower employment of women is conditioned by various economic, social, cultural factors. One of the basic reasons hindering equal employment of genders is the traditional public attitude to the role of the man and woman. According to the formed stereotypes men are not only breadwinners of the family: in the employers' opinion they are also more competent, more responsibility-conscious, adopt more rational decision. Traditional attitude to the duties of woman and man in the family is revealed in the survey by the Sociological company "Baltijos tyrimai" in the answers by the respondent to the question who is the breadwinner in the family. 57.2% of men think that it is only their duty to support the family. The opinion is upheld by 51.4% women. Thus it is obvious that almost half of Lithuania's population assign that role to men. This assignment is an important indicator of women's exclusion; on the other hand, it places a heavy burden on men, because in the modern society one person most often is not in the position to maintain the family alone. Although, as prescribed by law, both women and men are eligible to parental leave in Lithuania, according to the data of the State Social Insurance Fund Board only 179 (about 1 %) men took parental leave out of 17.8 thousand who were eligible.

218. Maternity and family duties is the greatest obstacle for women to retain a job or to seek for another one. Women with children encounter numerous difficulties at work. Younger women are often refused a job because they have/may have children. Single mothers find it extremely important to be admitted to a job. In 2001 single mothers constituted 5.4% of all households consisting on the average of 2.5 persons. The same year single fathers (husbands) raising children accounted only for 0.2 of all households.

219. Female participation in business is a significant indicator of female employment. Taking up and developing business is especially troublesome for women. Ever more women venture to launch their own business, however they encounter numerous obstacles. Starting a business is more difficult for a woman with children as often she alone is responsible for taking care of them. Women also hardly ever become equal partners of men entrepreneurs as men treat female entrepreneurs with scepticism. Other difficulties that women have to overcome concern insufficiency of business skills

and lack of information. The problems of female entrepreneurs are addressed in the Small and Medium-sized Business Development Strategy until 2004 and Small and Medium-sized Business Development Measures for 2002-2004, approved on 19 July 2002 by Resolution No 1175 of the Government of the Republic of Lithuania. Moreover, female entrepreneurs are encouraged to submit proposals regarding possible settlement of the said problems. The above measures are supplemented having regard to their proposals. As discovered from the surveys conducted in the Western countries, women have to overcome more difficulties than men in order to be granted credit for business development. There is no data available in Lithuania about the number of female entrepreneurs who have been granted credit for business development.

220. Changing the traditional attitude to the role of woman and man and supporting modern perception of their roles is helpful in changing the current state of female employment. One of the main directions of the National Programme for Equal Opportunities for Women and Men for 2003-2004 is ensuring equal opportunities for women and men in the sphere of employment. The measures provided for in the Programme are aimed at changing the stereotypes of female and male roles in economics, providing conditions for women and men to reconcile work and family duties, encouraging men to take parental leave, creating better conditions for the employment of women of the older age group, amplifying the opportunities for women to take up and develop business, seeking establishment in private sector of equal pay for equal work of equal value for women and men, increasing legal literacy of women and men.

221. Women's employment/unemployment indicators most clearly characterise the status of women and in general the state of implementation of the equal opportunities principle in the society. Lithuanian women are rather active participants in the economic life of the country. An increasing number of women are engaged in entrepreneurship, however men do not view them as full-fledged partners thereby hindering the development of female business. Women also encounter other difficulties relating to lack of business skills, deficiency of information, etc.

222. With a view to increasing the opportunities of women to start and develop business, the Ministry of Economy in conjunction with the Lithuanian Development Agency for Medium and Small Sized Enterprises organised round tables for female entrepreneurs for discussing problems encountered by women willing to start up a business, the ways of resolving the problems, measures promoting female entrepreneurship, female business financing possibilities. In June-December, 2003, 1184 hours of individual subsidised consultations were given to 203 employees of small and medium-sized enterprises. During the above period specialised 2584 hour subsidised teaching was organised involving 847 employees of small and medium-sized enterprises.

223. Round tables of representatives of NGOs, female entrepreneurs and women intending to start their business were held within the framework of the National Programme for Equal Opportunities for Women and Men for 2003-2004. On 29 August 2003 such a measure was organised by the Lithuanian Development Agency for Medium and Small Sized Enterprises. It was attended by representatives of responsible state institutions and businesswomen organisations. During the event problems encountered by women intending to start their business, the ways of solving these problems, measures promoting female entrepreneurship, female business financing possibilities have been discussed.

224. The bilateral Finnish-Lithuanian project “Promoting Entrepreneurship amongst Women” was implemented in 2002. The project was financed by the Government of Finland and the European Development Bank. A publication “Small Business Financing Alternatives” was prepared and published, information material on where and how female entrepreneur may apply for credit was prepared and published in 500 copies, 10 female entrepreneurs drafted business plans for the receipt of credit, 100 female entrepreneurs attended a 2-day seminar at which financial problems arising for women entrepreneurs and ways for their solution were discussed, 60 female entrepreneurs took part in the mentoring programme, contributed to other initiatives.

225. In 2002 women intending to start up business actively participated in the implementation of the project “Support for the Beginners Entrepreneurs.” Within the framework of the project consulting and training services provided to the following target groups:

Women		Young people (20–29 years)		Natural persons working with a business patent	
Total	percent	total	percent	total	percent
541	64	189	22	103	12

226. Other initiatives also contribute to creating a positive image of the woman. The Lithuanian Development Agency for Medium and Small Sized Enterprises has established a new portal “Women Entrepreneurship”. Here examples of successful female entrepreneurship, projects intended for female entrepreneurs are presented, information about the operation of women entrepreneurs organisations and women’s information centres may be found.

### **Part 1**

#### **a)**

227. Paragraph 1 of Article 48 of the Constitution of the Republic of Lithuania establishes that every person may freely choose an occupation or business, and shall have the right to have adequate, safe and healthy conditions at work, to receive fair remuneration for work and be provided social security in the event of unemployment. Taking into account the principle of equality of all persons before the law enshrined in Article 29 of the Constitution of the Republic of Lithuania, it should be concluded that the provision set forth in Article 48 is applicable both to women and men. It is worthwhile noting that the principle of freedom of choice of employment is also enshrined in Article 2 of the Labour Code of the Republic of Lithuania. Moreover, it is established in the Article that the state provides support to the exercise of labour rights. The above provisions of the Code are applied with respect to all subjects of labour law irrespective of their age, gender, ethnicity, race or other circumstances.

228. According to the data of the Public Servants Register, in January 2004, there were 14 706 women and 9 812 men public servants in Lithuania. Among the career public servants 14287 are

women and 9258 men. 167 women and 229 men held the office of the public servant of political (personal) confidence. 167 women and 125 men were employed as public managers in the public service. All in all 40% of employees in public service were men, 60 % were women.

Public servants broken down by age and gender

Categories of position in the public service	Number	Medium age
Public servants of political (personal) confidence o	481	43.75
Women	252	41.33
Men	229	46.42
Career public servants	23545	42.46
Women	14287	42.75
Men	9258	42
Public managers	492	48.56
Women	167	48.5
Men	325	48.58
Total of public servants	24518	42.6
Women	14706	42.79
Men	9812	42.32

229. In recent years, with the economic situation in Lithuania improving the number of pre-pensionable unemployed has fallen. From 2000 the number of pre-pensionable age unemployed has fallen from 19% to 17%. This has been first of all conditioned by the amendment of Articles 5, 7, 8, 11, 13, 14, 16, 16<sup>1</sup>, 19, 20<sup>1</sup>, 22 of the Law of the Republic of Lithuania on the Support of the Unemployed (21 December 2001 No IX-687) which established that the payment of unemployment benefit shall be extended, upon their consent, to the unemployed who are within two years of becoming eligible to receive old-age pension and have a state social insurance pension record of at least 15 years, whereas those who do not receive the unemployment benefit shall be paid unemployment benefit in the amount of the state-supported income until the person reaches pensionable age. During the period they are paid the unemployment benefit they are not subject to active labour market policy measures; after their employment payment of the benefit is suspended. A certain portion of people who are within two years of becoming eligible to receive old-age pension ceased job-seeking activities and chose to receive the pre-pensionable unemployment benefit. On 1

December 2003 the registered number of such persons amounted to 13.2 thousand or almost a half of the pre-pensionable unemployed.

230. The challenges posed by the ageing of the population urge to take appropriate measures. The UN Committee for the Elimination of Discrimination against Women expressed its concern about the employment of women in the older age group. Taking into account the Committee's observation, the Government of the Republic of Lithuania has taken measures to put to the use the free potential labour force and in this way increase its employment and participation in the implementation of labour market policy measures. One of the guidelines of the EU Member States employment policy is promoting the activity of persons of the older age group, more efficiently applying with respect to them employment support measures.

231. It is believed that in 2004 some 18 thousand persons older than 55 years of age would be registered in Lithuania's territorial labour exchanges. In view of that the programme for the support for the unemployed aged 55 years and over has been launched in 2004. The main objective of the programme is to reduce the unemployment of persons over 55 years of age by increasing their employment. The measures of the programme scheduled for 2004 are intended for securing the provision of support of at least 10 000 registered unemployed of 55 years and older. These persons will make up at least 10% of the people employed in public works. It is endeavoured to employ in the subsidised jobs persons who are within five years of becoming eligible to receive old-age pension. Currently such persons constitute some 7%.

232. The Law of the Republic of Lithuania on Social Enterprises (1 June 2004 No IX-2251) was adopted in order to encourage persons who have lost professional and general capacity for work, who are economically inactive, unable to compete on equal conditions in the labour market to return to the labour market, to speed up their social integration, reduce their social exclusion. As provided in subparagraph 4 of article 4(1) of the Law, social enterprises support employment, including that of mothers or fathers who are actually alone taking care of and raising a child under 8 years of age, if the duration of unemployment from the day of registration with the territorial labour exchange is longer than 6 months.

**b)**

233. Women and men must have equal opportunities for employment, also for being admitted to work according to equal selection criteria. This also refers to information relating to equality of rights of public servants. It should be noted that equality is one of the principles on which public service is based, as established in paragraph 1 of Article 3 of the Law of the Republic of Lithuania on Public Service. Paragraph 1 of article 5 of the Law of the Republic of Lithuania on Equal Opportunities of Women and Men establishes the employer's duty to implement equal rights for women and men at work and to apply equal recruitment criteria. Article 2 of the Labour Code of the Republic of Lithuania also establishes the principle of freedom of choice of employment irrespective of the gender and other factors unrelated to the employee's professional qualities.

**c)**

234. Paragraph 2 of Article 5 of the Republic of Lithuania Law on Equal Opportunities of Women and Men provides for the duty of the employer, when implementing equal rights for women

and men at workplace, to provide equal working conditions, opportunities to improve qualification and provide equal benefits, while paragraph 3 – the duty to apply equal criteria in assessing the quality of work.

235. One of the priorities of the Programme of the Government of the Republic of Lithuania for 2001–2004 is to ensure equal opportunities for women and men in seeking education, upgrading their qualifications, in employment, promotion, setting the salaries; to enable women to participate on equal conditions with men in all areas of political and public life, to expand the scope of their employment in prestigious spheres of activity, in high-ranking positions in public institutions.

236. The system of higher education is in compliance with other legal acts of the Republic of Lithuania and guarantees the right of women and men to free choice of profession. The system of higher education provides social guarantees to studying mothers. A possibility of freely choosing a study programme and a convenient form of studies allows women to consistently pursue career and improve their qualifications.

237. The Provisions for the National Education Strategy 2003–2012 establish the objective to help an individual (of any gender) to acquire a vocational qualification and to create conditions enabling life-long learning and acquisition of new qualifications. To this end, a flexible system for financial support is developed – study credits, loans for studies are available to all students. All teachers (pedagogical staff) have equal opportunities of career, acquisition of a profession (a specific qualification), improvement of qualifications and certification.

**d)**

238. Paragraph 4 of Article 5 of the Republic of Lithuania Law on Equal Opportunities of Women and Men establishes a duty of the employer, when implementing equal rights for women and men at workplace, to provide equal pay for work of equal value.

239. Paragraph 3 of Article 186 of the Republic of Lithuania Labour Code establishes that men and women shall get an equal pay for equal or equivalent work, paragraph 3 of Article 188 establishes that when applying the work classification system for determining the wage, the same criteria shall be equally applied to both men and women, and the system must be developed in such a way so as to avoid discrimination on the grounds of sex. As from 1 January 2003 and under paragraph 1 of Article 188 of the Republic of Lithuania Labour Code, the conditions for determining the wage, rates, tariffs and qualification requirements for professions and positions, work quotas, the procedure of setting tariffs for work and the employees shall be laid down in collective agreements. Under paragraph 2 of this Article, specific hourly pay on the rate basis, monthly wages, other forms of remuneration for work and conditions, work requirements (output, time, service and other requirements) shall be laid down in collective agreements and contracts of employment. Paragraph 4 of Article 4 of the Republic of Lithuania Labour Code stipulates that tripartite agreements, collective agreements and local (internal) regulatory acts relating to working conditions, under which the position of the employees is made less favourable than that established by this Code, laws and other regulatory acts, shall be null and void. In the cases where this Code and other laws do not directly prohibit the subjects of legal relations pertaining to labour to establish, of their own accord and by way of an agreement, mutual rights and obligations, the above subjects shall be guided by the principles of justice, reasonableness and good faith.

240. The Republic of Lithuania Law on Public Service regulates remuneration for work of public servants. On 23 April 2002, the Seimas of the Republic of Lithuania passed a new version of the Republic of Lithuania Law on Public Service, laying down the conditions of remuneration for work of public servants which became effective as of 1 July 2002. Under the new version of the Republic of Lithuania Law on Public Service, remuneration of a public servant comprises: the basic salary, bonuses and an additional pay. The number of categories of positions of public servants has been reduced – from 30 to 20 categories. Public employees have become the employees working under an employment contract. Their employment relations and social guarantees shall be regulated by the Republic of Lithuania Labour Code and other legal acts. Following the entry into force of the new version of the Law, determination of the rates of remuneration for work of public servants shall not be subject to a transitional period. The basic salary shall be determined according to the category of the public servant and shall be the same for all the positions of the same category.

241. The United Nations Committee on the Elimination of Discrimination against Women has presented to the Government of the Republic of Lithuania recommendations on the employment sectors in which more women are employed and salaries of women are lower than in traditionally male-dominated fields of employment. It is worthwhile noting that in 2000–2004, the average salary of women was lower than that of men. Statistical data show that in the sectors of the economy employing more women than men, salaries are lower than in those employing more men than women (Tables 3, 4, 5 and 6 of the annex to this report). In the health care and social work sector, 84,2 per cent of all employees in 2002 were women, and their average monthly gross salary in the fourth half of 2002 amounted to LTL 876. In the transport sector, in which men account for approximately 70 per cent of the workforce, the average salary over the same period was LTL 1155,3 per month.

242. The average monthly salary of women in 2002 amounted to 81,2 per cent of the salary of men:

Average monthly gross salary of women<sup>1</sup>, in per cent of the average monthly gross salary of men

Year	National economy	Public sector	Private sector
2000	81,7	77	84,5
2001	81,4	76,8	83,3
2002	81,2	74,9	85
2003	80,9	75,2	83,8

*Statistical data on the average monthly salary of hired employees*

<sup>1</sup>Personal enterprises are not included.

243. The average monthly gross salary of women in 2002 according to types of economic activity, the average monthly gross salary (of men and women) in the national economy according to types of economic activity in 2000–2002 as well as the average monthly (gross) salary of men and women in the national economy according sectors of the economy for the fourth half of 2004 are presented in Tables 3, 4, 5 and 6 of the annex to this report. In some fields of activity (social insurance

activity, education, fisheries, public services, hotels and restaurants, health care and social work), the average monthly salary of women is higher than that of men or relatively equal. Statistical data on the average monthly salary of hired employees have been presented.

244. The National Programme for Equal Opportunities for Women and Men for 2003-2004 devotes much attention to the employment of women and unequal payment of women and men for their work. One of the main objectives of the Programme is to seek that in the private sector, women and men are set equal salaries for work of equal value. To this end, a scientific study of the reasons and factors determining differences in salaries is being conducted. It has been established that the differences in the salaries of men and women are determined by a large number of factors, of which the main are: the structure of employment of men and women, their distribution according to economic activity and categories of employees (workers, servants); professional composition; level of qualifications. However, the lower salary of women is also determined by other factors. Thus, in the branches of economic activity employing the majority of women, salaries are considerably lower than in those employing the majority of men. Difference in the average salary is also caused by the vertical segregation of the labour market, where more men than women occupy leading positions. The amount of income of women also depends on whether they actively participate in the economic activity. On the basis of the studies, methodological recommendations are prepared for social partners on the evaluation of work and positions when determining remuneration for work.

245. It should be noted that the Action Plan of the Social Partnership Development of the Government, Trade Unions and Employers' Organisations for 2003-2004 was approved by Resolution No 67 of the Government of the Republic of Lithuania of 21 January 2003. This plan has been drawn up in compliance with an agreement of 29 May 2002 of the Republic of Lithuania Government, trade unions and employers' organisation on a tripartite cooperation in 2002. The agreement also provides that once per half a year, the Tripartite Council shall discuss compliance with labour laws and submit proposals on the improvement and enforcement of the labour laws and better control of compliance therewith.

246. With a view to reducing the vertical segregation of the labour market, this Programme provides for the measures ensuring equal opportunities for women to participate, on a full-fledged basis, in the process of decision-making in government and administration institutions, in activities of the decision-making bodies of political parties, trade unions, international and non-governmental organisations and other institutions, enhancing opportunities for women to occupy high-ranking positions and obtain decision-making posts, recommending and promoting of a balanced gender representation in the commissions and working groups formed. In 2004, information about the men and women occupying the highest-ranking positions in the main Lithuanian institutions, including the political and government level, courts, law enforcement and control institutions, banks, largest Lithuanian undertakings was collected, systematised and submitted for inclusion in the database under preparation by the European Commission.

e)

247. Following the entry into force on 1 January 2003 of amendments and supplements to the Republic of Lithuania Law on State Social Insurance Pensions (10 December 2002 No IX-1245) as adopted on 10 December 2002, a mother (father) is obligatorily insured by state social pensions insurance – during the period of a child care leave, raising a child under the age of three, where the

mother (father) does not receive insured income during this period, as well as a mother (father) who is not on a child care leave and does not receive insured income, until the child reaches the age of three. Moreover, the lowest state social insurance old age and disability pensions have been increased as of the date. Provisions of the Law have been brought in compliance with provisions of the Republic of Lithuania Labour Code, which entered into force on 1 January 2003, on the payment of maternity benefits to the persons who have adopted a newly born baby or who have been appointed as his guardians. A possibility has been provided for the persons who have been dismissed due to the bankruptcy or liquidation of an undertaking to receive social insurance maternity and maternity (paternity) benefits.

248. These amendments to the Republic of Lithuania Law on State Social Insurance Pensions have improved the conditions of pensionary maintenance for the families left without a breadwinner. From 1 January 2003, survivor's pensions are paid to the persons raising children of the deceased not until the orphaned children reach the age of 18, but as long as they study (but not longer than until they reach the age of 19). Moreover, survivor's pensions are paid not only to guardians of orphaned children under the age of 18, but also to custodians (until a child reaches the age of 18, and if the child is studying – until he reaches the age of 19).

249. New amendments and supplements to the Republic of Lithuania Law on State Social Insurance Pensions (12 February 2004 No IX-2017) entered into force on 1 March 2004. The new provisions of the Law are more favourable to both recipients of old age and orphan's and disability pensions. Until 1 March 2004, the Law provided that at the request of a person, the state social insurance old age or disability pension he draws may be awarded anew in accordance with new data on his period of service and salary only in the case the person accrues an additional period of service of at least 3 years following the awarding of the pension. The amendments to the Law have softened these requirements– the required period of service has been lowered to 2 years. Therefore, a person who has worked for 2 years following the awarding of a pension will already be entitled to apply for awarding of the pension from anew. Amending the Law, account has been taken of the interests of young disabled persons – the requirements set for minimum and obligatory insurance periods have been softened. In order to draw a disability pension, a person needs to have the minimum work record period, however, to draw the whole amount of the disability pension, the person needs to have the obligatory work record period. This period depends on the age of the person on the day a disability group is established to him. A person recognised as disabled, who has minimum period of service, but does not have obligatory period of service, may receive a partial pension corresponding to the length of the period of service of the person. The amended Law is favourable to the persons who have reached the pensionable age or have been recognised as disabled persons, but who cannot obtain the certificates required for the awarding of a pension on their salary until 1 January 1994. As of 1 March 2004, pensions shall be calculated in such cases by presuming that during the period for which a person cannot present data on the salary, he received the minimum salary.

