

CEDAW

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Convention on the Elimination
of All Forms of Discrimination
against Women

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN

Initial report of States parties

LITHUANIA

Part I

Land and people¹

Lithuania is located on the eastern coast of the Baltic Sea. It borders Latvia to the north, Belarus to the east, and Poland and the Kaliningrad region of the Russian Federation to the south. Lithuania covers an area of 65,300 square kilometres. At the beginning of 1998 the population totalled 3,704 million. The capital of Lithuania is Vilnius.

_____ Average income per capita: in the first quarter of 1998, it was 452 litas (LT), and average disposable income per capita was LT 393.7.

_____ GDP: in 1996, LT 31,569 million; and in 1997, LT 38,201 million.

Rate of inflation has been decreasing in recent years: in 1994, it was 45.1 per cent, and in 1997, 8.4 per cent.

External debt: as of 1 July 1998, it comprised US\$ 1,402.70 million.

Rate of unemployment: in 1997, 5.9 per cent; in April 1998, 6.9 per cent.

Literacy rate: according to the census of 1989, 99.8 per cent of the population 9-49 years of age were literate.

Religion: the majority of the population is Roman Catholic.

Ethnic composition of the population: according to the data of the beginning of 1997, Lithuanians comprised 81.6 per cent; Russians, 8.2; Poles, 6.9; Belarussians, 1.5; Ukrainians, 1.0; Jews, 0.1; and other nationalities, 0.7 per cent.

Life expectancy: in 1996, it was 65.0 for men and 76.1 for women.

Infant mortality: in 1997, 391 children under 1 year of age died; of them, 210 in urban areas and 181 in rural areas. There were 10 deaths among children under 1 year of age per 1,000 births (8.8 in urban areas, 12.9 in rural areas). There were 226 deaths among children aged 30 days, and 165 deaths among those 7 days of age.

Maternal mortality: in 1997, 6 women died of complications during pregnancy, delivery and the post-natal period. There were 0.8 deaths per 100,000 women 15-49 years of age.

Fertility rate: in 1997, 40 babies were born per 1,000 women 15-49 years of age. The total fertility rate (TFR) was 1.39.

Composition of the population by age and place of residence: at the beginning of 1998, children 0-14 years of age comprised 21 per cent, and persons 65 years of age and older, 12.7 per cent of the total population. Urban dwellers constituted 68.3 per cent, and rural dwellers 31.7 per cent.

Households headed by women: 45 per cent (the breadwinner is considered to be the person with the highest income).

General political structure

During World War I Lithuania was occupied by Germany (1915-1918). On 16 February 1918 (Independence Day), the Lithuanian Council declared the Republic of Lithuania. During 20 years of independence Lithuania attained significant results in the spheres of economy and culture. The State was recognized at the international level and became a member of the League of Nations.

In 1939, by the secret protocols of the Molotov/Ribbentrop pact, Stalin and Hitler divided Central Europe into spheres of influence. In 1940 the Soviet Union occupied and annexed Lithuania and declared it the Soviet Socialist Republic of Lithuania. During World War II Lithuania was occupied by Nazi Germany. The SS and Gestapo organized annihilation of the 250,000 Lithuanian Jews. In 1944 the Red Army re-occupied Lithuania. Lithuanian guerillas put up a resistance and continued their struggle up to 1953. The Soviet Union renewed the deportations of the population which had begun before the war. About 250,000 inhabitants of Lithuania were deported to Siberia or the Arctic.

The Soviet power destroyed the traditional structure of Lithuania's market, expropriated private property, centralized the economy and incorporated it into the common economic space of the Soviet Union. Political democracy was eliminated, and the society was controlled by the Communist Party and the KGB which imposed strict censorship also on the cultural life of the country.

Most democratic States never recognized Lithuania's incorporation into the Soviet Union. Lithuanian pre-war diplomatic missions continued their activities abroad until 1991. The Lithuanian nation never lost its identity or its hope to restore its sovereignty. In the first democratic elections in 1988, the Lithuanian reform movement Sajdis ("Movement") defeated the Communist Party. On 11 March 1990 the newly elected Lithuanian Supreme Council promulgated the restoration of the independence of the Republic of Lithuania. Seeking to halt Lithuania's self-liberation, the Soviet Union imposed an economic blockade on Lithuania, and in January 1991 it made an unsuccessful attempt to take over the State.