250. Under the aforementioned Law, the lowest (up to LTL 325 per month) old-age and disability pensions have been additionally increased. The old age pension increases provided its recipient has acquired, by working under an employment contract or on the basis of membership or service until 1 January 1995, a period of service of the following length: for women – 20, for men – 25 years. Disability pensions are additionally increased provided their recipients have acquired at least

a part of their period of service, regardless of its length, by working until 1 January 1994 under an employment contract or on the basis of membership or service. The amount by which each pension is going to increase shall depend both on a person's length of service and on the amount of the pension he receives. The lengthier period of service a person has and the lower pension he receives, the more his pension is going to be increased. Following the entry into force of this Law, pensions to orphaned children under the age of 18 or to the children who are studying and who have lost one or both parents shall be increased. The pension paid to them shall be increased by up to 30% instead of previous 25% of the pension to which the deceased was entitled or could have been entitled.

251. The Republic of Lithuania Law on the Advance Payment of State Social Insurance Old Age Pensions entered into force on 1 July 2004. Under the Law, a request to grant an advanced old age pension may be submitted by the persons who, on the day of application for such a pension, have reached the age which is by five years less than the established pensionable age (men – from the age of 57,6, women – from the age of 55), have acquired a period of state social pension insurance equal to 30 years, have been registered as unemployed for the last 12 months until applying for an advanced old age pension, do not receive other pensions and (or) pensions benefits, compensation for special working conditions, relief compensations or unemployment benefits, nor any other permanent benefits listed in the said Law; do not work under an employment contract or on the basis of membership or service, are not owners of a sole proprietorship, do not conduct other individual activities, do not hold business certificates, are not farmers or partners of their farms.

252. Mothers who gave birth to and brought up five or more children until they reached the age of 8 and the persons who nursed at home the disabled children at least 15 years (disabled children or children recognised as persons with Group I or II disability since childhood or disabled persons with total disability) shall be granted advanced old age pensions if the period of state social pension insurance of the persons who have nursed disabled persons is at least 15 years and they meet other conditions for the granting of an advanced old age pension. The persons who, prior to the granting of an advanced old age pension, have been granted and paid an disability pension, shall be granted an advanced old pension if they have been registered as unemployed for 12 months prior to the granting of the disability pension.

253. The new version of the Republic of Lithuania Law on Social Assistance Pensions (currently the Republic of Lithuania Law on State Social Assistance Benefits) entered into force as of 1 April 2004. The Law guarantees an increased financial support to disabled children as well as to the children left without a breadwinner. The Law focuses on the provision of material guarantees to disabled persons. Social assistance pensions have been increased to the persons recognised as persons with Group I, II or III disability before the day they reached the age of 24, including the persons recognised as disabled persons since childhood. The Law cancels all conditions which until now restricted the right of young disabled people to receive social assistance pensions, i.e. the right to be a school student or a student during disability, to be registered at the labour exchange as unemployed, to be recognised as a disabled person since childhood, etc. Under the Law, social assistance pensions shall be granted to all persons who have recognised as persons with Group I, II or III disability before the day they reached the age of 24 (in certain cases as provided for by the Law – before the day they reached the age of 26), but who are not entitled to higher social insurance disability or state pensions.

254. Pensions to severely disabled children have been increased twofold. Disabled children to whom mild disability is established shall be paid the pension of the current amount – one basic pension (LTL 172 per month). All disabled children, regardless of the level of disability established to them, were until now paid assistance pensions in the same amount of the basic pension. The Republic of Lithuania Law on Social Integration of the Disabled establishes classification of disability for disabled children – their disability shall be divided into severe, moderate and mild. The amount of the assistance pension granted to a child will depend on the level of disability established to the child.

255. The new Law provides for a new benefit for disabled persons – targeted compensations for nursing expenses. This benefit shall be granted in replacement of assistance pensions for nursing of disabled persons at home. The disabled children to whom severe and moderate disability is established as well as persons with Groups I and II disability who became disabled before the day they reached the age of 24, regardless of causes of a sickness, provided that the necessity of permanent nursing or permanent assistance or permanent supervision is established for them, shall be entitled to receive compensations. The targeted compensations for nursing expenses to disabled children to whom severe disability is established and to persons with Group I disability shall be in the amount equal to one basic pension, to disabled children to whom moderate disability is established and to persons with Group II disability – in the amount equal to 0,5 basic pension. Targeted compensations shall be granted and paid both to the persons receiving state social insurance pensions and to the persons drawing social assistance pensions if these persons became disabled before the day they reached the age of 24 (in some cases – before the day they reached the age of 26). Nursing allowances shall be paid to persons with total disability. The amounts of nursing allowances are subject to changes too. From 1 July 2004, they have been increased to the amount of 1,25 basic pension. From 1 January 2005, nursing allowances will be raised to the amount of 1,5 basic pension.

256. The Republic of Lithuania Law on State Social Assistance Benefits establishes orphan's social assistance pensions. Orphan's social assistance pensions shall be granted to all orphaned children who do not receive social insurance orphan's pensions, because their deceased parents (one of their parents) have not acquired the required pensions insurance period. From 1 April 2004, an orphan's social assistance pension has been increased to LTL 86 to each child.

257. In light of the initiative of the Council of Europe, the Seimas of the Republic of Lithuania declared on 18 April 2002 the year 2003 to be the Year of the Disabled in Lithuania. The Action Plan for the Year of the Disabled in Lithuania, as prepared and approved of by Resolution No 159 of the Government of the Republic of Lithuania of 3 February 2003, focuses on the improvement of the legal acts regulating various spheres of life and activities of disabled persons, education of society, developing of a positive attitude of society towards disability, adaptation of the physical environment teaching, education and provision of social services in institutions to the needs of disabled persons.

258. The Concept of the Reform of Disability Assessment and Social Protection Measures for the Disabled was approved of by Resolution No 160 of the Government of the Republic of Lithuania of 12 February 2001. The aim of the Concept is to change the procedure for assessing disability so as to provide conditions for a fairer and more efficient application of social protection measures to disabled persons with a view to recreating their working capacity, independence and promoting their integration in society.

259. In continuation of development of a comprehensive rehabilitation model for the disabled, the National Programme for Social Integration of Persons with Disability for 2003–2012 was prepared in 2002 and approved of by Resolution No 850 of the Government of the Republic of Lithuania of 7 June 2002. The objective of the Programme is to outline the state policy of medical, occupational and social rehabilitation and integration of the disabled, its priority objectives and actions. Implementing the National Programme of Social Integration of Persons with Disability for 2003–2012 and in compliance with Concept of the Reform of Disability Assessment and Social Protection Measures for the Disabled, the Ministry of Social Security and Labour has drafted the Republic of Lithuania Law Amending the Law on Social Integration of the Disabled, which was passed by the Seimas of the Republic of Lithuania on 11 May 2004. The Law is to come into force on 1 July 2005. The Law regulates the assessment of disability, level of working capacity and special needs and stipulates the basic rights and duties of disabled persons, main directions of social integration, means of their implementation, the institutions responsible for the social integration of the disabled.

260. The Government of the Republic of Lithuania attaches especial attention to the social support of elderly people. Resolution No 737 of the Government of the Republic of Lithuania of 14 June 2004 has approved the National Strategy for Mitigating the Consequences of the Population Ageing, which provides for broadening of participation of elderly people in the public life, ensuring their social inclusion and opportunities to live independently; promoting a continuous and sustainable economic development by taking account of the consequences of ageing of society; strengthening of an appropriate and reliable social security for the present and future generations; organising the labour market to enable the longest possible use in the labour market of the professional skills acquired by older people; implementing the principle of a life-long learning; ensuring the physical and mental health and material well-being of these people throughout their life; guaranteeing equal opportunities in receiving qualified health care and social services; taking into consideration gender aspect when formulating ageing policy; supporting elderly people, their families and the communities providing guardianship services; promoting solidarity of generations.

261. Article 156 of the Republic of Lithuania Labour Code stipulates that rest period shall be the time free from work, regulated by law, a collective agreement or a contract of employment. Article 157 of the Code provides for the following categories of rest period: a break to rest and to eat; additional special breaks for rest during a working day/shift; uninterrupted rest for 24 hours in between working days/shifts; uninterrupted rest for a week; an annual rest period (public holidays, annual leave).

262. Article 161 of the Republic of Lithuania Labour Code guarantees uninterrupted weekly rest, establishes that Sunday shall be a general rest day and where there are five working days in a week – Saturday and Sunday, with the exception of cases specified in this and other regulatory legal acts. For enterprises and organisations where work cannot be interrupted by a general rest day, rest days shall be provided on other week days in succession to each group of the employees in accordance with the work/shift schedules. An uninterrupted weekly rest shall not be shorter than 35 hours. It shall be prohibited to assign work on rest days, with the exception of work which cannot be interrupted on technical grounds (enterprises and organisations of uninterrupted operation), work involving the need to provide services to the population as well as work involving urgent repair and loading. Pregnant women, women who have recently given birth to a child, breast-feeding women, the

employees raising a child before he has reached the age of three, and employees raising, as single parents, a child before he has reached the age of fourteen or a disabled child before he has reached the age of sixteen, and persons under eighteen may be assigned work on rest days only subject to their consent. Persons under eighteen years of age must be provided at least two rest days per week.

263. Under subparagraph 2 of paragraph 1 of Article 145 of the Republic of Lithuania Labour Code, shorter working time shall be set for persons who work in the working environment where the concentrations of hazardous factors exceed the acceptable limits set in legal acts on safety and health at work and it is technically or otherwise impossible to reduce these concentrations in the working environment to acceptable levels not hazardous to health, – working time shall be set taking into account the working environment, but not exceeding 36 hours per week.

264. Shorter working time shall be set for employees working at night (subparagraph 3 of paragraph 1 of Article 145 of the Republic of Lithuania Labour Code). Working time at night shall be shortened by one hour (paragraph 2 of Article 154 of the Republic of Lithuania Labour Code).

265. Paragraph 2 of Article 145 of the Republic of Lithuania Labour Code provides that shorter working time for employees performing work involving heavy mental, emotional strain shall be established by the Government. The Procedure for Shortening Working Time for Employees Performing Work Involving Heavy Mental, Emotional Strain was approved of by Resolution No 1195 of the Government of the Republic of Lithuania of 30 September 2003. This Procedure sets forth a shorter working week for pedagogical staff and health care employees. Pedagogical staff (teachers, educators and others), in light of the duties performed and the type of the institution where these employees work, has been set a shorter working week of 36, 30, 24 or 20 working hours. Pharmacy specialists have been set 36 working hours per week. Health care employees, in light of their working conditions and the type of the institution where they work, have been set 39, 36, 33 or 30 working hours per week.

266. Article 164 of the Republic of Lithuania Labour Code provides that employees may be granted an annual leave and a special-purpose leave by preserving their working place (position) and paying to them average salary. Holidays shall not be included in the period of a leave. Article 165 of the Code stipulates that annual leave may be minimum, extended and additional. The minimum annual leave shall be a period of 28 calendar days.

267. Annual 35-calendar-day leave shall be granted to: the employees under 18 years of age; the employees who, as single parents, are raising a child before he has reached the age of fourteen or a disabled child before he has reached the age of sixteen; disabled persons; other persons provided for by law. Article 166 of the Republic of Lithuania Labour Code establishes that annual leave shall not be shortened for part-time employees.

268. Article 167 of the Republic of Lithuania Labour Code provides for an extended annual leave of up to 58 calendar days, which shall be granted to certain categories of employees whose work involves greater nervous, emotional and intellectual strain and professional risk, as well as to those employees who work in specific working conditions. A list of categories of the employees who are entitled to extended annual leave and duration of the leave was approved of by Resolution No 941 of the Government of the Republic of Lithuania of 18 July 2003. This Resolution establishes extended annual leave to pedagogical staff (56 calendar days), scientific workers (56 calendar days), creative

employees of theatre and concert organisations (42 calendar days), health care employees (42 or 35 calendar days), social workers (42 or 35 calendar days), pharmacy specialists (35 calendar days), flying personnel (58 or 48 calendar days), seafarers and fishermen (35 calendar days), employees of the Ignalina Nuclear Power Station (up to 42 calendar days), drivers of urgent medical aid stations (42 calendar days), employees of veterinary services (42 calendar days).

269. In addition to the aforementioned extended annual leave, the Republic of Lithuania Labour Code provides for additional annual leave. In accordance with Article 168 of the Code, additional annual leave may be granted: to the employees for the conditions of work which are not in conformity with the normal work conditions; for a long uninterrupted employment at the same work place; for a special character of work. The duration of additional annual leave, the terms and conditions as well as the procedure for providing it shall be determined by the Government of the Republic of Lithuania. A contract of employment, a collective agreement or internal work regulations may define a longer additional annual leave or additional annual leave of types other than those specified in this Article.

270. Moreover, Article 185 of the Republic of Lithuania Labour Code provides for additional leave privileges. Collective agreements and contracts of employment may provide for a longer leave and leaves of other categories, additional privileges for choosing the time of annual leave, higher pay for annual leave and special-purpose leave than those guaranteed by the Republic of Lithuania Labour Code. These privileges, with the exception of the additional privilege to choose the time of one's annual leave, may not be laid down in collective agreements and contracts of employment concluded at agencies and organisations financed from the state, municipal and state social insurance fund budgets and the resources of other funds established by the State, nor in the agreements and contracts concluded at the Bank of Lithuania.

#### **Part 1, f, and part 2, d**

271. With the adoption of the Law of the Republic of Lithuania on Social Insurance of Occupational Accidents and Occupational Diseases (No VIII-1509 of 23 December 1999) by the Seimas of the Republic of Lithuania, a new type of social insurance based on the principle of solidarity has been introduced. This Law has also created better conditions for persons who have experienced occupational accidents or occupational diseases to receive due benefits, while employers do not have to pay large benefits in the event of an accident at work.

272. The system of social insurance against occupational accidents and occupational diseases has been functioning since 1 January 2000. Social insurance against occupational accidents compensates persons covered by this type of insurance for the loss of income incurred due to an accident at work or occupational disease. An accident at work means any event at work, including a traffic accident during working time, which has been investigated in accordance with the established procedure and recognised an accident at work, entailing an injury (minor, serious or fatal). An event at work when an employee dies from illness not related to his employment is not considered an accident at work. A sickness benefit is allocated if the right to receive it arose during the time of employment, including the trial period and the day of dismissal from work. A sickness benefit is paid from the first day of temporary disability until the recovery of functional capacity or the establishment of a disability. Having suffered an injury at work or contracted an occupational disease, sickness benefits

are paid for the period from the first day of temporary disability from the funds allocated for social insurance against occupational accidents.

273. One-time compensation for the loss of functional capacity shall be paid in the following amounts: 1) where the insured has lost up to 20 percent of functional capacity, he shall receive a single compensation for the loss of functional capacity amounting to 10 percent of his 24-month compensated wage; 2) where the insured has lost over 20 percent, but under 30 percent of functional capacity, he shall receive a single compensation for the loss of functional capacity amounting to 20 percent of his 24-month compensated wage; 3) where an unlimited loss of functional capacity has been established for the insured, he shall receive a triple single compensation for the loss of functional capacity. When established that the insured has lost over 30 percent of functional capacity, he shall receive periodic compensation for the loss of functional capacity. Periodic compensation for the loss of functional capacity shall be paid to the insured on a monthly basis. The compensation coefficient estimated for the insured may not be under 0.25 or over 3. Periodic compensation for the loss of functional capacity shall be paid until the expiry of the period of the loss of functional capacity established by the State Commission of Medical Social Examination.

274. Where the insured dies as a result of an accident at work or an acute occupational disease recognised as insurance events, the right to the insurance benefit (periodic) shall be enjoyed by the unemployed persons who had been supported by the diseased or, on the day of his death, had the right to maintenance, as well as the child (children) of the diseased born after his death.

275. Where the insured dies as a result of an accident at work or an acute occupational disease recognised as insurance events, the family of the diseased person shall receive a one-time funeral grant equal to 100 insured income of the current year applicable on the month when the fatal accident at work or the acute occupational disease occurred. This grant is paid in equal parts to every family member of the diseased.

276. In May 2003, the Seimas of the Republic of Lithuania passed the Law Amending the Law of the Republic of Lithuania on Social Insurance of Occupational Accidents and Occupational Diseases (No IX-1591 of 29 May 2003) under which persons whose occupational disease has been established after dismissal from work, but who have been covered by this type of insurance (contributions were paid for them) after 1 January 2000, shall also be entitled to the said insurance benefits (except for sickness benefit).

277. At the end of 2003, a new version of the Law of the Republic of Lithuania on Social Insurance of Occupational Accidents and Occupational Diseases (<http://www2.socmin.lt/Litlex/ll.dll?Tekstas=1&Id=68845&BF=1> No IX-1819 of 11 November 2003) was passed. It regulates the procedure of recognition of insurance events in clearer and more precise manner [http://www2.socmin.lt/Litlex/LL.DLL?Tekstas=1&Id=37415&BF=4&TikTxt=1&LLKompId=06597241&LLKompTest=01522969 - P68845\\_2](http://www2.socmin.lt/Litlex/LL.DLL?Tekstas=1&Id=37415&BF=4&TikTxt=1&LLKompId=06597241&LLKompTest=01522969 - P68845_2), bringing the provisions on compulsory social insurance of occupational accidents and occupational diseases into line with documents establishing labour relations and conditions. The Law also aims at strengthening motivation of employers and employees and their responsibility for guaranteeing and observing safe working conditions, and allocating funds for the prevention of occupational accidents and occupational diseases. The Law envisages recognising as insurance events only occupational accidents occurring at a workplace and while being engaged only in the work specified in the employment contract.

278. The new version of the Law of the Republic of Lithuania on Social Insurance of Occupational Accidents and Occupational Diseases more precisely defines occupational accidents and occupational diseases that qualify as insurance events and those which do not qualify as such. The new version of the Law is more precise about the application of insurance to work on rest days, leave and business trips.

279. For the purpose of stimulating employers to pay more attention to working conditions of employees, the new version of the Law of the Republic of Lithuania on Social Insurance of Occupational Accidents and Occupational Diseases provides for a differentiated tariff of occupational accident social insurance contributions to be applied from 1 January 2005. This tariff will be set for each insurer having regard to the number and degree of occupational accidents occurring at the given workplace.

280. Special protection to pregnant women, women who have recently given birth or breast-feeding women is provided by the Law of the Republic of Lithuania on Safety and Health at Work and the Labour Code of the Republic of Lithuania. They must be provided with safe and healthy working conditions, including the safeguarding of the function of reproduction. The employer must provide (guarantee) such conditions in the labour market to pregnant women, women who have recently given birth or breast-feeding women, which should not be violated with respect to equal opportunities of men and women. The employer must inform pregnant women, women who have recently given birth or breast-feeding women being employed or changing their working place about jobs that are not recommended for women wishing to preserve the reproductive function, ensure that female employees receive all information related to risks to health, as well as implement measures to ensure better safety and health at work for pregnant women, women who have recently given birth or breast-feeding women.

281. On 19 March 2003, the Government of the Republic of Lithuania adopted Resolution No 340 on the approval of the list of hazardous working conditions and dangerous factors for pregnant women, women who have recently given birth or breast-feeding women. The list specifies hazardous working conditions and dangerous chemical, physical, psychophysical (ergonomic) and biological factors for pregnant women, women who have recently given birth or breast-feeding women. In compliance with this list, the employer must establish potential risks of these factors to the safety and health of a pregnant woman, woman who has recently given birth or breast-feeding woman to protect her from dangers. This will help ensure better safety and health at work for a particularly vulnerable group, i.e. pregnant women, women who have recently given birth or breast-feeding women, as well as promote progress in the field of safety at work. The list of dangerous factors and jobs prohibited and inadvisable for pregnant women, women who have recently given birth or breast-feeding women will also be useful for doctors: they will be able to provide information in practice to women wishing to preserve the reproductive function. This will allow the Lithuanian society counting on healthier future generation.

## **Part 2**

### **a) and b)**

282. Article 132 of the Labour Code of the Republic of Lithuania regulates guarantees to pregnant women and employees raising children. Paragraph 1 of this Article provides that an

employment contract may not be terminated with a pregnant woman from the day on which her employer receives a medical certificate confirming pregnancy, and for another month after maternity leave, except for the cases specified in paragraphs 1 (1), (2), (3), (4), (6) and 2 of Article 136 of the Labour Code of the Republic of Lithuania: when a court decision becomes effective, or when a court judgement whereby an employee is imposed a sentence, which prevents him from continuing his work, becomes effective; when an employee is deprived of special rights to perform certain work in accordance with the procedure established by laws; upon the demand of bodies or officials authorised by laws; when an employee is unable to perform these duties or work in accordance with an opinion of the medical commission or the commission for the establishment of disability; upon the liquidation of the employer if under laws his labour obligations have not been placed on another person; upon the death of the employer if the employment contract was concluded for the supply of services to him personally, as well as when the employer has no legal successor. Paragraph 2 of Article 132 of the Labour Code of the Republic of Lithuania provides that employment contracts with employees raising a child (children) under three years of age may not be terminated without any fault on the part of the employee concerned.

283. Paragraph 3 of Article 129 of the Labour Code of the Republic of Lithuania provides that a legitimate reason to terminate an employment contract shall not be gender, marital and family status or other grounds specified in the Law. Article 6 of the Law of the Republic of Lithuania on Equal Opportunities establishes that the acts of an employer shall be in violation of equal rights of women and men if he terminates the employment contract because of the person's gender.

284. The Law of the Republic of Lithuania on Public Service does not contain any discriminatory norms in respect of women. Paragraph 5 of Article 43 of the Law of the Republic of Lithuania on Public Service guarantees the position held for career public servants during a maternity leave or childcare leave until the child reaches the age of three years, and paragraph 5 of Article 44 provides that a pregnant public servant or a public servant during a childcare leave until the child (children) reaches the age of three years may not be dismissed from work, except for the cases specified in the Law of the Republic of Lithuania on Public Service.

285. Public servants are also covered by provisions of the Labour Code of the Republic of Lithuania: the provision of paragraph 1 (3) of Article 146 that part daily working time or part weekly working time shall be set on request of a pregnant woman, a woman who has recently given birth (mother who submits to the employer a certificate of a health care institution confirming that she has given birth, and who is raising her child until the child reaches the age of one year), a breast-feeding woman (mother who submits to the employer a certificate of a health care institution confirming that she is raising and breast-feeding her child until the child reaches the age of one year), an employee raising a child under three years of age, and an employee solely raising a child under 14 years of age or a child with disabilities under 16 years of age; as well as the provision of Article 214 that employees raising a child with disabilities under 16 years of age or two children under 12 years of age shall be granted an additional day of rest per month (or their weekly working time shall be shortened by two hours), and employees raising three or more children under 12 years of age shall be entitled to two additional days of rest per month (or their weekly working time shall be shortened by four hours) and shall be paid the average wage.

286. With the entry into force on 1 January 2001 of the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance (21 December 2000 No IX-110), an insurance period for receiving sickness, maternity, maternity (paternity) benefits was introduced: for sickness, maternity benefits – 3 months within 12 month or 6 months within 24 months; for maternity (paternity) benefit – 7 months within 24 months. A sickness benefit shall be paid from the first day of temporary incapacity until the person recovers his functional capacity or is recognised as disabled. The employer shall pay for the first two days of temporary incapacity; a sickness benefit shall be paid from the budget of the State Social Insurance Fund from the third day of temporary incapacity. It was also provided that insured persons receiving a state social insurance disability pension, who have temporarily lost their functional capacity due to sickness or injury which resulted in the loss of working income, shall be paid a sickness benefit from the budget of the State Social Insurance Fund for a period not exceeding 30 calendar days within a calendar year. At the beginning of 2002, the Law Amending the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance (No IX-709 of 15 January 2002) was passed whereby the period of payment of sickness benefits to insured persons receiving a state social insurance disability pension was extended to 90 calendar days within a calendar year.

287. Women receive a maternity benefit during the period of pregnancy and childbirth – 70 calendar days before childbirth and 56 calendar days after it (in the event of complicated confinement or birth of more than one child – 70 calendar days). This benefit amounts to 100 percent of the compensated wage of the benefit recipient.

288. At the end of 2002 and in the beginning of 2003, the Seimas of the Republic of Lithuania once again amended the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance. The first amendment approximated the provisions of the Law with the provisions of the Labour Code of the Republic of Lithuania which entered into force from 1 January 2003 concerning the payment of a maternity benefit to persons who have adopted a newly born baby or have been recognised as his guardians. The second amendment offered a possibility for persons dismissed from work due to enterprise bankruptcy or liquidation to receive social insurance maternity and maternity (paternity) benefits.

289. Having approximated the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance with the provisions of the Enterprise Bankruptcy Law of the Republic of Lithuania (20 March 2001 No IX-216), it has been established that maternity and maternity (paternity) benefits should be paid to women dismissed from work during pregnancy as a result of enterprise bankruptcy or liquidation, as well as other persons being dismissed from work due to enterprise bankruptcy or liquidation and therefore deprived of a possibility to take a childcare leave until the child reaches the age of one year. From 1 March 2004, pursuant to the Law Amending the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance, a maternity (paternity) benefit paid during a childcare leave until the child reaches the age of one year has been increased from 60 to 70 percent of the compensated wage of the mother (father). A person who is not entitled to receive a maternity (paternity) benefit from the budget of the State Social Insurance Fund shall be paid a benefit in accordance with the Law of the Republic of Lithuania on Benefits to Children.

c)

290. By Resolution No 171 of 6 February 2002, the Government of the Republic of Lithuania approved the Concept of the Social Services Provision Reform. The objective of the Concept is to define further trends of the development of social services that would answer the present day needs and enable to maintain and improve the system of social services in our country, to envisage reforming the financing of social services, implementing procurement models, developing a system of requirements for social services and a mechanism of quality assessment and control. While implementing the reform of the provision of social services, requirements for institutions rendering outpatient social services have been formulated and approved, the description of principles and procedure for identifying the need of an individual for social services has been approved, as well as the Law Amending the Law of the Republic of Lithuania on Social Services has been drafted.

291. With the view of improving the social services infrastructure at community level, encouraging to provide quality social services, increasing their accessibility to social risk families and children, disabled and old people, persons belonging social risk groups, and in accordance with the Social Services Infrastructure Development Programme for 1998–2003 approved by Resolution No 202 of the Government of the Republic of Lithuania of 19 February 1998, the funds allocated for the Social Services Infrastructure Development Programme for 1998-2003 were used to finance development projects of 54 social services institutions in 2000–2003 (amount of LTL 23.15 million). These projects were intended for the disabled, social risk families and children, old persons, adults belonging to social risk groups. Taking into account the necessity to develop the social services infrastructure in Lithuania, by Resolution No 1178 of the Government of the Republic of Lithuania of 18 September 2003 on the approval of the Social Services Infrastructure Development Programme for 2004–2006, the implementation of this Programme was extended until 2006.

292. The reconciliation of family and work responsibilities is facilitated by a possibility to use the services of day care institutions for children (especially for children of pre-school age). According to the data of the Ministry of Education and Science as of July 2004, 660 pre-school establishments were operational in the country, of which 3 – state, 653 – municipal, 1 – private, 3 – community. 57 establishments of them were special (1 – state, 56 – municipal), and 15 establishments were intended for children undergoing treatment. In addition, there were 151 kindergarten-schools in Lithuania, of which 1 – state, 148 – municipal (14 special kindergarten-schools), 2 – private.

## **Article 12**

### **Part 1**

293. In Lithuania, fundamental human rights are enshrined in the Constitution of the Republic of Lithuania providing that all persons are equal before the law, no one's rights may be restricted nor any privileges may be granted to anyone on the ground of gender, race, nationality, language, religion, social status, etc. The Constitution of the Republic of Lithuania also guarantees civil and political rights, the right to work, education, social security and health care. Every person is entitled to such health care as may be provided by adequate disease preventive and health care measures, as well as a possibility to seek for the best health. Since the life and wellbeing of people vitally depends on good physical and mental state, health is a deciding factor in the capacity of the population to participate in

all spheres of public and private life. This right for men and women should be guaranteed their whole life.

294. Non-discrimination in the field of health care includes such areas as family planning and reproductive health in a broad sense, maternity protection, including the safety and health of women at work, the prevention of sexually-transmitted diseases, the promotion of healthy lifestyle, the specifics of women's health throughout their life-cycle, including specific health problems of older people, the right of both women and men to deal with issues related to gender in a free, responsible manner, without violence, discrimination or abuse.

295. The average life expectancy of women remains longer than that of men. On the average, women live longer than men both in urban and rural areas of Lithuania.

#### Average life expectancy in Lithuania in 2000-2003

Year	Lithuania			Urban areas			Rural areas		
	Average	Females	Males	Average	Females	Males	Average	Females	Males
2000	72.19	77.45	66.77	73.35	78.22	68	69.98	76.11	64.56
2001	71.78	77.58	65.95	72.87	78.15	67.23	69.65	76.6	63.7
2002	71.91	77.58	66.21	73.25	78.33	67.71	69.39	76.32	63.54
2003	72.19	77.85	66.48	73.64	78.73	68.06	69.55	76.4	63.76

The average life expectancy at birth is the probability rate indicating the average length of life of every person, provided the mortality rate of every age group of the population during the expected life remains unchanged.

296. Although longer average female life expectancy may not be directly linked with better women's health indicators, statistical data on mortality by causes confirms higher male mortality rate caused by specific diseases.

#### Mortality by causes

(Deaths per 100 000 population)

Year	2000		2001		2002	
	Females	Males	Females	Males	Females	Males
Total number of deaths	947.7	1171.3	1015.8	1325.2	1041.9	1345.9
Causes:						
infectious and parasitic diseases	6.4	20.9	6.2	21.4	7.3	20.9
diseases of the circulatory system	606.9	521	657.7	594.6	668.9	615
malignant neoplasms	174.2	248	185.2	268.1	188.3	270.8
diseases of the respiratory system	26.2	60.2	23.7	63.5	28.2	67.3
diseases of the digestive system	29.2	40.3	33.3	50.3	35.8	52.4
external causes	59.2	226.4	63	266	62.5	254.5
other diseases	38.5	46.6	46.7	61.3	50.9	65

The total mortality of men and women per 1000 population is indicated in Table 7 of the Annex to this report, and the children and infant mortality – in Tables 12 and 13.

297. Laws regulating health care do not contain any discriminating provisions. In Lithuania, every person is entitled to the same measures of health protection, including, but not limited to, measures offered in private family planning centres and state health care institutions. Lithuanian health policy is being implemented in accordance with the Programme of the Government of the Republic of Lithuania for 2001–2004.

298. With the development of the network of offices of general practitioners, or family physicians (hereinafter referred to as GPs) in the country, health care services become more accessible for all population, including rural inhabitants. The competence of GPs includes knowledge of the principles of family planning, psychology and assistance during menopause, as well as skills to control the use of contraceptives. GPs may provide women with information about methods of contraception so that they could choose the desirable one.

299. Women insured under the law receive health care services, including family planning services, free of charge.

300. The Committee on the Elimination of Discrimination against Women expressed its concern about the high rate of abortion, limited access to various methods of family planning, including contraceptives, especially among women in rural areas. These problems were also addressed in 2000–2004. Public awareness is raised about modern methods of family planning.

301. According to statistical data, the rate of artificial abortions is annually declining in the country.

#### Dynamics of artificial abortions in Lithuania\*

Year	Per 100 live births	Per 1000 women of childbearing age (15–49 years)	Absolute number
1997	60.1	25.3	22 680
1998	56.9	23.5	21 022
1999	52.1	21.2	18 846
2000	48.1	18.4	16 259
2001	44	15.5	13 677
2002	42.5	14.1	12 495
2003	37.7	12.9	11 513

\* Data of the Lithuanian Health Information Centre.

302. However, the attitude towards methods of contraception remains diverse: in 2003, according to the data of “Baltijos tyrimai”, more than half of women in the age group between 15 and 25 (51 percent) did not use any contraception at all. This percentage was lower in other age groups: 19 percent among women aged 26-35, and 32 percent among women aged 35-45. As many as 33 percent of respondents who did not use any contraception could not indicate any specific reason for not preventing pregnancy. According to the results of the survey, only 1 percent of all sexually active Lithuanian women not using contraception would decide to give birth, if became pregnant, and all of those women belonged to the age group between 26 and 35.

These data visually explain why abortions are still frequent in Lithuania.

Use of contraceptive measures in Lithuania in 1999–2003\*

Year	1999	2000	2001	2002	2003
Percentage of women of childbearing age who use contraceptives	10.7	11	11.2	12.5	12

\* Data from reports of outpatient individual health care institutions.

303. In the health care system, however, an abortion is not officially considered a method of family planning. If an abortion is performed at a woman’s request, she has to pay for it at the rate set in the pricelist of paid services. The cost of an abortion under local anaesthesia is LTL 69.13, under general anaesthesia – LTL 115.22. Abortions performed due to medical indications are compensated from the budget of the Compulsory Health Insurance Fund. Termination of pregnancy of up to 5 weeks may also be performed at outpatient health care institutions.

304. The Committee on the Elimination of Discrimination against Women also noted the high rate of tuberculosis and mental diseases among women. It was remarked that the total incidence of mental diseases among women and men decreased. In 2003, 184 cases of mental diseases were registered per 100 000 population (i.e. 71.4 cases less than in 1998). Though the incidence of these diseases is still higher among women, the rate of tuberculosis among women is half lower. The total incidence of tuberculosis among women and men declined: there were 85.7 cases per 100 000 population in 1998 and the number of cases decreased to 69.76 per 100 000 population in 2002.

305. At present, there are 62 mental health centres in Lithuania, of which 16 are established in cities and 32 – in districts. At the end of 2003, there were 11 mental hospitals with 3 672 beds (10.7 per 10 000 population) in Lithuania. In 2003, individual health care institutions registered 184.7 new cases of mental diseases per 100 000 population. The primary incidence of mental diseases is gradually declining among both men and women. This was conditioned by the fact that the establishment of mental health centres improved access to mental health care services, the quality of provided services and registration. However, the fact that mental diseases still remain a problem is confirmed by steady prevalence, which during the recent four years slightly dropped only in 2003. The prevalence of mental diseases among women is higher than among men: at the end of 2003, 2 782 cases of mental diseases were registered per 100 000 women and 2 479 cases per 100 000 men.

## Prevalence and incidence of mental diseases among women and men\*

(per 100 000 population)

Year	2000			2001			2002			2003**		
Cases of mental diseases	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
New cases of mental diseases	248	185.5	303	224.4	160.3	276.8	190.1	144.9	229.7	184.7	143	221.4
Total number of cases of mental diseases at the end of the year	2552.7	2605.4	2506.5	2649	2738.7	2570.4	2696.5	1606.2	3652.2	2640.8	2479.4	2782.2

\* Data of the State Mental Health Centre.

\*\* Preliminary data.

306. Incidence among urban and rural population differs. There are more new cases registered in urban areas (214.6 per 100 000 population in 2003) than in rural areas (123.8 per 100 000 population), though slightly higher prevalence among rural population is observed.

## Prevalence and incidence of mental diseases among urban and rural population

(per 100 000 population)

Year	2000			2001			2002			2003**		
Cases of mental diseases	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural
New cases of mental diseases	248	290.2	162.2	222.4	251.3	163.8	190.1	211.8	146.1	184.7	214.6	123.8
Total number of cases of mental diseases at the end of the year	2552.7	2514.8	2629.6	2649	2646.8	2653.6	2696.5	2723.6	2641.8	2640.8	2636.2	2650

\* Data of the State Mental Health Centre.

\*\* Preliminary data.

307. The dynamics of mental disorders shows the domination of male alcohol and drug abusers. From 2001, the number of registered new cases is declining, although prevalence among population was increasing until 2002 and only in 2003 it slightly decreased – 1993.7 cases per 100 000 population (in 2002 – 2025.8 cases per 100 000 population). The number of alcohol and drug abusers in urban areas is much higher than in rural areas.

Prevalence and incidence of alcohol and drug abuse among men and women\*

(per 100 000 population)

Year	2000			2001			2002			2003**		
	Total	Urban	Rural									
Alcohol and drug abusers												
New cases of alcohol and drug abuse	93	162.8	31.6	94.7	167	31.2	79.8	140.6	26.4	72.7	125.4	26.4
Total number of alcohol and drug abusers at the end of the year	1992.9	3754.3	445.1	2013.1	3784.3	458.8	2025.8	3807.5	464.2	1993.7	3732.8	469.4

\* Data of the State Mental Health Centre.

\*\* Preliminary data.

Prevalence and incidence of alcohol and drug abuse among urban and rural population\*

(per 100 000 population)

Year	2000			2001			2002			2003**		
	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural
Alcohol and drug abusers												
New cases of alcohol and drug abuse	93	99.2	84.2	94.7	96.7	90.7	79.8	80.8	7.8	72.7	70.6	76.8
Total number of alcohol and drug abusers at the end of the year	1992.9	2226.2	1520.3	2013.1	2248.6	1536.6	2025.8	2270	1533.8	1993.7	2254.5	1469.9

\* Data of the State Mental Health Centre.

\*\* Preliminary data.

308. The Ministry of Health pays a lot of attention to tuberculosis prophylaxis and control. The World Health Organisation has recognised the directly observed treatment strategy (DOTS) as one of the most effective measures against tuberculosis. Having implemented observed treatment programmes for tuberculosis patients, in some countries about 90 percent of patients who had contracted pulmonary tuberculosis were cured. Within the framework of the National Programme of Tuberculosis Prophylaxis and Control approved by Resolution No 300 of the Government of the Republic of Lithuania of 13 March 1998, the introduction of this method started in Lithuania in 1998. A new National Programme of Tuberculosis Prophylaxis and Control for 2003-2006 was approved by Resolution No 1611 of the Government of the Republic of Lithuania of 10 October 2002.

309. Successful implementation of the said programmes contributed to reduced incidence of tuberculosis and mortality. In 1998, the incidence of tuberculosis in Lithuania reached a peak in the last decade: 85.7 cases per 100 000 population (in absolute numbers – 3176). In 2001, the incidence of tuberculosis was 74.71 cases per 100 000 population; in 2002, it decreased to 69.76 cases per 100 000 population (in absolute numbers – 2420). The incidence of tuberculosis among children declined from 21.8 cases per 100 000 children (in absolute numbers – 168) in 1998 to 18.9 cases per 100 000 children (in absolute numbers – 129) in 2003. According to the data of the Lithuanian tuberculosis registry, women have active tuberculosis half as much as men (in 2001, 1780 men and 826 women; in 2003 – 1772 men and 804 women).

310. On 25 June 2002, the Minister of Health of the Republic of Lithuania and the Minister of Foreign Affairs of Norway signed an agreement to implement the project “Tuberculosis Prevention and Control in Lithuania through the Implementation of the Directly Observed Treatment Strategy (DOTS)”. This project is financed by the Norwegian Government. The funds of the DOTS project are used to partially compensate for: the difference between the basic prices reimbursed from the budget of the Compulsory Health Insurance Fund and the retail prices of first-line anti-tuberculosis drugs intended for outpatient treatment; food parcels and sanitary packages for patients under directly observed outpatient treatment; travelling costs of patients whose outpatient treatment for tuberculosis is observed by the medical staff to/from the institution; costs of visits of pulmonary disease physicians, pulmonologists, general practitioners, internists, paediatric physicians and general nurses to patients receiving observed outpatient tuberculosis treatment services. Tuberculosis treatment services become better accessible for rural population. The mortality from tuberculosis declined from 11.8 deaths per 100 000 population in 1998 (437 deaths) to 8.26 deaths per 100 000 population in 2003 (286 deaths).

311. For the purpose of stabilising the spread of tuberculosis, the list of serious communicable diseases with which persons are considered as covered by compulsory health insurance at the public expense was approved by Order No V-276 of the Minister of Health of 14 May 2003. This list also includes tuberculosis. From the point of view of public safety, it is important for all patients with tuberculosis to undergo treatment irrespective of their social status.