Iceland was the first to recognize Lithuania (12 February 1991). After the failed coup d'état in Moscow in August 1991, the independence of Lithuania was ultimately recognized by the Soviet Union. On 17 September 1991 Lithuania joined the United Nations. In March 1993, Lithuania was admitted to the Council of Europe. On 31 August 1993 Soviet troops were finally withdrawn from Lithuania. Since 1994 Lithuania has been participating in NATO's Partnership for Peace Programme. In 1995, it signed the Association Agreement with the European Union. Membership in NATO and the European Union are the pivotal foreign policy goals of Lithuania.

The State of Lithuania is an independent democratic republic with the basic principles of a free market, the rule of law and democracy firmly established. A multiparty system has taken root, free and independent elections have become a norm of life, the Constitution and the laws are adhered to, human rights are respected, national minorities enjoy broad rights and are not discriminated, and the mass media enjoy freedom.

According to the Constitution adopted by popular referendum on 25 October 1992, the powers of the State are exercised by the Seimas (Parliament), the President of the Republic and the Government, and the judiciary.

The Seimas is the legislative institution in Lithuania. It consists of representatives of the people - 141 Seimas members who are elected for a four-year term on the basis of universal, equal and direct suffrage by secret ballot. After the restoration of independence, two elections to the Seimas took place, in 1992 and 1996. In the Seimas, members of Parliament work in political parliamentary factions, standing committees and commissions. The Seimas considers and

adopts amendments to the Constitution, passes laws, adopts resolutions concerning referendums, announces presidential elections and local elections; establishes State institutions provided by law, appoints and dismisses their chief officers; approves or rejects the candidature of the Prime Minister proposed by the President of the Republic; considers the programme of the Government, and decides whether to approve it or not; supervises the activities of the Government; imposes direct administration, martial law or state of emergency, announces mobilization and adopts a decision to use the armed forces.

The President of the Republic is the Head of State and represents the State. The President is elected by the

Implementation of the human rights instruments in the legal system of Lithuania

Lithuania is party to the fundamental human rights documents, both universal and regional (i.e., Council of Europe). As to the implementation of the norms established in legal documents, it should be noted first of all that the system of coordination between international and domestic law which has been chosen by Lithuania is based on the principle that international treaties are transformed in the State's legal system - i.e., are incorporated into it. The Constitution of Lithuania (part 3, art. 138) stipulates that the international treaties ratified by the Seimas are a constituent part of the domestic legal system. Following the laws of Lithuania, the act of ratification grants a particular international legal document powers superior to those of the laws of Lithuania.²

However, since international treaties do not usually define ways of implementation of rights, legal responsibility for violations, terms of reference of appropriate national institutions etc., national laws are applied in order to

under consideration in the Seimas and among the public) where the concept is clearly defined and corresponds with the definition of discrimination provided for in article 1 of the Convention.

Requirements of item (a), article 2, of the Convention are fully implemented in article 29 of the Constitution of Lithuania: "All people shall be equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions." The actual implementation of this provision of the Convention and of article 29 of the Constitution is revealed in the following paragraphs of this report.

As there is no special law on equal opportunities, the country's legal system does not provide for a general ban or sanctions applicable in cases of women's discrimination, with the exception of article 19 of the Constitution. However, certain special laws require that the principle of gender equality be followed, especially in the realm of labour relations. Article 2 of the Law on Employment Contract, passed on 28 November 1991, provides for equality for all employees, regardless of their sex, race, nationality, citizenship, political convictions, religious beliefs, or any other factors which do not affect their professional qualifications. Article 19 of the same law prohibits persons from refusing employment on the grounds stipulated in article 2.

Article 30 of the Constitution stipulates that any person whose constitutional rights or freedoms are violated has the right to appeal to court.

The Law on the Seimas Ombudsmen, passed on 11 January 1994, stipulates that all persons whose rights were violated by the actions or inaction of officials have the right to appeal to an appropriate Ombudsman to have their violated rights defended according to the procedure established in articles 15-26 of the Law on the Seimas Ombudsmen.

Implementation of items (e), (f) and (g), article 2, is given in the sections below.

Article 3

Legal measures to ensure the full development and advancement of women on the basis of equality with men are given in detail in the following chapters. It should be noted, though, that the general strategy for creating the legal system of Lithuania reveals earnest undertakings of the Government to implement the provisions of article 3 of the Convention.