## Incidence of active tuberculosis by age groups and sex in 2001–2003 (in absolute numbers)

Age groups	Males		Females		Total
	Urban areas	Rural areas	Urban areas	Rural areas	
I. 2001 (new cases and relapses)					
0–4	4	6	1	3	14
5–14	45	27	27	11	110
15–24	74	33	64	34	205
25–34	152	97	96	38	383
35–44	248	159	121	40	568
45–54	247	150	84	30	511
55–64	168	128	63	27	386
65+	119	123	99	88	429
Total	1057	723	555	271	2606
II. 2002 (new cases and relapses)					
0–4	6	5	4	3	18
5–14	43	18	44	16	121
15–24	54	33	62	29	178
25–34	137	90	97	36	360
35–44	223	147	102	35	507
45–54	236	142	78	29	485
55–64	149	110	56	24	339
65+	115	126	90	80	411
Unknown	1	–	–	–	1
Total	964	671	533	252	2420
III. 2003 (new cases and relapses)					
0–4	10	6	3	5	24
5–14	26	26	27	26	105
15–24	68	38	71	37	214

Age groups	Males		Females		Total
	Urban areas	Rural areas	Urban areas	Rural areas	
25–34	145	97	89	46	377
35–44	220	161	98	41	520
45–54	267	146	73	37	523
55–64	170	124	56	25	375
65+	133	135	104	66	438
Total	1039	733	521	283	2576

312. Within the framework of the National Programme for Equal Opportunities for Women and Men for 2003-2004, specific measures intended for either women or men owing to their specific health differences have been prepared and included in disease (particularly cancer) prevention programmes. To this end, the measures implementing the National Programme for Cancer Prevention and Control for 2003–2010 approved by Resolution No 1593 of the Government of the Republic of Lithuania of 10 December 2003 included the spot screening for cervical and breast cancer. The purpose of this measure is to reduce the incidence of malignant neoplasms among women. The total statistical data on the incidence of malignant neoplasms among women and men is presented in Table 8 of the Annex to this report.

313. The Committee on the Elimination of Discrimination against Women noted insufficient attention to the specifics of a woman's life-cycle. While implementing the measures of the National Programme for Equal Opportunities for Women and Men for 2003-2004 in the field of health care, 10 information publications about the health of older women and men were prepared for municipal doctors, specialists of county public health care centres and the media in 2003. In response to the recommendations of the Committee on the Elimination of Discrimination against Women, educational activities are also targeted at younger women and girls. Within the framework of the National HIV/AIDS Prevention and Control Programme for 2003–2008 approved by Resolution No 1273 of the Government of the Republic of Lithuania of 14 October 2003, the public is constantly informed about HIV/AIDS and related infections. The Lithuanian AIDS Centre consulted persons having contacts with HIV/AIDS infected persons, their family members. In 2003, a day centre of social integration for the girls of risk groups was opened by the Lithuanian AIDS Centre and successfully operated. The girls attending the centre receive information about sexually transmitted diseases, HIV and AIDS, safe sex, healthy lifestyle, as well as psychological and social assistance.

314. Events of health training and education are organised in Lithuania dedicated to the issues of family health and well-being: mental health strengthening in the family, stress prophylaxis, importance of social and psychological environment in the family, addiction prevention. In 2000, 156 935 health promotional and educational events were organised in counties and municipalities in Lithuania (446.5 events per 10 000 population), 187 303 events were held in 2001 (respectively 446.5

events per 10 000 population), 175 418 events in 2002 (respectively 505.7 events per 10 000 population) and 186382 events in 2003.

315. In 2000, 1 849 health educational events were organised on the topic of women's health (6.9 percent of all annual health educational events). In 2002, 3 354 events for the newlyweds were organised focusing on the issues of family health, well-being and planning (1.9 percent of all annual health educational events); 9 499 events (lectures, courses, practical sessions) were held at maternity schools.

316. In 2000, 386 health training and educational publications on healthy nutrition were issued and distributed in Lithuanian cities and rural areas, in 2001 – 528 publications, in 2002 – 1 173 publications and in 2003 – 1 750 publications. 459 publications on sexual education and the prevention of sexually transmitted infections and AIDS were published and circulated in 2000, 696 publications in 2001, 1 416 publications in 2002 and 1 824 publications in 2003. A booklet "Woman and HIV" was published and circulated, as well as the following leaflets were prepared and distributed: "Every Woman Needs to Know – about HIV/AIDS", "Don't Forget Yourself. Gynaecologist Advises", "Is it True that Children 'Eat up' their Mother's Teeth?", "Family Violence", "A Health Strengthening and Saving Recipe for Women", "Female Sexual Health", "Family Planning Methods", "Human Papiloma Virus may Cause Cervical Cancer", "Breast Cancer. Need to Know!", "Do not Delay – Get Checked!", "Let's Eat Healthy Food", "To Avoid Severe Secrets of Love", "Family Planning Methods", "Your First Visit to a Gynaecologist", "The Condom is Back", "About Childbirth in Brief". Women leaving the obstetrical unit receive booklets on "Postnatal Depression", "Physical Activity after Childbirth", "Addictions and Family", "Contraceptives" and other literature. In 2003, a booklet on sexually transmitted diseases was prepared. It is intended for the education of rural women. Maternity clinics at primary health care centres constantly prepare and display information stands "Breast Cancer is a Serious Disease, Cured if Early Diagnosed", "Menopause: How to Overcome Fear", "Careful: Chlamidiosis", hold group classes, show videotapes about breastfeeding, normal childbirth, etc. Primary health care and mental health centres distributed information booklets for parents "Children Ask", "Together with a Child", "To Parents About Drugs" and "Health ABC".

317. In 2002, 49.4 percent of all educational health programmes carried out in Lithuania were intended for children of pre-school and school age, their parents, 7.7 percent – for pregnant and breast-feeding women and women raising infants and children under three years of age.

318. According to the results of the research on health knowledge, behaviour and habits of the Lithuanian adult population carried out in 2001, various health events are mostly attended by women (17.8 percent) and considerably rarer by men (8.8 percent).

## **Part 2**

319. In accordance with the Law Amending the Law of the Republic of Lithuania on Health Insurance (No IX-1219 of 3 December 2002) containing the new version of the Law of the Republic of Lithuania on Health Insurance, and Order No 500 of the Minister of Health of 19 November 1999 on payment for individual health care services provided to pregnant women, pregnant citizens and permanent residents of the Republic of Lithuania shall not pay for the health care services provided at municipal and state health care institutions.

320. The number of pregnant women suffering from anaemia is reducing. The data of the Lithuanian Health Information Centre is presented below.

Year	2000	2001	2002	2003
Pregnant women suffering from anaemia (in percentage)	29.1	27.4	28	25.9

321. Some medicines for nutritional anaemia are reimbursed from the budget of the Compulsory Health Insurance Fund in the amount of 50 percent.

322. In 2000–2003, Lithuania implemented the second stage of the Programme for the Improvement of Nutrition of Infants and Children under Three Years of Age approved by Resolution No 1108 of the Government of the Republic of Lithuania of 9 November 1994. This stage, *inter alia*, was aimed at changing the attitude of parents, doctors and the whole society towards natural feeding of infants, as well as providing information on this issue. A booklet for parents *Pradžią pradžia* (Beginning of the Beginning), recommendations were prepared, lectures for women were held and booklets were circulated in counties and districts. As a follow-up to the said programme, a Programme for Breastfeeding Protection, Promotion and Support is under preparation. In the second week of October 2003, in commemoration of World Breastfeeding Week, conferences were held in municipal primary health care centres.

323. By Resolution No 754 of 16 June 2004, the Government of the Republic of Lithuania approved the State Mother and Child Programme. The Programme is aimed at reducing the morbidity and mortality rate among pregnant women, women at childbirth and new-born babies, improving their health, developing an efficient and safe health care system for pregnant women, women at childbirth and new-born babies conforming to the Lithuanian conditions and international standards. The Programme identified the main problems in the field of maternal and child health: low birth rate, decrease in the number of children of pre-school age by 38 percent in the period from 1990 to 2003, non-subsiding number of stillbirths, increased infant mortality due to congenital anomalies, etc. The primary goals of the State Mother and Child Programme are to ensure prenatal care, better maternal and infant health care, to co-ordinate in-service training of specialists working in the field of prenatal medicine, to modernise technical and material facilities of health care institutions, to introduce advanced diagnostic and treatment technologies, to develop a system for the analysis and evaluation of maternal and infant health care. Statistical data on births, as well as on infant and children mortality are presented in Tables 12–14 of the Annex to this report.

### Article 13

#### a)

324. In accordance with Law of the Republic of Lithuania on Benefits to Children, the current system of social support covers every child being raised in the family taking into account the age of children and the number of children in the family. Families raising one or two children are paid a monthly benefit in the amount of 0.75 minimum standard of living (MSL) (LTL 93.75) for a child

until the age of three years, and this monthly benefit to a child in families raising three and more children amounts to 1.1 MSŁ (LTL 137.5). The Law has established gradual introduction of a monthly benefit of 0.4 MSŁ (LTL 50) to children between the ages of 3 and 18 years and older during studies. From 1 July 2004, this benefit is granted to children between the ages of three and seven years in families raising one or two children; in families raising three and more children, this benefit is granted to children under 18 years of age and older during the period of studies, but not longer than until they reach the age of 24 years. Benefits to other children will be paid depending on the financial possibilities of the state, but not later than from 1 January 2009.

325. A child under guardianship is paid a monthly guardianship (curatorship) benefit of 4 MSŁ (LTL 500) during the period of his guardianship (curatorship) and studies; a child of a serviceman of the initial mandatory military service receives a monthly benefit of 1.5 MSŁ (LTL 187.5).

326. Families raising children are also paid lump-sum benefits: a childbirth benefit of 6 MSŁ (LTL 750) on the birth of each child, a benefit of 50 MSŁ (LTL 6250) for housing to orphans and children deprived of parental care. From 1 July 2004, additional state support is granted to pregnant women and families raising children. A pregnant unemployed woman, who is not entitled to a social insurance maternity benefit under the Law of the Republic of Lithuania on Sickness and Maternity Social Insurance, is granted a lump-sum benefit in the amount of 2 MSŁ (LTL 250) 70 calendar days before childbirth (upon 28 weeks of pregnancy).

327. From 1 April 2004, the new Law of the Republic of Lithuania on Social Assistance in Cash for Low-Income Families (Persons Residing Alone) entered into force, establishing a uniform system of cash social assistance provided on the basis of the principle of assessment of income and property, guaranteeing minimum means of subsistence for low-income people (to pay for food and basic public utilities).

328. For the purpose of ensuring minimum means of subsistence for low-income people, the Law has established a social benefit which is granted to a family (person residing alone) whose monthly income is below the state supported income (i.e. LTL 135 per family member). It has also established compensations for heating costs, hot and cold water and sewage costs. A family (person residing alone) is allowed paying for the heating of the dwelling maximum 25 percent of its (his) income, less 90 percent of the state supported income for a family (person residing alone), for cold water and sewage during heating and non-heating seasons – maximum 2 percent, and for hot water – maximum 5 percent of its (his) income.

**b)**

329. Legal acts applicable in the Republic of Lithuania (the Civil Code of the Republic of Lithuania, the Law of the Republic of Lithuania on Financial Institutions (No IX-1068 of 10 September 2002), the Law Amending the Law of the Republic of Lithuania on Credit Unions (No VIII-1683 of 18 May 2000) regulating the activities of banks and other financial institutions do not provide for any credit restrictions on the basis of a person's sex.

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## Article 14

### Part 1

330. Information on the situation of rural women (especially older rural women), their income, health, access to social and cultural opportunities is submitted in response to the recommendations of the Committee on the Elimination of Discrimination against Women.

331. The income of rural population is roughly one third less than the income of urban households. In addition, the comparative weight of income sources between urban and rural households differs considerably. The earned income of households in urban areas accounted for 71 percent of the total disposable income, while in rural areas – for 63 percent; social benefits amounted to 21 percent in urban areas and even to 32 percent in rural areas. Particularly low income is received by households of persons living on benefits, scholarships and similar receipts (LTL 286) and agricultural households (LTL 330). Furthermore, income in kind constitutes about half of the total income received by the majority of agricultural households. These people survive on their farms, but they are short of cash to purchase the necessities. This is one of the social groups suffering from the most shortage. The Annex to this report presents data about the supply of rural population with conveniences (Table 9), the number and sizes of families (Table 10), the composition of households by type of household (Table 11).

### Part 2

332. The Committee on the Elimination of Discrimination against Women requested the Government of the Republic of Lithuania to provide more information on programmes aimed at the economic independence of rural women, ensuring their access to productive resources and capital, as well as to describe measures to provide health care to rural women and measures to satisfy their social and cultural needs. In the period from 2000 to 2004, a package of the said measures was being implemented by carrying out various programmes and projects (for more information, see all points of part 2 of Article 14 and articles relating to health and employment). In addition, problems of older women are addressed through the implementation of Measure 2.3 “Prevention of Social Exclusion and Social Integration” of Priority II of the Single Programming Document of Lithuania for 2004–2006, where older women are identified as a separate target group.

#### a)

333. The Ministry of Agriculture, in co-operation with the Lithuanian Women Farmers’ Society, organised seminars in municipalities for rural women intending to start up or involved in agricultural or alternative businesses. Seminars were attended by 200 women. Some seminars were designed for leaders of rural communities (30 rural leaders from entire Lithuania participated) and members of the Lithuanian Women Farmers’ Society (26 women participated). The amount of LTL 20 000 was given for those events from the allocations earmarked for the Rural Support Programme.

#### b)

334. 196 programmes for health strengthening and prevention of diseases and traumas were carried out in Lithuanian cities and rural areas: in 2000 – 196, in 2001 – 110 and in 2002 –

247 programmes. Women in Lithuanian urban areas are constantly informed about breast cancer prevention, children's health, folk medicine, healthy nutrition, stress and mental health, harm of smoking, alcohol and drugs, personal hygiene, prevention of venereal and other communicable diseases, AIDS prevention, as well as prevention of non-communicable diseases and women's health in general. Health promotional information is provided to rural women through nurses of rural communities who receive methodical assistance from county public health centres.

335. In Lithuania, a lot of rural population use water from pit wells, also for preparing food for infants. Accidents of poisoning by nitrates and nitrites happen. In accordance with Order No 250 of the Minister of Health of 30 May 2002 on the diagnosis and prevention of nitrite and nitrate poisoning, tests of pit well water used to prepare food for pregnant women or infants under 6 months of age have been initiated in all counties of Lithuania. The results of water tests are presented to users of the examined pit wells, pregnant women, as well as recommendations relating to the use of safe water are given. Having established nitrate concentration exceeding the permitted limit, primary health care institutions are informed thereof. In 2002, 5 682 pit wells were examined, as well as a booklet "If You Drink Water from a Well" was prepared and published. In addition, pit well water testing programmes were continued in counties and rural areas in 2001–2003: "Examination of Pit Well Water Used by Rural School Students and Water Quality Improvement", "Prevention of Diseases due to Poor Quality Water", "Quality Control over Pit Wells Used by Children from Socially Vulnerable Families", "Monitoring of Nitrate Concentration in Pit Well Water".

336. The measures implementing the National Programme for Equal Opportunities for Women and Men for 2003-2004 in the field of health care include family planning and reproductive health in a broad sense, maternity protection, including the safety and health of women at work, the prevention of sexually-transmitted diseases, the promotion of healthy lifestyle, specific health problems of older people. While implementing the measures of the Programme, education of rural women was organised on the issues of contraception and protection from sexually transmitted diseases, as well as a booklet on sexually transmitted diseases was prepared in 2003. This booklet was intended for the education of rural women and distributed through municipal doctors at primary health care institutions.

**d)**

337. The provisions of the National Education Strategy for 2003–2012 approved by Resolution No IX-1700 of the Seimas of the Republic of Lithuania of 4 July 2003 establish that the national and regional development programmes for adult lifelong learning should be implemented, as well as the system of adult education – general education, vocational training, in-service training, vocational information and counselling – should be developed in rural areas. In promoting employment, vocational schools located in rural areas co-operate with the local community, provide possibilities for learning according to non-formal education programmes, as well as implement labour market programmes relevant for the local needs.

338. The Lithuanian Agency for Small and Medium Sized Enterprises provides information, counselling and training on favourable terms in all counties of Lithuania. According to the data presented by the Ministry of Economy, consultations to rural women starting up businesses are provided on favourable terms by the network of business support institutions comprising 32 business

information centres (12 centres were established at the end of 2003) and 7 business incubators. It is expected that training and information dissemination events organised by business information centres and business incubators will be attended by some 15 500 entrepreneurs in 2004, some 5 000 hours of consulting services will be provided, over 26 000 inquiries will be responded. Subsidised services were provided to enterprises operating in county centres, towns and rural areas.

339. The National Programme for Equal Opportunities for Women and Men for 2003-2004 pays adequate attention to ensuring an older woman's full-fledged life. Therefore, the National Centre for Health Promotion and Education prepared information publications for the media about health problems of the population. They focus on the health issues of older people, as well as address specific health problems of elderly women and men.

e)

340. In 2001-2003, the Lithuanian Development Agency for Small and Medium Sized Enterprises carried out the following training and consulting projects/programmes: the Consulting and Training Programme for Representatives of Small and Medium Sized Business (SMB) (2001), the project "Business Development", the project "Support to Beginning Entrepreneurs" (2002), the project "Enterprise Training and Consulting" (2003). Training was attended by, and consultations were provided to over 2 600 representatives of small and medium sized business, quite a few of which were women. In 2002, within the framework of the project "Support to Beginning Entrepreneurs", training and consulting services were provided to women as a target group of entrepreneurs, which accounted for 64 percent of all project participants.

341. On 29 August 2003, a round table was organised for women entrepreneurs and women wishing to start their own business; this event was also attended by rural women. Rural women entrepreneurs may also access the web site of the Lithuanian Development Agency for Small and Medium Sized Enterprises at <http://www.svv.lt>, publishing business related information useful both for women wishing to start their own business and women entrepreneurs.

342. While implementing the measures of the National Programme for Equal Opportunities for Women and Men for 2003-2004, consultations are provided to rural women starting up or involved in agricultural or alternative business. In 2003, the Lithuanian Women Farmers' Society was granted LTL 20 000 from the allocations of the Rural Support Programme to finance the project "The Woman's Role in Enhancing Rural Sustainability during Lithuania's Integration into the European Union". A cycle of seminars was organised within the project on the following topics: "Upholding Old Traditions and Crafts of Lithuanians", "A Woman – a Guarantor of Rural Survival", "Self-help and Self-confidence". Seminars were attended by 200 women from the districts of Šilutė, Klaipėda, Skuodas, Vilnius, Šalčininkai, Trakai, Kupiškis, Molėtai, Varėna, Šilalė, Joniškis, Plungė, Biržai, Radviliškis and Pasvalys and the counties of Telšiai, Alytus, Kaunas, Vilnius, Panevėžys and Utena. The participants of the seminar learnt about possibilities to start up their own business by developing unconventional crafts, to receive funding from the ES Structural Funds for the development of such business, as well as were informed about the measures of rural infrastructure development. 23 seminars were held so far. Within the framework of this project, particular attention was given to leaders of rural communities, thus organising a three-day seminar "A Woman – a Guarantor of Rural Survival" in Birštonas in October 2004. In October 2003, a seminar was held for active members of

the Lithuanian Women Farmers' Society (26 women) to discuss ethnocultural, unconventional business and support possibilities, as well as to prepare psychologically before entering into a new phase of life – changing jobs, starting up business, etc.

**f)**

343. In 2002, with the view of drawing attention to rural women and their problems, the Ministry of Agriculture financed from the funds of the Special Rural Support Programme the international conference “Woman’s Role in a Rural Community” organised by the Lithuanian Women Farmers’ Society and the project “Revival of Rural Communities and Planning of their Further Activities”. The two-day international conference “Woman’s Role in a Rural Community” held in the village of Kleboniškis (Radviliškis district) on 8-9 June 2002 was attended by 400 participants. The conference addressed the issues concerning the role of a rural woman in the public life, cultural heritage and other topics. The conference was also attended by women’s delegations from Norway, Poland and Germany.

344. In implementing the project “Revival of Rural Communities and Planning of their Further Activities” financed by the Ministry of Agriculture, consultations of rural communities were organised, the establishment of rural communities was initiated, as well as elders received consultations, seminars for leaders of rural communities were organised. It was discovered in the course of the project that it is important to educate rural communities on the issues concerning their establishment, drawing up of strategic activity plans, as well as to provide them with legal knowledge and to educate on other issues.

**h)**

345. The IT development project which has been implemented by the Ministry of Social Security and Labour, Kaunas Women’s Employment and Information Centre and the Women’s Issues Information Centre since 2002 is intended to strengthen the skills of women (primarily rural women) in the field of information technologies. Starting from 2004, the Information Society Development Committee under the Government of the Republic of Lithuania supports projects of non-governmental organisations designed for IT development.

346. Postal and courier services are provided at all points in the territory of the country. They are provided to all inhabitants of the country irrespective of their sex or place of residence. According to the data of 31 December 2003, postal services in the system of the State enterprise Lietuvos Paštas were provided by 945 post offices – 10 central post offices of counties, 935 post offices (of which 222 – in urban areas and 713 – in rural areas), 6 mobile post offices and 10 postal agents (of which 4 – in urban areas and 6 – in rural areas). In addition to the State enterprise Lietuvos Paštas, postal and courier services are also provided by 67 service providers which have been issued authorisations by the Ministry of Transport and Communications for postal and/or courier activities.

347. Electronic communications services are provided to the population in the territory of Lithuania irrespective of their sex. According to the data of the Communications Regulatory Authority, mobile communications were used by 60.9 percent of the population at the end of 2003. According to the data of the Department of Statistics under the Government of the Republic of Lithuania, mobile communications were used by 37.1 percent of rural households in the first quarter

of 2003 (Press release of the Department of Statistics under the Government of the Republic of Lithuania “Use of Information Technologies by Households in the First Half of 2003”, 10 July 2003). Today the mobile telephone network covers over 99 percent of the entire territory of the country. This provides excellent conditions for mobile internet nearly in the entire territory of Lithuania. A decrease in fixed telephone lines has been recently observed. This is partly a result of a rapidly developing mobile communications market. According to the data of the Communications Regulatory Authority, there were 24 fixed telephone lines per 100 inhabitants at the end of 2003; 31.38 percent of all fixed telephone lines were installed in rural areas; the number of pay-phones per 1 000 rural inhabitants amounted to 0.504 (the minimum number (0.5) is established by the Rules for the Provision of Universal Telecommunications Services approved by Resolution No 699 of the Government of the Republic of Lithuania of 3 June 2003).

348. Considerable attention was paid to the development of networks for broadcasting programmes of the Lithuanian National Radio and Television to enable the population to watch these programmes in the entire territory of the country. In 2003, the Strategy for the Assignment of Radio Frequencies for Broadcasting and Transmitting Radio and Television Programmes as well as measures ensuring the reception of programmes of the Lithuanian National Radio and Television throughout the entire territory of the Republic of Lithuania were worked out and approved by resolutions of the Government of the Republic of Lithuania (Resolution No 376 of the Government of the Republic of Lithuania of 27 March 2003 and Resolution No 1238 of the Government of the Republic of Lithuania of 7 October 2003 respectively).

349. In 2003, there were 4 national television networks and 11 national radio networks operational in Lithuania; programmes were broadcast by 108 television and 184 radio stations. A part of these stations broadcast local and regional programmes that can be watched by the majority of the Lithuanian population. The fifth national television network is being formed.

350. Cable television networks were further developed – in 2003, 68 cable television networks were operational; their services could be used by approximately 260 000 subscribers.

351. According to the data of the Department of Statistics under the Government of the Republic of Lithuania, 20 percent of households had personal computers at home in the third quarter of 2003: in urban areas – 27 percent, in rural areas – 7 percent. In five major cities, every third household, on the average, had computers at home. In the third quarter of 2003, the internet was used at home by 7.7 percent of households. Every third household in the major cities had access to the internet at home, and one in a hundred in rural areas. According to the results of household surveys, in 2002, the internet was used at home by 4.1 percent, in the first quarter of 2003 – by 6.2 percent of all households (Press release of the Department of Statistics under the Government of the Republic of Lithuania “Use of Information Technologies by Households in the Third Quarter of 2003”, 3 December 2003).

352. With the view of encouraging the use of the internet in Lithuania, thereby improving the standard of life of the population and enhancing the competitiveness of the country in Europe and in the world, the project “Window to the Future” is being implemented with joint efforts of business and governmental institutions. It is aimed at achieving the average internet penetration in the European Union within three years. 172 public internet centres in all are already operational in Lithuania within the framework of the project “Window to the Future”. Financing for the establishment of these centres

is foreseen from the State budget of the Republic of Lithuania. Almost half of the centres within the project “Window to the Future” are established in small settlements with the population of 400-4 500 persons. In all, the project “Window to the Future” has already established its centres in 58 municipalities of Lithuania. In 2003, it financed and organised internet courses for the population. Within a period of 7 months of the project implementation, basic internet courses were heard by 20 000 Lithuanian inhabitants, of which 80.06 percent – women, 13.84 percent – rural population.

353. The measures of the National Programme for Equal Opportunities for Women and Men for 2003-2004 are aimed at providing women with information, knowledge and skills, thereby encouraging them to involve themselves in dealing with environmental problems, to ensure better information of the public, especially women, about the environmental status of a particular place of residence and its changes, to carry out ecological educational programmes of associations and women’s organisations. A network of women’s organisations actively involved in the field of environmental protection is being created.

## **Article 15**

### **Parts 1, 2 and 3**

354. Codes and laws regulating judicial proceedings lay down the provision that all disputes are resolved in courts on the basis of the principle of the equality of all persons before the law. No one may be discriminated in judicial proceedings on the ground of gender, age, social status or any other ground. It is noteworthy that legal acts regulating judicial proceedings do not provide for any different legal status of either applicants, plaintiffs, defendants, witnesses or other participants of judicial proceedings on the basis of a person’s sex. With the entry into force of the Civil Code of the Republic of Lithuania on 1 July 2001, the regulation of most civil legal relationships became more thorough, new legal institutions, classes of contracts were introduced, etc.

355. Article 2.5 of the Civil Code of the Republic of Lithuania provides that, on attaining full age, i.e. when a natural person is eighteen years of age, he, by his acts, shall have full exercise of all his civil rights and shall assume civil obligations (active civil capacity). Where the law provides for the possibility of a natural person to enter into marriage before he is eighteen, the person, who has not yet come of the given age, shall acquire full active civil capacity at the moment of entering into marriage. If at a later date this marriage is dissolved or nullity of marriage is declared for reasons not related to the age of the parties to marriage, a minor shall not lose his full active civil capacity. It is noteworthy that restrictions on the passive or active civil capacity may not be imposed on anyone in any other manner except by express provision of law. Transactions, acts of public or municipality institutions or officials, which impose restrictions on the passive or active civil capacity, are deemed to be null and void except in cases where the said transactions or acts are prescribed by law. These provisions are laid down in Article 2.6 of the Civil Code of the Republic of Lithuania.

356. Article 2.7 of the Civil Code of the Republic of Lithuania provides that contracts on behalf and in the name of minors under fourteen years of age shall be concluded by their parents or guardians. Upon entering into contracts and enforcing them, parents or guardians shall have to act exceptionally in the interest of minors. Minors under fourteen years of age shall enjoy the right to enter alone into contracts to meet their ordinary and usual needs, conclude contracts aiming at gratuitous personal gain, as well as conclude contracts related to the use of their own earnings or

money provided by their legal representatives or other persons if the said contracts fail to have a prescribed notarial or any other specific form. Minors over fourteen and under eighteen years of age shall enter into contracts with the consent of parents or guardians. Contracts concluded without the consent of legal representatives shall be deemed valid if the consent of the legal representative is given after the contract has been concluded. These minors shall also have the right to dispose of their income and property acquired for that income, implement copyright to their works, inventions, industrial design as well as the right to enter into small transactions alone to meet their ordinary and usual needs.

357. Article 2.9 of the Civil Code of the Republic of Lithuania provides for the institution of the emancipation of minors. Where a minor is sixteen years of age the court may emancipate him after his parents, guardianship (care) institutions, his curator or he himself have filed a declaration to that effect with the court if there are sufficient grounds to believe that he may exercise all civil rights and discharge his obligations alone. In all cases, a minor has to give his consent to be emancipated. The court may annul the minor's emancipation on the request of his parents, curator or guardianship (care) institutions in the event that exercising his rights and discharging his obligations a minor causes damage to his own or other persons' rights or lawful interests.

358. Article 2.11 of the Civil Code of the Republic of Lithuania lays down a provision that where a natural person abuses alcoholic beverages, drugs, narcotic or toxic substances, the court may impose limitations on his civil capacity irrespective of sex, age or other circumstances. Upon the imposition of limitations on the person's capacity, he shall be placed under curatorship. It should be noted that the Civil Code of the Republic of Lithuania links limitations on active civil capacity with the abuse of certain substance. In this case, the fact of use is relevant rather than the person's sex or other features. Where the reasons for which limitations were imposed on the person's civil capacity are no more valid, the court shall lift the limitations on the person's capacity.

359. One of the main ways and means of participation in civil legal relationships is the formation of contracts. Book Six of the Civil Code of the Republic of Lithuania regulates obligations, principles of formation of contracts, classes and peculiarities of separate contracts. Article 6.156 of the Civil Code of the Republic of Lithuania established the principle of freedom of contract. This means that parties shall be free to enter into contracts and determine their mutual rights and duties at their own discretion; the parties may also conclude other contracts that are not established by this Code if this does not contradict laws. It should be noted that it shall be prohibited to compel another person to conclude a contract, except in cases when the duty to enter into a contract is established by laws or a free-will engagement. The conditions of a contract shall be established by the parties at their own discretion, except in the cases where certain conditions of a contract are determined by the mandatory rules of law. Where some conditions of a contract are regulated neither by laws nor by agreement of the parties, in the case of a dispute such conditions shall be determined by a court on the basis of usages, principles of justice, reasonableness and good faith, also by application of analogy of statutes and the law.

360. Book Four of the Civil Code of the Republic of Lithuania regulating the rights of ownership, possession, use, trust and other real rights does not provide for any discriminatory grounds on which the right of participants in civil legal relationships to acquire things in ownership, to use them and alike would be restricted on the basis of the subject's sex. The provisions of Book Four of

the Civil Code of the Republic of Lithuania associate the acquisition and exercise of real rights with criterion not dependent on a person's sex. For instance, grounds for the acquisition of ownership right as provided in Article 4.47 of the Civil Code of the Republic of Lithuania, i.e. acquisitive prescription, contracts, inheritance, etc., are not associated with the sex, nationality, race of participants in civil legal relationships or other circumstances. Pursuant to Article 4.93 of the Civil Code of the Republic of Lithuania, the owner's rights are also protected irrespective of his sex and alike.

361. Article 1.80 of the Civil Code of the Republic of Lithuania provides that any transaction that fails to meet the requirements of mandatory legislative provisions shall be null and void. Article 1.81 of the Civil Code of the Republic of Lithuania provides that a transaction that is contrary to public order or norms of good morals shall be null and void. This means that transactions satisfying the said conditions shall not create the civil legal effects intended by forming those transactions. For instance, Article 3.105 of the Civil Code of the Republic of Lithuania provides that conditions stipulated in a marriage contract shall be null and void if they: contradict the mandatory legislative provisions, good morality or public order; change the legal regime in respect of the individual property of one of the spouses or in respect of their joint community property (Articles 3.88 and 3.89 of the Civil Code of the Republic of Lithuania) where the matrimonial legal regime the spouses have chosen provides for joint community property; prejudice the principle of equal parts in joint community property enshrined in Article 3.117 of the Civil Code of the Republic of Lithuania; restrict the passive or active legal capacity of the spouses; regulate the personal relations of the spouses unrelated to property; establish or change the personal rights and duties of the spouses towards their children; limit or annul the right of one (or both) of the spouses to maintenance; limit or annul the right of one (or both) of the spouses to bring legal proceedings in court; change the procedure and conditions of succession in property.

362. Articles 2.12–2.17 of the Civil Code of the Republic of Lithuania regulates in detail the issues of domicile of natural persons. It should be noted that the domicile of a married person shall not depend on the domicile of his spouse. Hence, the fact of entering into marriage does not automatically change the domicile of one (or both) of the spouses. In addition, legal norms regulating family relations do not associate family relations with the necessary living of the spouses in the same domicile. However, the domicile of one of the spouses is the fact, which may be taken into consideration in establishing the domicile of the other spouse.

363. The domicile of minor natural persons shall be deemed to be the domicile of their parents or guardians (curators). Where the parents of a minor natural person fail to have a common domicile, the domicile of the minor shall be deemed to be the domicile of that parent with whom the minor resides most of the time, unless the court has established the domicile of the minor with one of his parents.

364. The provisions of the Civil Code of the Republic of Lithuania regulating the issues of the domicile and residence of a natural person apply irrespective of the person's sex, race, nationality, family status or other circumstances. It is noteworthy that only the place of residence of minors and legally incapable persons depends on the place of residence of their parents, guardians or curators. This is aimed at protecting the interests of persons who are not able to exercise or protect their rights alone properly.

## **Part 4**

365. Article 3 of the Law of the Republic of Lithuania on the Legal Status of Aliens (No IX-2206 of 29 April 2004) provides that aliens in the Republic of Lithuania shall be equal before the law, irrespective of their gender, race, nationality, language, origin, social status, religion, convictions or views. Article 24 provides that a permit of residence in the Republic of Lithuania shall entitle an alien to reside in the Republic of Lithuania, to choose and change a place of residence in the Republic of Lithuania, depart from and re-enter the Republic of Lithuania during the period of validity of the residence permit, making no distinction between women and men as regards the application of the article, and ensuring for both genders equal rights to use the law, to move and freedom to choose their residence or domicile.

## **Article 16**

### **Part 1**

366. Taking into account the specific features of family relations, which determine the particularities of regulating such relations, the legal rules governing family relations have been included into a separate third book of the Civil Code of the Republic of Lithuania. One of the peculiarities of family relations is that they are not fully regulated by the law. Some aspects of family relations are of an exceptionally private nature, therefore any intervention by legislators is not to be tolerated. Not all family relations are legally governed. Some family relations based on mutual confidence and respect are regulated by moral norms, traditions, etc. The law regulates family relations only to the extent that is necessary to protect the public interest, also to protect the property rights and personal non-property rights of parties to family relations, in particular those of children. It should be noted that the new Civil Code of the Republic of Lithuania expands the field of family relations where non-mandatory legal rules are applied and where parties to family relations can regulate their relations by mutual agreement: contract of marriage, contract in respect of the consequences of divorce, etc.

367. Yet another peculiar aspect of family relations relates to the fact that a significant part of the legal rules governing such relations are mandatory. This is predetermined by the nature of family relations, some of which are public to a certain extent. In an effort to protect the public interest, the state regulates some relations on a mandatory basis and does not allow parties to family relations to change such regulations by mutual agreement (e.g. the duty of bringing up children, the duty of each of the spouses to support one another in moral and material terms, to make mutual contribution to satisfy family needs, and so on), while some of the family relations develop only on the basis provided for by the law or are sanctioned by the state.

368. The new Civil Code of the Republic of Lithuania regulates many new institutions relating to the family law: contract of marriage, separation, registration of marriage formed subject to the procedure established by the Church (confessions), living together of persons not married, and other institutions that were not regulated by the previous Marriage and Family Code. In addition, many of the family relations are regulated in greater detail (in particular, matrimonial property relations).

369. Article 3.3 of the Civil Code of the Republic of Lithuania states that in the Republic of Lithuania the legal regulation of family relations shall be based on the principle of monogamy. It

means that polygamy is prohibited. Marriage is possible only between persons who have not entered into any other marriage relationship or who have not registered any other partnership. This rule also applies in respect of a registered partnership. The laws of the Republic of Lithuania do not provide for any exemptions from this rule.

a)

370. The Civil Code of the Republic of Lithuania, wherein the principle of equality among parties to civil relationships is embodied, provides for equal rights to marriage for both men and women. Most importantly, all persons who have expressed a wish to marry have to conform to the essential conditions of forming a marriage, which are the same for all natural persons. Both men and women must have full legal capacity, have attained the required legal age of consent to marriage (or have the legal age of consent to marriage reduced by a court decision), etc. Article 3.7 of the Civil Code of the Republic of Lithuania states that marriage is a voluntary agreement between a man and a woman to create legal family relations executed in accordance with the procedure provided for by the law. A man and a woman who have registered their marriage in accordance with the procedure provided for by the law are deemed to be spouses.

371. In conformity with Articles 3.298–3.304 of the Civil Code of the Republic of Lithuania, all marriages have to be registered in a registration office. A marriage record and a certificate of marriage issued on its basis are proof of marriage.

372. A religious marriage is formed in accordance with the procedure established by the internal law (canons) of a respective religion. The formation of marriage in accordance with the procedure established by the Church (confessions) shall entail the same legal consequences as those entailed by the formation of marriage in a registration office, provided that: the conditions for contracting a marriage laid down in the Civil Code of the Republic of Lithuania have been satisfied (conditions concerning age, gender, legal capacity, etc.), the marriage has been formed in accordance with the procedure established by the canons of a religious organisation registered in and recognised by the Republic of Lithuania, and the formation of marriage in accordance with the procedure established by the Church (confessions) has been recorded at a registration office as provided for in Book Three of the Civil Code. Where these conditions are not satisfied, a marriage formed in accordance with the procedure established by the Church does not entail the consequences provided for in the Civil Code of the Republic of Lithuania.

373. The formation of marriage is registered in a civil registration office located at the place of residence of one of the spouses or their parents, and also in Lithuania's consular posts. Persons intending to marry must file in person an application of a standard format with the registration office located at the place of residence of either of them or of that of their parents, chosen at their own discretion. The application for the registration of marriage becomes null and void if at least one of the applicants fails to arrive for the registration of marriage or withdraws his or her application. The marriage is registered no sooner than after a month from the day of filing the application for the registration of marriage. At the request of the future spouses and in the event of important reasons, the head of the registration office has the right to register the marriage earlier than a month after the day of filing the application. The filing of an application for the registration of marriage is made public at the registration office no later than two weeks before the day of the registration of marriage. Before

the registration of marriage, the official of the registration office must check once again if all the conditions laid down in the Civil Code of the Republic of Lithuania for contracting a marriage have been fulfilled. After the marriage is recorded, the spouses are issued a marriage certificate.

374. If a marriage has been formed in accordance with the procedure established by the Church (confession), within ten days of the marriage a person authorised by the respective religious organisation must present to the local registration office a notification, in the form established by the Ministry of Justice, about the religious marriage solemnised in the procedure set by the Church (confession). Having received a notification of a religious marriage, the registration office makes a record of the marriage and issues a marriage certificate. In such a case, the marriage is considered to be contracted on the day of its registration in accordance with the procedure established by the Church. If the registration of marriage in accordance with the procedure established by the Church is not reported to the registration office within the set time limit, the marriage is considered to have been contracted on the day when it was registered in the registration office.

**b)**

375. The principle of voluntary marriage embodied in Article 3.3 of the Civil Code of the Republic of Lithuania is one of the basic legal principles governing family relations. This principle is specified in Article 3.13 of the Civil Code of the Republic of Lithuania, which states that marriage shall be contracted by a man and a woman of their own free will. Any threat, coercion, deceit or any other violation of free will provide the required grounds for declaring the marriage null and void. Article 3.38 of the Civil Code of the Republic of Lithuania states that a marriage formed in violation of the conditions set for the formation of marriage may be declared null and void on the basis of an action filed by the spouse who did not express his or her own will or by a public prosecutor. Where a spouse who did not express his or her own will is a minor, an action may be filed by his or her parents, guardians or trustees, or by a state institution for the protection of children's rights.

376. Article 3.40 of the Civil Code of the Republic of Lithuania states that the nullification of marriage may be sought by a spouse if he or she has entered into the marriage under threat, duress or fraud. A spouse who gave consent to marriage due to an essential mistake may seek its nullification. The mistake is presumed to be essential if it concerns the circumstances related to the other spouse, the knowledge of which would have been a sufficient reason for not contracting marriage. The mistake is presumed to be essential if it concerns the state of health or sexual abnormality of the other spouse which makes the usual family life impossible or if the other spouse has committed a serious crime.

**c)**

377. The equality of spouses is a general principle of the civil law embodied in Article 1.2 of the Civil Code of the Republic of Lithuania, which is implemented in the family law. Paragraph 5 of Article 38 of the Constitution of the Republic of Lithuania states that spouses shall have equal rights in the family. This principle means that both spouses have equal property and personal non-property rights and that any discrimination on the grounds of gender is prohibited. Paragraph 2 of Article 3.26 of the Civil Code of the Republic of Lithuania states that spouses have equal rights and equal civil

liability in respect of each other and their children in matters related to the formation, duration and dissolution of marriage.

378. The equality of spouses means the prohibition of any discrimination. Therefore, a spouse does not have more rights or duties than the other spouse. A spouse may not have more rights than the other spouse in respect of their children and joint assets; the same conditions concerning the dissolution of marriage are set forth in relation to wife and husband; the regulation of the status of a spouse may not be differentiated on the grounds of gender. The principle of equality requires that all matters relating to family life (use of family funds, performance of household duties, acquisition of things, family planning, upbringing of children, etc.) should be resolved not unilaterally but by mutual agreement of both spouses. It is only in exceptional cases that the law provides for the interference of state institutions into the settlement of such matters. For example, the dispute between spouses over the surname of their child is resolved by court.