In order to ensure not only the equal rights of women but also their equal possibilities to participate in political, social, economic and cultural life, the Government of the Republic, by its decision No. 1299 of 8 November 1996, endorsed the Lithuanian Women's Advancement Programme. This programme was developed by joint efforts of governmental and public organizations. The programme is targeted at 10 essential areas: protection of women's human rights, women's economic and social status, women and environment protection, women's health, family planning, women and education, women in politics and administration, abuse and violence against women and girls, woman and the mass media, the system of statistics and gender differences. Several guidelines have been established to promote progress in these areas. For example, one of the main actions planned for the protection of women's human rights is the drafting of a law on equal rights and opportunities for men and women and a mechanism of supervision for its implementation. The policy pursued by the State towards the rights and opportunities of men and women is consistent

and continuous, and this is proved by the fact that, although the last elections were won by another political party, the Women's Advancement Programme has continued.

A mechanism for the enforcement of equal rights and opportunities of men and women has been put in place to supervise the implementation of the Lithuanian Women's Advancement Programme. At present the mechanism is comprised of institutions on three levels. At the Seimas level, the issues are within the jurisdiction of the Group of Women Parliamentarians and the Commission of Family and Child Affairs. At the government level, the implementation is within the jurisdiction of the State Consultant on Foreign Relations and Relations with NGOs, as well as the Department of Policy and Analysis of Children, Youth, Family and Equal Opportunities for Men and Women within the Ministry of Social Affairs. The Government formed a working group to develop a 1998-2000 action plan for the implementation of the Lithuanian Women's Advancement Programme (resolution No. 208 of 8 March 1997). This group is headed by the State Consultant for Foreign Relations and Relations with NGOs. The position of State Consultant on Human Rights was established within the Government of Lithuania. At the level of non-governmental organizations, there are over 40 women's organizations and a women's information centre.

Article 4

No temporary special measures, as described in part 1, article 4, of the Convention are applied. However, certain State institutions are already beginning to apply such measures. For example, Vilnius University introduced measures to protect women in the realm of scientific research. (This is described in a greater detail in the comments on article 10.)

A broad description of special measures to protect motherhood is given in the comments on article 11.

Article 5

diverse attitudes on the part of public and political organizations towards this phenomenon made it difficult to create a legal regulatory system. The negative atmosphere was also induced by the mass media which, on the basis of freedom of the press, often promote prostitution in an indirect way.

According to the laws of Lithuania, any behaviour that exhibits the typical features of prostitution is not punishable as a crime but instead, according to part 1, article 182 (1), of the Code of Administrative Violation of Law, contains indicia of administrative crime, and incurs a fine of up to LT 500 or, in the case of a repeated crime, a fine of up to LT 1,000 or an administrative detention of up to 30 days. In 1996, on the basis of the article, 254 women were punished for engaging in prostitution, of which 18 were girls (in 1995, 165 and 15, respectively). The concept of prostitution itself is perceived as consistent actions by which material benefit is expected for sexual intercourse with a man. Cases whereby a woman is paid for sexual intercourse with a man do not contain indicia of administrative crime. The subject of this crime is a female person of 16 years of age or over.

In 1996 in Lithuania, a complex preventive programme, Paslauga (Service), was launched. It involve1, art25Tj g,

bringing persons together for illegitimate sexual intercourse, depraved actions or other ways of satisfying sexual passion for self-seeking purposes.

The draft Criminal Code also contains several totally new articles. Article 314 provides for punishment of a person for establishing and operating a brothel (this incurs a fine, arrest or imprisonment of up to four years); article 315 provides for liability for public demonstration or promotion of pornographic items (this incurs a fine, arrest or imprisonment of up to two years); article 316 provides for a fine, arrest or imprisonment for up to four years for exploitation of children under 15 years of age for pornography.

Upon the adoption of this code by the Seimas, requirements of article 6 of the Convention will be met.

Article 7

Lithuanian women voted for the first time in 1920 in the elections to the constituent Seimas. During the same year the provisional Constitution introduced equal suffrage for men and women which was firmly established by the Lithuanian Constitution of 1922. At present article 33 of the Constitution stipulates that "Citizens shall have the right to participate in the government of their State both directly and through their freely elected representatives, and shall have the equal opportunity to serve in a State office of the Republic of Lithuania ...". Article 34 of the Constitution, article 2 of the Law on the Seimas Elections, article 3 of the Law on the Presidential Elections and article 2 of the Law on Local Government Elections grant an active right to vote to the citizens who on the day of election are 18 years of age and over. Citizens who are declared legally incapable by court cannot participate in elections. All the laws provide for the equality of vote of every person in all the electoral areas. The citizens are also granted a passive voting right, and it is strictly forbidden to restrict it in any way on the basis of sex, nationality, religion or other criteria specified in articles 56 and 78 of the Constitution, article 3 of the Law on the Seimas Elections and article 2 of the Law on the Local Government Elections.