379. Spouses have equal rights and equal civil liability in respect of each other and their children concerning matters related to the formation of marriage, its duration and dissolution. They may not relinquish their rights or duties that arise under the law as a consequence of marriage. It means that both spouses must support each other in moral and material terms, make a contribution to satisfy family needs, and so on. Both spouses have the right and duty to bring up and maintain children.

380. The principle of equality is not violated by the fact that the material input of spouses into the performance of such duties may be different, e.g. one of the spouses has a job, while the other takes care of their children, etc. The principle of equality requires that each of the spouses contribute to the performance of family duties according to his or her capacity and it does not mean that both of them must make an equal material contribution. The equality of spouses is specified in many provisions of the Civil Code of the Republic of Lithuania: the same age for marriage has been fixed for both men and women, the spouses have equal rights and civil liability in respect of each other and their children concerning all matters of family life, they have equal rights and duties in respect of supporting each other in moral and material terms and making a contribution to satisfy family needs, it is presumed that both spouses hold an equal portion in joint matrimonial assets, the father and the mother have equal rights and duties in respect of their children, and so on.

**d)**

381. The principle of priority of protecting and safeguarding the rights and interests of children means that when resolving any issue relating to children either in the family or in court or any other institution, it is the interests of a child that have to be primarily taken into account and complied with. The following provisions shall define this principle: in the cases provided for by the Civil Code of the Republic of Lithuania, it is possible not to declare a marriage null and void or to terminate a marriage if it violates the interests of a child; the nullification of marriage between parents does not affect the legal status of a child; those conditions of a contract of marriage that violate the interests of a child are considered to be null and void; when resolving legal disputes of a family, the court must take adequate measures to protect the child; the court may issue an usufruct order and allow a spouse to remain in the dwellings owned by the other spouse if their minor children live with him or her; the separation of spouses is approved taking into account the interests of a child;

immovable family assets may be transferred or the rights thereto restricted only with a court permission; where spouses have children who are minors, the court may derogate from the principle of equal share of spouses in joint assets taking into account the interests of a child; matters related to the acknowledgement of paternity or paternity affiliation are resolved taking into account the interests of a child; property which belongs to children must be managed and used only in the interest of children; adoption is allowed only in the interest of a child.

382. The principle of upbringing children in a family means that living with his or her parents and being cared by them is in the best interest of a child. This principle must be taken into account when considering the nullification or dissolution of marriage between a child's parents, their separation, or acknowledgement, contest or affiliation of paternity. Where a child has no parents, priority is given to those forms of guardianship that ensure the best the creation of family surroundings. In the case of adoption, priority shall be granted to those who can ensure the upbringing and education of a child in a family. It should be attained that siblings are not separated and that they are ensured a possibility to communicate with their close relatives, and so on.

383. The principle of a comprehensive protection of motherhood means that the law provides for a number of privileges to pregnant women and to parents who are raising children so that the required conditions are created for them to raise and bring up children in a family. This principle also means that when resolving family disputes priority is given to the rights of biological parents where it does not infringe on the rights and interests of a child.

384. The regulation of family relations is also based on other principles of the legal regulation of civil relationships (fairness, justice, soundness, legitimate expectations, proportionality, prohibition to abuse rights). Family laws and their application must ensure the consolidation of family and its role in society, mutual responsibility of family members for preserving the family and for upbringing their children, the possibility for each member of the family to exercise his or her rights in an appropriate manner and to protect the children of minor age from the undue influence of other members of the family or other persons as well as from any other such factor.

385. Two persons of different gender having formed a marriage on their own free will create family relations as the basis for their common life. Spouses may not waive, by mutual agreement, their rights or extinguish their duties that arise from a marriage. Article 3.30 of the Civil Code of the Republic of Lithuania states that spouses must maintain and bring up their children of minor age, care for their education and health, ensure a child's right to privacy, his or her personal immunity and freedom, the child's property, social and other rights laid down in both national and international law.

386. After the birth of a child, the spouses acquire a new legal status – that of parents. It means that they acquire new rights, duties and responsibilities. Property rights and personal non-property rights that the spouses have in respect of their children were specified above. It should be noted that both spouses have equal rights and duties related to the upbringing and maintenance of their children. In addition, neither of the spouses has a right to relinquish those rights and duties in respect of their children which are provided for by the law. Such relinquishment of rights is null and void. For example, neither the mother nor the father has the right to refuse the maintenance of their minor children.

387. Article 3.156 of the Civil Code of the Republic of Lithuania states that the father and the mother have equal rights and duties in respect of their children. It should be noted that parents have equal rights and duties in respect of their children irrespective of whether the child was born to a married or unmarried couple, after divorce or judicial nullification of the marriage or after separation. Parental authority is created immediately after the birth of a child and it ends when the child attains full age or when the child is emancipated or where parental authority is restricted. Parental authority is first and foremost an expression of relations between parents and children and the principle of equality of both parents which cannot change until the child attains full age. Therefore, even those parents who do not live together retain their rights and duties in respect of children: they have to agree on the conditions of equal implementation of parental authority and both are equally responsible for maintaining and upbringing the child, creating adequate conditions for his or her development as well as the negative consequences of the implementation of parental authority.

388. In the event of unfavourable circumstances due to which the mother or the father cannot live together with a child or take care of him or her, the court may decide to separate the child from the parents (or from either of them). However, it does not mean that the parents have renounced their duties in respect of children or try to evade such duties. Where the parents fail to perform their duties in respect of children or perform such duties to the detriment of the interests of the child, parental authority is restricted, but even in this case the duty to maintain minor children is retained.

389. The principle of equality of parental authority embodied in Article 3.156 of the Civil Code of the Republic of Lithuania does not distinguish between the rights and duties of a child's mother and father. Both parents bear joint and equal responsibility for the upbringing and care of their children. Therefore, all matters related to raising, upbringing and maintaining children as well as other similar issues must be resolved by mutual consent of both parents, taking into account the interests of a child. Where one of the parents takes care of the child and the other parent keeps a job to maintain the family, both parents are nevertheless responsible for the child's upbringing and care. If a child lives with one of the parents, matters relating to his or her upbringing and maintenance have to be resolved by mutual consent. If the parents are separated and cannot come to an agreement with respect to a child's upbringing and care, one of the separated parents may apply to court to determine the procedure of his or her communication with the child. The court shall resolve the matter, taking into account the child's interests and providing the father or the mother who lives separately from the child with an opportunity to participate to a maximum extent in the upbringing of a child. The extent of such communication may be minimised only in the event that it has been determined that extended contacts affect negatively the interests of the child.

390. In those cases when the parents who live together do not agree on the rights and duties in respect of their children, either of the parents may apply to court to resolve the dispute. It should be noted that in this case, the participation of a state institution for the protection of children's rights is required in court proceedings. After having examined the family environment, the state institution for the protection of children's rights has to present its conclusions concerning the dispute. When resolving the dispute, the court must take into account not only these conclusions, but also the wishes of the child (where they do not contravene his or her interests) and other evidence provided by the parties.

391. It should be noted that in all the cases when resolving disputes concerning the upbringing and education of a child, the creation of adequate conditions for his or her development and also in the event that the court has to resolve a dispute concerning the implementation of parental authority between parents who live either together or are separated, it is the interests of the child that have to be taken into account. The interests of a child are protected when conditions are created for his or her full-scale and harmonious development which prepare a child to live independently in society, also which ensure his or her health, harmonious physical and mental development and an upbringing that is acceptable to society (Article 3.155 of the Civil Code of the Republic of Lithuania).

e)

392. It has been mentioned that the formation of marriage does not restrict the passive and active capacity of spouses both of whom have equal rights, i.e. no one has more rights than the other. It *inter alia* means that no one of the spouses is granted the right to unilaterally resolve family planning issues and decide how many children to have and when to have them. It should be noted that in those cases when the spouses have concluded a marriage contract, those clauses which restrict the passive and active capacity of the spouses and regulate their personal non-property relations shall be null and void – the contract of marriage may regulate only property relations between the spouses, i.e. relations concerning the legal regime of matrimonial assets, the management of such assets, mutual maintenance, division of assets and so on.

f)

393. A natural person who is incapable of exercising, protecting and defending his or her rights and legitimate interests in an appropriate manner must be provided with the required conditions to do so. Guardianship and trusteeship are the means which help to ensure the exercise of rights of legally incapable persons and persons with limited legal capacity, to create a proper environment for satisfying their economic, social and other legitimate interests. The equal rights of both – men and women – to be guardians or trustees or adoptive parents are based on a common principle of civil legal relationships, i.e. the principle of equality.

394. Article 3.238 of the Civil Code of the Republic of Lithuania states that guardianship is established with the aim of exercising, protecting and defending the rights and interests of a legally incapable person. Article 3.239 of the Civil Code of the Republic of Lithuania states that trusteeship shall be established with the aim of protecting and defending the rights and interests of a person with limited legal capacity. Guardianship (trusteeship) of children has the objective of ensuring the upbringing and care of a child in an environment where he or she could grow up and develop safely and properly.

395. Guardianship is established for full-age children who have been declared incapable by the court due to mental illness or imbecility, also for minors of up to 14 years of age who are deprived of parental care for certain reasons (a child has been separated from the parents or parental authority has been restricted in accordance with the law, etc.)

396. Trusteeship is established for the following natural persons: full-aged persons who have been declared of limited legal capacity by the court due to abuse of alcoholic beverages, drugs, narcotic or toxic substances; minors between 14 and 18 years of age who have been deprived of

parental care for certain reasons (parental authority has been restricted, the child's parents have died, and so on); legally capable persons who cannot exercise their rights or duties independently for health reasons.

397. It should be noted that according to paragraph 3 of Article 3.242 of the Civil Code, only a legally capable natural person may be designated a guardian or a trustee provided that he or she gives a written consent to this effect. When designating a guardian or a trustee, account must be taken of the person's moral and other qualities, his or her capability of performing the functions of a guardian or trustee, relations with the person in respect of whom guardianship and trusteeship is established, the guardian's or trustee's preferences and other relevant circumstances. It is also important that persons who wish to become guardians or trustees must undergo a medical examination and present a certificate that they do not suffer from the illnesses indicated in Order No. 386 by the Minister of Health of 17 July 2001 (chronic alcoholism, drug addiction, AIDS, mental diseases, etc.). It depends on the above-mentioned circumstances if favourable conditions will be created to realise the objective of guardianship and trusteeship in a proper manner: create the required environment for the protection and defence of the rights and interests of those under guardianship or trusteeship.

398. It should be noted that the provisions of the Civil Code of the Republic of Lithuania regulating the basis and procedure for appointing guardians and trustees as well as the requirements applied to such persons do not, either directly or indirectly, make any differences or preferences in respect of men or women. Any person who meets the objective criteria mentioned above may, upon his or her written consent, become a guardian or trustee of a legally incapable person or a person with limited legal capacity.

399. Given that the protection of children's rights is one of the basic principles of regulating family relations, article 3.248-3.279 of the Civil Code of the Republic of Lithuania regulate the issues of children's guardianship and trusteeship in a much more detailed manner than the guardianship and trusteeship of full-aged persons. The objective of child guardianship and trusteeship is to appoint a person whose duty it will be to take care of the child's rights and interests, to provide the child with living conditions that are adequate for his age, state of health and level of development, and also to prepare the child for independent life in family and society.

400. Article 3.249 of the Civil Code of the Republic of Lithuania provides for the principles of establishing child guardianship and trusteeship. The interests of a child must be taken into account first and foremost when establishing guardianship and trusteeship. Second, priority in becoming the child's guardians or trustees must be accorded to his or her close relatives (grandparents, brothers, sisters). This principle may be not complied with where it is not in the child's best interests. Third, guardianship should be sought in a family, not a children's care institution. Child guardianship in a family may not involve more than 5 children placed under guardianship in a natural family environment (the total number of children in family including the parent's natural children may not exceed 5, except for cases where siblings cannot be separated). This principle seeks to create an environment for a child, which would be close to a family environment. Fourth, when establishing guardianship or trusteeship siblings should be kept together.

401. A child's guardian or trustee is selected taking into consideration his or her personal qualities, state of health, ability to act as a guardian or trustee, relations with the child deprived of parental care, and the interests of the child. It should be noted that when establishing or cancelling a

child's guardianship or trusteeship or appointing a guardian or trustee, a child who can express his or her opinion should be provided with an opportunity to be heard out and his or her opinion is important when adopting decisions.

402. To summarise the legal regulation of guardianship or trusteeship, it should be concluded that the ability of a particular person to become a guardian or trustee of a minor or full-aged child does not depend on the gender, race, nationality and other circumstances (only in exceptional cases it depends on the age of a guardian or trustee). The ability to become a guardian or trustee is linked to a number of objective criteria by the law: state of health, preparedness to become a guardian or trustee, etc.

403. The legal aspects of adoption are regulated by Part V of Book Three of the Civil Code of the Republic of Lithuania (Articles 3.209-3.228). It is acknowledged that the priority objective is to serve the interests of a child: to be raised and brought up in a family. Even in those cases where a single person or one of the spouses seeks adoption, the interests of a child are better served than in a state-run children's home or in a social family.

404. Paragraph 1 of Article 3.210 of the Civil Code of the Republic of Lithuania states that the adoptive parent may be an adult woman or man under the age of 50 duly prepared for adopting a child. In exceptional cases (e.g. where the child and his or her adoptive parent are linked by a close relationship, where a child of a spouse is adopted, etc.), the court may allow older persons to adopt a child. It means that the equality of both genders is consolidated when seeking adoption.

405. It should be noted that the laws establish a general rule allowing the adoption of a child by married couples (paragraph 2 of Article 3.210 of the Civil Code of the Republic of Lithuania). In exceptional cases, unmarried persons or one of the spouses may be allowed to adopt a child. In general, the adoption of a child aims to serve his or her interest of being raised and brought up in a family, therefore the laws have the objective of securing that a child is raised and brought up in a family, i.e. that he or she has a mother and a father. Where a person files a request to court, the court must decide whether or not there is a basis for applying the said exception. It is believed that an exception may be applied where a married couple does not seek to adopt a particular child or when such a couple is not eligible as adoptive parents because it would contravene the interests of a child or result in the separation of siblings. Where one of the spouses seeks to adopt a child, it is necessary to examine in detail the reasons behind the lack of interest in respect of adoption by the other spouse and also to decide if a child adopted by one of the spouses will be able to be raised and brought up in a family.

406. To summarise the provisions concerning adoption, it may be stated that the Civil Code of the Republic of Lithuania does not provide for privileges or obstacles to adoption on the basis of gender. Any person who seeks adoption must comply with the established criteria irrespective of his or her gender. Persons seeking adoption must be properly prepared, be of a particular age, and have proper health, etc.

407. It should be underlined that a child must be heard out when establishing guardianship or trusteeship or in the case of adoption. Where an adoptive child is ten years of age and older, his or her written consent is required. A child presents his or her consent to the court and it is prohibited to adopt a child without such consent. The law does not provide for any exceptions. Where a child under

ten years of age is adopted and where he can express his or her opinion, he/she must be heard out in court and the court must take his/her wishes into account when adopting the decision if this does not contravene to the interests of the child.

**g)**

408. In respect of one of the specific consequences of marriage, Article 3.31 of the Civil Code of the Republic of Lithuania states that both spouses have the right to retain their respective surnames or to choose the surname of the other spouse (both, wife or husband) as their common surname or to have a double surname by adjoining the surname of the other spouse to his or her own surname. The decision concerning the surname is made upon the registration of marriage.

409. After marriage, the surname may be changed in accordance with the procedure set out in the Rules on the Change of a Person's Name, Surname and Nationality approved by Order No. 111 of the Minister of Justice of 20 June of 2001. In this case, a request to change a person's name should be filed to a local civil registration office (points 2.2 and 6 of the Rules). It should be noted that the change of surname by one of the spouses does not automatically results in the change of surname of the other spouse.

410. Where a marriage is terminated or nullified, issues related to surnames are dealt with in accordance with the procedure provided for in Article 3.69 of the Civil Code of the Republic of Lithuania. After divorce, a spouse may retain his or her married surname or the surname which he or she had before marriage. However, where a marriage is dissolved because of the fault of one of the spouses (such as cruel treatment of a spouse and/or children, violence, infidelity, etc.), the court may, at the request of the other spouse, prohibit the spouse at fault from retaining his or her married surname, except in cases where the spouses have children.

411. Article 3.29 of the Civil Code of the Republic of Lithuania states that marriage shall not restrict the passive and active capacity of spouses. Although a person acquires a new legal status upon marriage, it does not result in the restriction of a person's active and passive capacity and it does not mean that a spouse becomes dependent on the other spouse or subordinate to him or her. A person who has formed a marriage has the right to freely choose the place of residence, a job, occupation, etc.

**h)**

412. The formation of marriage is binding on a person and results in new duties and additional restrictions of his or her property and personal non-property rights, which are necessary to ensure proper family relations and the rights and interests of children. The formation of marriage is impossible in practice without a certain set of minimal living conditions, such as having a dwelling, household utilities, etc. In many cases, such conditions are created only on the basis of a joint use of funds and in the interests of a family. Therefore, the right of a married person to have at his or her property at free disposal cannot be the same as that of an unmarried person. In an effort to ensure minimal conditions of family life, the legislator establishes restrictions on the property rights of a married person through mandatory rules to the extent necessary to secure the existence of children and the family. For example, a spouse may realise his or her property rights to objects that are considered under the law to be family assets only with the consent of the other spouse and in some cases with a court's permission, etc.

413. The spouses may restrict some of their rights by mutual consent when concluding a contract of marriage. Such restrictions, however, are possible only in respect of their property rights, not personal non-property rights (e.g. a marriage contract may not provide for conditions requiring that the wife follow her husband if he decides to change his place of residence or that she should not work and take care of their home, or become pregnant upon his wish, etc).

414. The Civil Code of the Republic of Lithuania regulates matrimonial property relations in detail. Such relations may concern matrimonial relations in respect of joint assets, civil liability arising from property obligations, and maintenance obligations (alimony).

415. Paragraph 1 of Article 3.81 of the Civil Code of the Republic of Lithuania focuses on the legal regime of matrimonial assets as stipulated by the law and contracts. A marriage contract serves as the main criteria for determining the legal regime of matrimonial assets chosen by the spouses (statutory or contractual). Where the spouses have not made a marriage contract, their assets shall be subject to a statutory regime. The recognition of a marriage contract as invalid or its termination shall result in the same consequences. In those cases when the spouses decide that their marriage contract will cover the management, use or disposal of only part of their assets, the statutory regime is applied to the other part of their assets that is not covered by the contract of marriage.

416. The institution of family assets – one of the novelties introduced by the Civil Code of the Republic of Lithuania – has the main objective of protecting the rights and legitimate interests of minor children and the more vulnerable (mostly in economic terms) of the spouses. Paragraph 1 of Article 3.84 of the Civil Code states that any assets referred to in paragraph 2 of this Article owned by either spouse before or during marriage will be considered to be family assets. Family assets may be used only to meet the needs of the family. A list of family assets is provided in paragraph 2 of this Article. The following assets owned by one or both spouses are family assets: family dwellings; movables intended to meet household needs, including furniture. Family assets also include the right to use family dwelling.

417. Assets referred to in the paragraph above shall acquire the legal status of family assets as of the day of the registration of marriage, but the spouses may use this fact in respect of bona fide third parties only if an immovable is registered in the public register as a family asset. The said assets acquire the legal status of family assets irrespective of whose property it was before the formation of marriage or after its formation. It means that family assets are not an alternative form of personal and joint property. A specific legal regime of family assets may be applied to the assets owned by spouses as either personal or joint property.

418. This category covers such assets that may be considered as an essential material basis of family life. Luxury and similar items shall not be considered as family assets. The legal regime of family assets emerges only after a marriage has been contracted and it applies to matrimonial property relations until the marriage is terminated, nullified or until separation is confirmed. The legal regime of family assets shall not be applied to the assets acquired and used jointly by cohabitants as well as to the joint assets of persons living together without a partnership contract. The rights of cohabitants with a registered partnership shall be protected by special rules restricting the right to dispose of jointly used assets.

419. Family assets may be used, managed and disposed of only in accordance with the procedure laid down in Article 3.85 of the Civil Code of the Republic of Lithuania. The spouse who is the owner of an immovable considered to be a family asset may transfer ownership rights to it, mortgage it or encumber the rights to it in any other way only with the written consent of the other spouse. Where the spouses have children of minor age, transactions in respect of an immovable considered to be a family asset require a judicial authorisation. Family assets may not be used against a creditor if the creditor knew or should have known that the transaction is not related to the satisfaction of family needs and is contrary to the interests of the family. The legal regime of family assets or their composition may not be changed by an agreement between the spouses. It means that family assets are regulated by mandatory legal rules and no agreements in respect of or derogations from the rules of behaviour established by such rules should be tolerated. The legal regime of family assets ends after the marriage is dissolved, nullified or after the spouses separate.

420. Paragraph 2 of Article 3.86 of the Civil Code of the Republic of Lithuania states that the court may award the right to use family assets or a certain part thereof (usufruct) to the spouse with whom minor children will live. The usufruct is valid until the children attain full age. Where the spouses have rented a dwelling, the court may transfer the lessee rights to the spouse with whom the children will live or to the spouse who lacks earning capacity. The court may award household utensils intended for domestic needs to the spouse who stays in the family dwelling together with minor children. These rules provide for additional dwelling guarantees to the minor children of spouses. Regardless of who of the spouses owns the dwelling which is subject to the legal regime of family assets, the right to use it may be awarded to the spouse who will live with minor children after the marriage is dissolved. Since in most of the cases children remain to live with their mother, these rules are considered to be an important guarantee of the protection of their rights.

421. Articles 3.87-3.100 of the Civil Code of the Republic of Lithuania regulate the statutory legal regime of matrimonial assets. The statutory legal regime of matrimonial assets means that the assets acquired by spouses after marriage are their common joint property. Matrimonial assets are their common joint property until such assets are divided or until common joint property rights do not end in some other way.

422. Common joint property is the following: assets acquired after the formation of marriage in the name of one or both of the spouses; income derived from and fruits collected from the individual property of a spouse; income derived from the joint activities of the spouses and income derived from the activities of one of the spouses, except for the funds necessary for that spouse's professional activity; an enterprise and the income derived from the operations of the enterprise or any other business provided that the spouses took up such business activity after marriage. Where the enterprise was owned by one of the spouses before marriage, the common joint property of spouses includes income from the operations of the enterprise or any other business and positive value re-adjustment on the enterprise (business) after the formation of marriage; income from work activities or intellectual activities, dividends, pensions, allowances and other benefits collected by both spouses or one of them after marriage, except for specific-purpose benefits (such as damages for injury to health or non-property damages, specific material assistance intended for only one of the spouses, etc.).

423. All assets are presumed to be common joint property unless it is established that they are personal property of one of the spouses. Both spouses must be registered as the owners of common joint property in a public register. Where the assets are registered in the name of one of the spouses, they are considered to be common joint property provided they is registered as common joint property. It should be noted that the moment of acquiring or receiving the assets (before or after marriage) is an important factor when determining the fact of emergence of common joint property. After the formation of marriage, the assets acquired become common joint property irrespective of the name in which they were acquired.

424. In addition to joint assets, spouses may also have personal assets. Personal property of each spouse shall consist of: property acquired separately by each spouse before marriage; property devolved to a spouse by succession or gift after marriage, unless the will or donation agreement indicates that the property is devolved as common joint property; articles of personal use (footwear, clothes, tools of professional activity); intellectual or industrial property rights, except for income derived from those rights; funds and utensils required for the personal business of one of the spouses other than the funds and utensils used in the business conducted jointly by both spouses; damages and compensation payments received by one of the spouses for injury to health and non-property damages, specific material assistance intended for only one of the spouses, rights that may not be transferred to other persons; assets acquired by a spouse with his or her personal funds or proceeds from the sale of his or her personal property with the express intention of the spouse at the time of acquisition to have such assets as personal property.

425. The fact that specific assets are owned as personal property by one of the spouses may be proved only by written documents (evidence), except for cases where the law allows the testimony of witnesses or where the nature of assets is sufficient proof of being personal property of one of the spouses. Personal assets temporarily transferred by one of the spouses to the other spouse to meet the latter's personal needs remain the personal property of the transferor.

426. In cases provided for by the law, the court may declare the personal property of one of the spouses to be common joint property if it is established that during marriage the property was fundamentally improved with the joint funds of the spouses or with the funds of or due to the work of the other spouse (major repairs, reconstruction, restructuring, etc.). Where a spouse uses both his or her personal funds and the funds owned jointly with the other spouse to acquire assets for his or her personal needs, the court may declare the property so acquired to be common joint property, provided that the common joint funds used to acquire such property exceed the personal funds of the spouse so expended.

427. The Civil Code of the Republic of Lithuania regulates in detail the management, use and disposal of common joint property. The law states that common joint property shall be used, managed and disposed of by mutual agreement of the spouses. This provision arises from the substance of common joint property and the principle of equality between spouses which does not provide more rights to either of the spouses to their joint assets.

428. The consent of the other spouse shall not be required for: acceptance or rejection of succession to estate; refusal to enter into a contract; urgent measures to protect joint assets; bringing an action to protect the joint assets; bringing an action to protect one's rights related to joint assets or personal rights unrelated to the interests of the family. It should be noted that the provided list is final.

In all other cases, one of the spouses, when making transactions in relation of common joint property, must receive the consent of the other spouse.

429. When making transactions a spouse is presumed to have the consent of the other spouse except in cases where entering into a transaction requires the written consent of the other spouse. In exceptional cases, where delay would cause serious damage to family interests while the other spouse is unable to express his or her will because of illness or other objective reasons, a spouse may conclude a transaction without the consent of the other spouse in accordance with the procedure laid down in paragraph 2 of Article 3.32 of the Civil Code of the Republic of Lithuania, i.e. he or she may apply to court for a permission to conclude a particular transaction.

430. Transactions related to the disposal or encumbrance of an immovable which is common joint property of spouses or the rights thereto, also transactions related to the transfer of a joint enterprise or securities or the encumbrance of the rights thereto may be made only by both spouses, except where one of the spouses has been granted the power of attorney by the other spouse to enter into such a transaction.

431. Each spouse has the right to open a bank account in his or her name without the consent of the other spouse and to dispose freely of the funds on the account unless those funds have been made common joint property. Where a transaction has been made without the consent of the other spouse, that other spouse may approve the transaction within one month of the date when he or she learned about the transaction. Before the approval of the transaction, the other party may withdraw from it. If the other spouse does not approve the transaction within a month, the transaction is declared as having been made without the consent of the other spouse. If the other party to the transaction knew that the person with whom it was entering into the transaction was married, it can withdraw from the transaction only if the spouse had made a false statement about the existence of the other spouse's consent.

432. Where a spouse does not give the other spouse the consent required to enter into a transaction, the interested spouse may seek a court permission to enter into the transaction. The court allows entering into a transaction only if the interested spouse proves that the transaction is necessary to meet family needs or the needs of their joint business.

433. Article 3.94 of the Civil Code of the Republic of Lithuania states that a spouse may grant the power of attorney to the other spouse to manage and use and their common joint property or dispose of other assets. Where one of the spouses is away or cannot participate in the management of joint assets for important reasons, the other spouse may apply to court to be authorised to manage such assets alone. If the spouse is negligent or unreasonable in managing alone the assets that are common joint property, he or she is liable for the losses sustained through his or her fault and will compensate for them against his or her personal assets. The latter provision is an important guarantee of the protection of rights in respect of the spouse who has authorised the other spouse to manage the assets that are their common joint property.

434. Where a spouse is unable to manage joint assets or does that in a way that incurs losses, the other spouse may apply to court with a request to remove the other spouse from the management of assets. The court shall grant the requested removal if the applicant can prove that it is necessary to

ensure family needs or the needs of their joint business. Once the grounds for removal disappear, the removed spouse may request the court to allow him or her to manage joint assets again.

435. Transactions on the management, use and disposal of assets that are common joint property must be concluded by mutual consent of both spouses. Where a transaction is made without the consent of the other spouse, Article 3.96 of the Civil Code of the Republic of Lithuania allows the spouse who has not given his or her consent and who has not approved the transaction later on to contest such a transaction. Transactions made without the consent of the other spouse and not approved by him or her later, may be contested in an action brought by that spouse within a year of the date when he or she learned about the transaction, provided that it is proved that the other party to the transaction acted in bad faith. Transactions that should have been made with a written consent of the other spouse or could only have been made jointly by both the spouses may be declared null and void irrespective whether or not the other party to the transaction acted in good faith, except for cases where one or both of the spouses used fraud in making the transaction or provided incorrect data to the state register management institutions or to any other institutions or officials. In such cases the transaction may be declared null and void only if the other party to the transaction acted in bad faith.

436. A spouse shall use, manage or dispose of his or her personal property at his or her own discretion. The management, use or disposal of assets defined in the Civil Code of the Republic of Lithuania as family assets shall be subject to the above-mentioned restrictions. Where a spouse manages his or her personal property in such a negligent or unreasonable way that it endangers family interests because the assets may be lost or substantially reduced, the other spouse has the right to apply to court with a request to appoint an administrator for the management of such assets. The court may appoint the applicant to act as an administrator. After the circumstances which resulted in the appointment of an administrator disappear, either of the spouses may apply to court to have the administration of assets revoked. Such legal regulation has the objective of preserving the interests and well being of the family.

437. A spouse may grant the power of attorney to the other spouse to manage his or her personal property. Where a spouse cannot manage alone his or her personal property and contribute to household maintenance needs due to illness or any other objective reason, the other spouse has a right to use for household needs the personal funds and assets of the spouse who is incapable of managing his or her property alone. This rule shall not be applied in cases where the spouses are separated or an administrator has been appointed to administer the personal assets of the spouse who is unable to manage it alone and make a contribution to meet household needs.

438. Where the value of common joint property is increased by adding the personal property of one of the spouses, the spouse whose property has been added to increase the value of common joint property is entitled to compensation against joint assets. A spouse shall be also entitled to compensation in cases when his or her personal funds have been used for the acquisition of common joint property. Each of the spouses must compensate for the reduction of common joint property if he or she has used it for purposes unrelated to the obligations referred to in Article 3.109 of the Civil Code of the Republic of Lithuania (obligations related to the encumbrances of property acquired in co-ownership that existed at the time of acquisition or were created later; obligations related to the costs of managing community property; obligations related to the maintenance of the household, etc.),

except in cases where he or she can prove that the property has been used to satisfy family needs. Compensations are paid when the common joint property of spouses ends.

439. Spouses have the right to make gifts of assets to each other. An agreement on a gift of an immovable gives rise to legal consequences for the creditors of the donor only if the agreement has been recorded in a public register. The beneficiary spouse is liable to the creditors of the donor for the donor's obligations that existed at the time the gift agreement was made to the extent of the value of the gift. Where the gift is lost through no fault of the beneficiary, his or her liability for the obligations of the donor will end.

440. The common joint property of spouses shall end upon: the death of one of the spouses; presumption that one of the spouses is dead or the judicial declaration of one of the spouses as missing; the declaration of marriage as nullified; divorce; separation; the division of common assets by a court decision; the change of the statutory legal regime of assets by mutual agreement of the spouses; in other cases provided for by the law.

441. Articles 3.101-3.108 of the Civil Code of the Republic of Lithuania provide for the management, use or disposal of assets by spouses under a marriage contract. A marriage contract means an agreement between spouses defining their property rights and duties during marriage as well as after marriage or separation.

442. A marriage contract may be made before the registration of marriage (pre-marital contract) or at any time after the registration of marriage (post-marital contract). A marriage contract made before the registration of marriage shall come into effect on the day of the registration of marriage. A post-marital contract shall come into force on the date on which it is made unless the agreement provides for otherwise. A minor may enter into a marriage contract only after the registration of marriage. A spouse declared by the court as having limited legal capacity may enter into a marriage contract only with the written consent of his or her trustee. If the trustee refuses to give consent, the spouse may apply to court for a permission to enter into a marriage contract.

443. A marriage contract must be executed in a notarial form. A marriage contract as well as its subsequent amendments must be registered in a register of marriage contracts managed by mortgage institutions. In no case may the amendments of a marriage contract be retroactive. A marriage contract and its amendments may be used against third persons only if the marriage contract and its amendments have been registered in the register of marriage contracts. This rule shall not apply if at the time of the transaction third persons knew of the marriage contract and its amendments.

444. Spouses have the right to stipulate in the marriage contract that: property acquired both before and during marriage shall be the personal property of each spouse; personal property acquired by a spouse before marriage shall become common joint property after the registration of marriage; property acquired during marriage shall be common partial property.

445. In their marriage contract the spouses may stipulate that one of the legal regimes of assets shall be applied to their entire property or only to a certain portion thereof or to specified objects. In their marriage contract, spouses may define the legal regime of assets in respect of both: their existing and future property. A marriage contract may contain the stipulation of rights and duties related to the management of property, mutual maintenance, participation in the provision for family needs and expenses as well as the manner and procedure for dividing assets in the event of divorce, and other

matters related to the mutual property relations of spouses. It should be noted that non-property relations are not regulated by a marriage contract. The rights and duties of the spouses provided for in their marriage contract may be restricted in time, or the emergence or termination of such rights and duties may be related to the fulfilment of or failure to fulfil a particular condition stipulated in the marriage contract.

446. Conditions stipulated in a marriage contract are null and void if they: contradict mandatory legislative rules, good morality and public order; change the legal regime in respect of personal property of one of the spouses or in respect of their common joint property where the spouses have chosen a legal regime of joint assets; violate the principle of equal share in common joint property embodied in Article 3.117 of the Civil Code of the Republic of Lithuania; restrict the passive or active capacity of spouses; regulate personal non-property relations of spouses; establish or change the personal rights and duties of spouses in respect of their children; restrict or annul the right of one (or both) of the spouses to maintenance; restrict or annul the right of one (or both) of the spouses to bring legal action in court; change the procedure and conditions of succession to property.

447. A marriage contract may be amended or terminated by mutual agreement of the spouses at any time in the same form as that laid down for its formation. An amendment to a marriage contract or its termination may be used against third persons provided that the amendment or termination of the marriage contract has been registered in the register of marriage contracts. This rule shall not be applied if at the time of the transaction third persons knew of the amendment or termination of the marriage contract. At the request of one of the spouses a marriage contract may be amended or terminated by a court judgement on the grounds provided for in Book Six of the Civil Code of the Republic of Lithuania for the amendment or termination of a marriage contract.

448. A marriage contract shall terminate upon divorce or separation, except for the obligations which under the contract remain in force after divorce or separation. The termination of a marriage contract shall be registered in the register of marriage contracts.

449. The court may declare a marriage contract null and void, wholly or partly, at the request of one of the spouses if the contract is in serious breach of the principle of equality of spouses or is especially unfavourable for one of the spouses. A marriage contract may be declared null and void where it contains the above mentioned invalid conditions. The creditors of one or both of the spouses shall have a right to demand that the contract be declared null and void because it is fictitious.

450. The Civil Code of the Republic of Lithuania regulates in detail the issues of mutual maintenance of spouses. This is one of the types of matrimonial property relations. The Civil Code of the Republic of Lithuania establishes the duty for both spouses to support each other not only in moral, but also in material terms. This duty remains after divorce or separation. It should be noted that in all of the cases when a marriage is dissolved by the consent of both spouses, one of the spouses or through the fault of a spouse, issues relating to the maintenance of the other spouse and minor children as well as issues relating to the place of residence of children have to be resolved.

451. If a marriage is dissolved by mutual consent of the spouses, an essential condition is that they have made a contract in respect of the consequences of their divorce. It should be noted that in the absence of such a contract, a marriage may not be dissolved by mutual consent. When dissolving a marriage by a court decision, the court approves the contract as presented by the spouses in respect of

the consequences of divorce providing for maintenance payments for minor children and each other, the place of residence of their minor children, their participation in bringing up the children and their other property rights and duties. The content of the contract shall be incorporated in the court decision. In case there is an essential change in the circumstances (illness of one of the former spouses, incapacity for employment, etc.), the former spouses or one of them may apply to court to reconsider the terms and conditions of their contract in respect of the consequences of divorce. Where the contract in respect of the consequences of divorce is not consistent with the public order or is an essential violation of the rights and legitimate interests of the spouses' minor children or of one of the spouses, the court will not approve the contract and will suspend the divorce proceedings until the spouses conclude a new contract. If the spouses fail to comply with the directions of the court within six months of the suspension of proceedings, the court shall not resume the consideration of the request for divorce. The duty of the court to review and evaluate the contract in respect of the consequences of divorce is considered to be an important guarantee of protection of the rights and legitimate interests of one of the spouses (particularly the more vulnerable in economic terms who cannot always approach a lawyer for legal assistance) and their minor children.

452. Where marriage is dissolved and there no contract in respect of the consequences of divorce, the issues of mutual maintenance of spouses are resolved in accordance with the procedure set out in Article 72 of the Civil Code of the Republic of Lithuania. In such cases, the court issues a maintenance order in favour of the spouse in need of maintenance. A spouse does not have a right to maintenance if his or her assets or income are sufficient to fully support him or her. Maintenance is presumed to be necessary if he or she is raising a minor child of their marriage or is incapable of work due to his or her age or state of health.

453. A spouse who was not able to obtain any qualifications for work (complete his or her studies) because of marriage, common interests of the family or the need to take care for the children has a right to request that the former spouse should cover the expenses related to the completion of his or her studies or retraining. This provision of the Civil Code of the Republic of Lithuania is considered to be an important guarantee of protection of the rights of a woman who in many cases does not complete her studies or loses the professional qualifications obtained earlier because of maternity leave or child care.

454. The spouse responsible for the dissolution of marriage has no right to maintenance. The other spouse may request from the spouse responsible for the dissolution of marriage damages related to the divorce as well as compensation for non-pecuniary damage incurred by the divorce. This provision may not be applied where both spouses are responsible for the breakdown of marriage. At the request of the other spouse, the spouse at fault for the termination of marriage must return the gifts received from him or her except for the wedding ring, unless the marriage contract provides otherwise. Where both spouses are responsible for the breaking up of marriage, both of them have a right to request the return of the immovable gifts given to each other, unless more than ten years have passed from the conclusion of the gift contract and unless the immovable property has been transferred to third persons.

455. When deciding on maintenance and its amount, the court must take into account the duration of marriage, the need for maintenance, the property status of both of the former spouses, their

state of health, age, capacity for employment, the possibility of the unemployed spouse to find employment and other important circumstances.

456. The amount of maintenance is reduced, made temporary or refused subject to one of the following circumstances: the duration of marriage did not exceed a period of one year; the spouse entitled to maintenance has committed a crime against the other spouse or his or her next of kin; the spouse entitled to maintenance has created his or her difficult financial situation through his or her own irresponsible acts; the spouse requesting maintenance did not contribute to the growth of their joint assets or wilfully prejudiced the interests of the other spouse or the family during marriage.

457. The court may demand from the spouse obliged to provide maintenance to the other spouse to produce an adequate guarantee of fulfilment of this obligation. For example, the court may issue a decision on forced mortgage, etc. The court may make maintenance orders for a lump sum or periodical (monthly) payments or property adjustment.

458. Where divorce is based on the application of one of the spouses because of the legal incompetence of the other spouse, the spouse who has initiated the divorce must cover medical and care expenses of the incompetent former spouse, unless such expenses are covered from state social security funds.

459. Maintenance order serves as a basis for the forced pledge (mortgage) of the respondent's assets. Where the former spouse defaults on his or her obligation to pay maintenance, his or her assets may be used to make payments in accordance with the procedure laid down by the law.

460. Where the maintenance order is for periodical payments, a significant change in the circumstances referred to in paragraph 5 of Article 3.72 of the Civil Code of the Republic (state of health, capacity for employment) may warrant a request of either of the former spouses for an increase, reduction or termination of maintenance payments. Periodical payments are for the life of the creditor and they be adjusted to inflation annually in accordance with the procedure set forth by the Government. If the former spouse who has been issued a maintenance order dies, the obligation to pay maintenance is devolved on his or her successors to the extent of the estate irrespective of the manner of its acceptance.

461. Where the former spouse who has been given maintenance by court dies or remarries, maintenance payments are terminated. In case of the payee's death, the right to request arrears or unpaid maintenance payments is transferred to the payee's successors. The dissolution of a new marriage creates a right to apply for the renewal of maintenance payments provided that the payee is raising a child by his or her former spouse or is caring for a disabled child by his or her former spouse. In all other cases, the duty of the subsequent spouse to maintain the payee takes precedence over that of the first former spouse.

462. If a marriage is declared null and void on the grounds established in the Civil Code of the Republic of Lithuania, a bone fide spouse in need of maintenance has a right to request maintenance from a mala fide spouse for a period not longer than three years. The court shall, having regard to the financial position of both parties, determine at its own discretion the amount of maintenance. The court may make an order for periodical monthly payments or a single payment of a lump sum. If the financial position of one of the spouses changes, the interested spouse may apply to court for the increase or reduction of maintenance or the termination of its enforcement. Maintenance payments to

a bone fide spouse terminate automatically on the remarriage of the payee or at the end of the three-year period during which maintenance was paid.