The same conditions to exercise the voting right are provided for in the Law on Referenda. Article 2 of that law establishes the rights of the citizens who have reached the age of 18 to freely participate in a referendum. This right cannot be restricted on the basis of their sex, race, nationality, language, origin, social status, religion, convictions or beliefs.

The provisions of item (b), article 7, of the Convention are embodied partly in article 33 of the Constitution. The laws of Lithuania do not provide for measures of positive discrimination to increase women's representation in appropriate structures. However, there are no doubts about the actual implementation of item (b), article 7, of the Convention in the legal sense; therefore, the reasons underlying the low level of representation of women in the Government are of a different nature.

The latest parliamentary and local elections in Lithuania elicited incremental women's representation, both at the political and administrative levels. Elections to the Seimas are conducted according to two systems: half of the members

If compared with the 1992 elections, the number of women candidates has grown almost threefold: from 98 to 278

Table 2. Women at the top administrative level

Position (October 1996)	8th Governme nt (May 1997)	7th Government
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groups in the five largest political parties of Lithuania (in alphabetical order): Lithuanian Centre Union's Women's

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Educational institutions, upon consultation with the Ministry of Education, have the right to set forth conditions for the admission of students. In their activities all the schools of higher education follow their statutes, endorsed by the Seimas or the Government. These statutes must conform with the laws and most of the statutes contain provisions which are close to the ones established in article 41 of the Constitution. For example, the statutes of the Academy of Art, adopted in 1992, stipulate that every person admitted to study or teach in the Academy has equal academic opportunities, irrespective of sex, race, citizenship, convictions or nationality.

The Law on Education and other laws relevant to education treat men and women equally. A breakdown of students' composition by sex underscores the equality. In 1996, women made up 50.5 per cent of the students at all levels of education. Girls comprised, respectively, 50.3 per cent in schools of secondary education, 38.8 per cent in vocational training schools, 65.3 per cent in high schools, and 56.3 per cent in institutions of higher education. This trend has been constant for many years and at present, on average, the level of education of women is higher than that of men.

Studies at the university level - i.e., studies for bachelor and master degrees - may raise concern. In the wake of educational system reform, a two-level system was introduced in universities (bachelor and master courses). It has been observed that the proportion of women in the master's course was diminishing, compared with those in bachelor studies. Even fewer women continue their studies for a doctor's degree. Therefore, there is a smaller number of women with doctor's degrees than of men (31 per cent), while the number of female doctors is even smaller - only 10 per cent. The major cause of this situation is the fact that the beginning of an academic career often coincides with childbearing and child upbringing. Moreover, up to now universities have not encouraged women to pursue an academic career. Nevertheless, there have been changes in recent years. For example, the Rector of Vilnius University, taking account of the unequal situation of the sexes, issued Decree No. R-28 of 6 April 1997, providing for temporary measures to ensure that 40-50 per cent of top university positions were occupied by women. The Rector ordered that those women who could write or were writing a thesis for a doctor's degree should be provided with longer paid academic leave, given priority in publishing their work and in competitions for top academic and administrative posts and with other conditions being equal, given preference.

As sports events have become commercial, women's participation has decreased, although this is not the case with physical training. In Lithuania, physical training is a part of comprehensive education described above; therefore, its regulation in the sense of non-discrimination corresponds with the trends as required in the Convention. The sports that are becoming dependent on the sponsorship of commercial interests, do suffer in this regard, however, since most sports attract more attention when participants are men and not women.

Article 11

Right to work is guaranteed by article 48 of the Constitution of Lithuania: "Every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment".

Article 19 of the Law on the Employment Contract (28 November 1991) stipulates that the employer is prohibited from refusing employment on the grounds of sex, race, nationality, citizenship, political convictions, attitude towards religion or other circumstances of no relevance to the professional capabilities of the employee.

Article 3 of the Law on the Support of the Unemployed (13 December 1990) guarantees the implementation of the right to work by declaring that citizens may exercise their right to work by addressing employers directly or through labour exchanges. The same article stipulates that citizens can freely choose not to work. This provision of the law obligates the employer upon employment of a person to apply the same criteria to both men and women.