463. Among the types of matrimonial property relations are relations in respect of their civil liability. Such relations are regulated in detail by Articles 3.109-3.115 of the Civil Code of the Republic of Lithuania. Article 3.109 of the Civil Code of the Republic of Lithuania states that the following obligations are discharged based on the joint matrimonial assets: obligations related to any encumbrances of assets acquired as joint property which existed prior to the acquisition of such assets or were created later; obligations related to the expenses of managing joint assets; obligations related to household maintenance; obligations related to legal expenses where proceedings are related to joint assets or the interests of the family; obligations arising from transactions made by one of the spouses with the consent of the other spouse or subsequently approved by the latter as well as obligations arising from transactions for which no consent of the other spouse was required, provided that they were made in the interests of the family; joint and several obligations of the spouses.

464. Either spouse has the right to enter into transactions necessary to maintain the household and secure the upbringing and education of the children. Both spouses shall be jointly and severally liable for the obligations arising from such transactions whatever their matrimonial regime may be, except in cases where the price of transactions is evidently too high and unreasonable. Joint and several liability of the spouses is not created where one of the spouses takes on a loan or buys goods under hire purchase, in the event that this is not necessary to satisfy the joint needs of the family, without the consent of the other spouse.

465. When undertaking and discharging obligations related to the needs of the family, the spouses must act as prudently and carefully as when undertaking and discharging their own personal obligations. Joint assets may not be used to discharge the obligations of spouses created before the registration of marriage, except for those charged against the relevant spouse's share in joint assets. Where one of the spouses receives a gift or comes into inheritance, the obligations arising therefrom may not be charged against common assets, unless the gift or inheritance has been received as common assets.

466. Claims arising from the transactions made after the registration of marriage by one of the spouses without the consent of the other spouse may be discharged from their joint assets if the personal property of a spouse is not sufficient to meet the claims of the creditors. Where joint matrimonial assets are not sufficient to fully cover the claims made by creditors in respect of whom both spouses are liable jointly and severally, such claims are met from their personal property.

467. If the marriage contract stipulates that the assets acquired both before and during marriage are to be treated as personal property of one and the other spouse, the spouses shall be liable for their obligations only to the extent of their personal property. In such cases the spouses are jointly and severally liable for their joint obligations and the obligations in the interests of the family. Spouses shall not be held to be each other's guarantors or surety in obligations arising from the management, use or disposal of property which is personal property of one and the other spouse.

468. The spouse, whose fines for breaches of law or damages incurred through his or her actions have been paid from joint assets, is obliged to compensate for the decrease in joint common property. If a transaction was made to meet the personal needs of only one of the spouses by using

their joint common property, that spouse is obliged to compensate for the decrease in the joint common property.

## Part 2

469. Article 1 of the UN Convention on the Rights of the Child, ratified by the Seimas of the Republic of Lithuania on 3 July 1995, states that a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier. The Civil Code of the Republic of Lithuania states that on attaining full age, i.e. when a natural person is eighteen years of age, he shall have, by his acts, the full exercise of all of his civil rights (including the right to contract a marriage) and shall assume civil obligations.

470. Paragraph 1 of Article 3.14 of the Civil Code of the Republic of Lithuania establishes that marriage may be contracted by persons who, on the date of contracting marriage, have attained the age of 15. This provision applies to all persons irrespective of their gender, nationality or other circumstances; the Lithuanian legal system does not provide for a different age for marriage in respect of men and women.

471. It should be noted that this general rule does not have exemptions. At the request of a person who intends to marry before the age of 18, the court may, in a summary procedure, reduce the legal age of consent to marriage in respect of him or her, but by no more than three years. While deciding on the reduction of a person's legal age of consent to marriage, the court must hear out the opinion of the minor person's parents or guardians or trustees and take into account his or her mental and psychological condition, financial situation and other important reasons for reducing a person's legal age of consent to marriage. Pregnancy provides important grounds for the reduction of a person's legal age of consent to marriage. When deciding on the reduction of the legal age of consent to marriage, the state institution for the protection of children's rights must present its opinion on the advisability of the reduction of the person's legal age of consent to marriage and whether such a reduction is in the true interests of the person concerned.

472. Paragraph 3 of Article 3.14 of the Civil Code of the Republic of Lithuania provides for the only case – that of pregnancy - where the court may allow a person to marry before the age of 18. The court decision depends on the above mentioned circumstances: the mental and psychological condition of a person who wishes to marry, the opinion of his or her parents or guardians or trustees, the opinion of a state institution for the protection of children's rights and the interests of the minor.

473. Given the above stated facts, it may be concluded that the Civil Code of the Republic of Lithuania, which regulates legal family relations in detail – such as property and personal non-property relations between the spouses, the rights and duties of parents and children, issues of guardianship, trusteeship and adoption – does not provide for any discrimination on the grounds of gender. It should be noted that the implementation of the rights and duties provided for in Article 16 of the Convention according to the provisions of the Civil Code of the Republic of Lithuania, is predetermined not by the gender of a particular person, but by the criteria that are equally applied to both men and women (the right to contract and dissolve a marriage, the right of both spouses to respect each other, the same parental authority, etc.).

Annex to the Third Report on the implementation of the  
UN Convention on the Elimination of all Forms of  
Discrimination against Women in Lithuania

**TABLE 1. LABOUR FORCE ECONOMIC ACTIVITY RATES, EMPLOYMENT AND RATE  
OF UNEMPLOYMENT, BY AGE GROUP**

(percentage)

Age group	2000		2001		2002	
	female	male	female	male	female	male
<b>I. LABOUR FORCE ECONOMIC ACTIVITY RATES</b>						
15–64	67,1	74,2	65,8	73,4	65,7	73,2
15–24	30,6	41,7	27,8	37,3	26,7	34,5
25–49	88,5	90,8	87,8	90,8	87,2	91,4
50–64	51,9	66,2	50,5	67,4	52,9	68,6
65 years of age and above	6,1	10,3	4,4	8,3	3	7,3
<b>II. EMPLOYMENT</b>						
15–64	57,5	60,1	55,9	58,5	57,1	62,3
15–24	22,2	28,4	21,1	23,8	20,6	26,5
25–49	76,7	74,7	75,1	74	76,5	79,1
50–64	46	55,9	44,1	55,8	46,7	58,2
65 years of age and above	6	9,8	4,4	8,1	2,9	7,3
<b>III. RATE OF UNEMPLOYMENT</b>						
15–64	13,9	18,8	14,7	19,9	12,9	14,6
15–24	27,4	31,9	24,1	36,1	22,9	23,1
25–49	13,3	17,7	14,5	18,5	12,3	13,4
50–64	11,5	15,5	12,6	17,3	11,6	15,2
65 years of age and above	0,6	4,8	0,5	1,8	0,5	–

**TABLE 2. UNEMPLOYED, BY EDUCATION**

(thousands)

Educational attainment	2000	2001	2002
<b>I. FEMALES</b>	115,2	118,4	103,3
Higher education	10,1	9	9,2
College-level	10,5	7,7	6,3
Special secondary, vocational post-secondary	36,3	38,8	31,8
Secondary	30,1	36,8	32,3
Vocational secondary	8,7	9,8	8
Basic	14,2	12,1	13,1
Vocational basic	4,5	3,1	2,5
Primary	0,7	1,1	0,1
<b>II. MALES</b>	158,5	165,6	121,1
Higher education	9,2	10	7,4
College-level	6,7	7,2	4,2
Special secondary, vocational post-secondary	32,7	35,7	25,9
Secondary	32,6	40,5	32,5
Vocational secondary	26,5	24	15,6
Basic	26,6	26,4	20,9
Vocational basic	19,4	17,9	12,5
Primary	4,8	3,9	2,2

**TABLE 3. EMPLOYED POPULATION, BY ECONOMIC ACTIVITY**

Economic activity	2000		2001		2002	
	female	male	female	male	female	male
<b>I. EMPLOYMENT IN THOUSANDS</b>						
Total	711,3	686,5	687,3	664,5	698,1	707,8
Agriculture, hunting, forestry and fisheries	107,5	154,1	88,5	145,3	98,9	151,7
Mining and quarrying	1,6	1,5	0,6	2,2	1,4	3
Manufacturing industry	125	128,9	127,7	115,5	130,6	129,9
Electricity, gas and water supply	10,6	23,2	6,2	28,9	4,4	24
Construction	7,1	76,6	7,2	77,5	9	84,1
Wholesale and retail trade, motor vehicle and motorcycle maintenance, repairs of personal and household articles	109,9	90,4	105,1	100,6	107,4	103,7
Hotels and restaurants	19,8	7,3	19,9	5,9	21,8	6,3
Transport, storage and communications	27,7	62,7	26,1	59,9	24	63,4
Financial mediation	8,3	6,2	5,6	5,3	8,5	5,5
Real estate, renting and commerce	20,2	23	20	21,1	28,1	26,8
Public administration and defence; compulsory social security	33,3	40,4	32,6	39,3	40,4	40,9
Education	126,4	34,6	123,2	31,8	109,2	29,7
Health care and social work	82,9	13,6	87,3	12,3	80,5	14,1

Economic activity	2000		2001		2002	
	female	male	female	male	female	male
Other community, social and personal service activities	29,7	23,9	35,5	16,4	31,4	22,4
Activities of households as employers of domestic staff	1,3	0,1	1,7	2,5	2,3	2,4
Extra-territorial organisations and bodies	...	...	...	...	0,1	...
<b>II. EMPLOYMENT IN PERCENT</b>						
Total	50,9	49,1	50,8	49,2	49,7	50,3
Agriculture, hunting, forestry and fisheries	41,1	58,9	37,9	62,1	39,5	60,5
Mining and quarrying, manufacturing industry	51,6	48,4	21,4	78,6	31,8	68,2
Manufacturing industry	49,2	50,8	52,5	47,5	50,1	49,9
Electricity, gas and water supply	31,4	68,6	17,7	82,3	15,4	84,6
Construction	8,5	91,5	8,5	91,5	9,7	90,3
Wholesale and retail trade, motor vehicle and motorcycle maintenance, repairs of personal and household articles	54,9	45,1	51,1	48,9	50,9	49,1
Hotels and restaurants	73,1	26,9	77,1	22,9	77,6	22,4
Transport, storage and communications	30,6	69,4	30,3	69,7	27,5	72,5
Financial mediation	57,2	42,8	51,4	48,6	60,8	39,2
Real estate, renting and commerce	46,8	53,2	48,7	51,3	51,2	48,8
Public administration and defence; compulsory social security	45,2	54,8	45,3	54,7	49,7	50,3
Education	78,5	21,5	79,5	20,5	78,6	21,4
Health care and social work	85,9	14,1	87,7	12,3	85,1	14,9
Other community, social and personal service activities	55,4	44,6	68,4	31,6	58,4	41,6
Activities of households as employers of domestic staff	92,9	7,1	40,5	59,5	48,8	51,2
Extra-territorial organisations and bodies	...	...	...	...	100	...

**TABLE 4. WOMEN'S AVERAGE GROSS MONTHLY EARNINGS IN 2000\*, BY ECONOMIC ACTIVITY (COMPARED TO MEN, PERCENTAGE)**

	Total	Workers	Clerks
Total	81,2	74,2	69,4
Agriculture, hunting and forestry	91,8	93,5	80,6
Fisheries	92,8	89,8	81
Mining and quarrying	95,3	67,3	60,2
Manufacturing industry	78,2	78,9	72
Electricity, gas and water supply	83,5	76,2	71,1
Construction	93,8	77,5	67,9
Wholesale and retail trade, motor vehicle and motorcycle maintenance, repairs of personal and household articles	81,8	73,7	75,4
Hotels and restaurants	88	95,5	81,8
Transport, storage and communications	90,7	92,3	61,9
Financial mediation	61,5	51,2	61,2
Cash mediation	57,4	48,1	57,1
Accumulation of insurance and pension financial resources, except compulsory social security	71,7	58,2	71,2
Real estate, renting and commerce	85,5	77,4	81,5
Research and development	76,2	87,9	71,6
Public administration and defence; compulsory social security	86,7	79	85,1
Administration of the State and the economic and social policy of the community	83,7	79,5	78,4
Executive and legislative activities of central administrative institutions	82,3	59,7	80,3
Provision of services to the community as a whole	91,1	82,7	91,2
Compulsory social security activities	102,4	84,5	79,7
Education	96,5	92,8	84,8
Comprehensive secondary education	117,2	91,8	99
University Education	71	83	70,1
Health care and social work	81,8	85,3	69
Human health activities	79,8	82,4	66,4
Social work activities	98,6	95,5	85,5
Other community, social and personal service activities	81,2	70,2	72
Leisure and entertainment organization, cultural and sports activity	80,7	77,9	75,8

\*Excluding individual enterprises.

**TABLE 5. WOMEN'S AND MEN'S AVERAGE GROSS MONTHLY EARNINGS IN THE NATIONAL ECONOMY\*, BY ECONOMIC ACTIVITY**

(in litas)

Economic activity	2000		2001		2002	
	female	male	female	male	female	male
Total	956	1170	962	1181	1010	1244
Agriculture, hunting and forestry	635	726	685	775	769	837
Fisheries	563	580	530	589	554	597
Mining and quarrying	1132	1292	1340	1491	1423	1493
Manufacturing industry	917	1163	923	1194	952	1218
Electricity, gas and water supply	1193	1458	1256	1502	1307	1565
Construction	880	980	903	992	996	1061
Wholesale and retail trade, motor vehicle and motorcycle maintenance, repairs of personal and household articles	874	1028	895	1120	977	1195
Hotels and restaurants	693	799	710	793	674	765
Transport, storage and communications	1048	1210	1106	1318	1151	1269
Financial mediation	1730	2634	1852	2941	2043	3323
Cash mediation	1770	2711	1868	3031	2080	3627
Accumulation of insurance and pension financial resources, except compulsory social security	1619	2433	1701	2502	1973	2752
Real estate, renting and commerce	1130	1591	990	1137	1111	1300
Research and development	938	1179	1000	1299	1028	1351
Public administration and defence; compulsory social security	1440	1604	1409	1575	1531	1765
Administration of the State and the economic and social policy of the community	1383	1639	1337	1550	1501	1793
Executive and legislative activities of central administrative institutions	1939	2425	2015	2599	2252	2738
Provision of services to the community as a whole	1550	1600	1549	1592	1606	1763
Compulsory social security activities	1238	1212	1342	1309	1419	1386
Education	955	948	944	974	948	982
Comprehensive secondary education	1020	856	999	859	981	837
University education	886	1288	941	1335	992	1397
Health care and social work	821	962	822	983	857	1047
Human health activities	814	979	816	996	854	1070
Social work activities	870	867	864	895	857	869
Other community, social and personal service activities	806	942	857	998	897	1105
Leisure and entertainment organization, cultural and sports activity	826	955	885	1020	888	1100

\* Excluding individual enterprises.

**TABLE 6. WOMEN'S AND MEN'S AVERAGE GROSS MONTHLY EARNINGS IN THE NATIONAL ECONOMY\* IN 1ST QUARTER OF 2004, BY ECONOMIC ACTIVITY**

Economic activity	Earnings, in litas		Women's earnings as compared to men's, percentage
	female	male	
Total	1031,4	1267,1	81,4
Agriculture, hunting and forestry	814	893,9	91,1
Fisheries	853,6	902,8	94,5
Mining and quarrying, manufacturing industry	952,2	1233	77,2
Mining and quarrying	1502,2	1458	103,1
Manufacturing industry	949,5	1228	77,3
Electricity, gas and water supply	1423,5	1605	88,7
Construction	1105,2	1100,2	100,5
Wholesale and retail trade, motor vehicle and motorcycle maintenance, repairs of personal and household articles	945,1	1167,7	80,9
Hotels and restaurants	720,3	785,2	91,7
Transport, storage and communications	1194	1263	94,5
Financial mediation	2021,6	3406,9	59,3
Real estate, renting and commerce	1137,9	1366,9**	83,2
Research and development	1075,4	1420,9	76
Public administration and defence; compulsory social security	1717,1	1859,1	92,4
Education	958,7	986	97,2
Health care and social work	866,6	1074,7	80,6
Other community, social and personal service activities	910,5	1130,5	80,5

\* Excluding individual enterprises.

\*\* Insufficient accuracy of statistical evaluation.

**TABLE 7. MORTALITY IN LITHUANIA IN 2000-2003**

Year	Total, in Lithuania		In urban areas		In rural areas	
	female	male	female	male	female	male
<b>TOTAL NUMBER OF DEATHS</b>						
2000	18511	20408	10367	11565	8144	8843
2001	18828	21571	10753	12209	8075	9362
2002	19256	21816	10923	12252	8333	9564
2003	19131	21859	10833	12249	8298	9610
<b>NUMBER OF DEATHS PER 1,000 POPULATION</b>						
2000	9,9	12,5	8,2	10,7	13,7	15,9
2001	10,2	13,3	8,5	11,4	13,6	16,8
2002	10,4	13,5	8,7	11,5	14,1	17,2
2003	10,4	13,6	8,7	11,6	14	17,3

**TABLE 8. MALIGNANT TUMOURS (2000-2003)**

Cancer patients per 100 thousand of population	2000	2001	2002	2003
1. Diagnosed for the first time:	401,2	403,9	417,5	437,2
female	384,3	381,4	380,2	470,6
male	420,4	429,4	460,1	470,6
2. Total:	1730,7	1788,5	1816	1844
female	2086,3	2150,8	2159,2	2173,6
male	1326,1	1375,6	1424,4	1467,6

**TABLE 9. TRADITIONAL HOUSING WITH FACILITIES IN RURAL AREAS\***

Facilities	Rural population with facilities, percentage
Kitchen	99
Running water	55,6
Sewerage	50,4
Hot water	36,4
Bath/shower	44,3
Flush lavatory	37,8
Electricity	99,7
Cooker (gas, electric)	89,7
Ovens	67,7
Telephone	64,9

\* General population and housing census of 2001.

**TABLE 10. NUMBER AND SIZE OF FAMILIES\***

	Total of families, thousands	Number of persons in family				Average family, in persons
		2	3	4	5 and more	
<b>1989</b>						
Total, in Lithuania	1000	338,1	286,9	255,2	119,8	3,22
In urban areas	670,8	206,5	206,3	185,9	72,1	3,23
In rural areas	329,2	131,6	80,6	69,3	47,7	3,19
<b>2001</b>						
Total, in Lithuania	962,6	343,8	271,8	235,9	111,1	3,18
In urban areas	653,2	230,4	200,4	165	57,4	3,11
In rural areas	309,4	113,4	71,4	70,9	53,7	3,32

\* General population and housing census of 2001.

**TABLE 11. COMPOSITION OF HOUSEHOLDS, BY TYPE OF HOUSEHOLD\***

	Total, percentage	Average household, in persons
Total	100	2,55
One persons:	28,7	1
Female	18,6	1
Male	10,1	1
Single mother with children	4,5	2,46
Single father with children	0,3	2,29
Married couples without children	14,8	2
Married couples with children	20,1	3,72
Living-together couples without children	1,5	2
Living-together couples with children	1,4	3,66
Other households	28,7	3,55

• General population and housing census of 2001.

**TABLE 12. CHILD MORTALITY IN LITHUANIA IN 2000-2003**

Year	Deaths among children under 1 year of age		Deaths among children under 1 year of age per 1,000 births	
	girls	boys	girls	boys
2000	147	147	8,8	8,2
2001	92	158	5,9	9,7
2002	105	133	7,1	8,5
2003	87	119	5,9	7,6

**TABLE 13. INFANT MORTALITY IN LITHUANIA IN 2000-2003**  
(deaths among infants per 1,000 births)

Year	Deaths among infants			
	under 1 day of age	1-6 days of age	7-27 days of age	28-365 days of age
2000	1,3	2,1	1,4	3,8
2001	1,3	1,5	1,3	3,7
2002	1,6	1,7	1,1	3,6
2003	1,1	1,5	1,1	3,1

**TABLE 14. TOTAL FERTILITY RATE\***

Year	Total, in Lithuania	Urban areas	Rural areas
2000	1,39	1,16	2,03
2001	1,3	1,1	1,85
2002	1,24	1,05	1,75
2003	1,26	1,08	1,75

\* Total fertility rate: The average number of live-born children born to a woman passing through the child-bearing period (15-49 years) exposed at each age to the existing fertility but not exposed to mortality.