Article 48 of the Constitution stipulates that every person may freely choose an occupation or business. Article 49 establishes that every person has the right to rest and leisure, as well as to annual paid holidays. The provisions of the Constitution are explicated in the laws. Article 6 of the Law on the Support of the Unemployed stipulates that the State guarantees its citizens, irrespective of their sex: free vocational counselling and information about vacant jobs; free labour exchanges in looking for employment; free vocational training in case of unemployment; a possibility to do public work or the work supported by the Employment Fund in case of unemployment; and, unemployment benefits.

Article 8 of the law establishes a list of citizens who are given additional employment guarantees. This list includes women with children under 14 years of age. This does not mean, though, that a woman has to raise children alone. Additional guarantees are given through the national programmes prepared by the Lithuanian Labour Exchange, as well as through territorial programmes of population employment prepared in conjunction with local governments.

To add to the information provided in the comments on part 1, article 11, of the Convention, it should be noted that a list of work that women are prohibited to do has been drafted, taking into account unhealthy and dangerous environmental factors. The draft was prepared on the basis of the directives of the European Union. At present the draft list is under consideration, and later it will be submitted to the Government of Lithuania.

Article 12

The provision to take all appropriate measures to eliminate discrimination against women in the field of health care may be considered implemented in the sense of gender equality, to the extent existing conditions in the health-care system allow. None of the provisions of the 1994 Law on the Health Care System give discriminatory advantages to any of the sexes, although the law does not provide for special provisions to eliminate discrimination of sexes. In Lithuania, every person is entitled to the same measures of health protection, including, but not limited to, the measures offered in private family planning clinics and State medical institutions.

A woman's health depends on a sound physical and mental state. health is a deciding factor in women's capability to participate in all spheres of public and private life. It depends on economic, environmental, social and political guarantees.

Apart from item 5, article 132, of the Law on the Health Care System, article 53 of the Constitution stipulates that the people of Lithuania must have guarantees to adequate, accessible and appropriate health care. Article 19 of the Law on the Health Care System guarantees free health care, supported by municipalities, to pregnant women (item 2), as well as to women with children under one year of age (item 3). Mother and child health-care services are accessible to all women. They are provided by a professional staff. Most hospitals have started the "baby-friendly hospitals" campaign which urges mothers to breastfeed their babies and encourages contact between mother and child immediately after delivery.

These provisions are implemented by various normative acts issued by the Ministry of Health. The decree of 7 May 1991, amended on 12 December 1994, allows free dispensation of medicine at chemists' shops upon presentation of a prescription and introduces other measures by allocating funds for treatment from the State, municipal and social care budgets.

In pursuance of the Programme for Improvement of the Nutrition of Babies and Children under three years of age, endorsed by the Government in resolution No. 1108 of 9 November 1995, plans are under way to promote breastfeeding in Lithuania and to prolong the duration of breastfeeding. If there is no such possibility, babies receive adapted baby milk - i.e., close to mother's milk in composition and nutritional value. One of the realistic ways of providing babies and children with quality foods of local origin is to develop their cultivation in Lithuania. Only dietetic and medicinal food products should be imported. However, imported or prepared baby food is too expensive for Lithuanian families; only 38.4 per cent of the interviewed families can afford it. According to the opinion poll of 1995/1996, after mothers stopped breastfeeding, 22.9 per cent of them gave home-made baby food to their babies, 7.8 per cent gave pure cow milk, 3.8 per cent preferred Lithuanian baby milk produced from cow milk, 2.0 per cent gave cow milk bought in shops, and 2.8 per cent gave cow milk diluted with water. Of the polled mothers, 26.5 per cent wished to have the possibility of buying cheaper baby milk, 23.5 per cent wished for more types of baby milk, 1.4 per cent wished for more types of Lithuanian-made baby milk, and 7.5 per cent would have favoured baby milk produced in special centres preparing baby food. Although production of Lithuanian baby milk has been unprofitable, the Ministry of Health has set up a

commission to examine the current situation (resolution No. 171, 14 April 1997) and to come up with a decision which would be rational from the point of view of health.

Reproductive health depends on physical and mental states, as well as the state of sexual health. Equal relations of men and women in sexual relations and in child-bearing demand mutual respect, consent and responsibility. The right to give life depends on the recognition of the right of all couples and persons to decide with responsibility when and how many children they want to have. In 1995 the total fertility rate, by the mother's age was highest in the age group 20-24 years of age, but it was lower than in 1993.

Abortions present one of the most acute problems for women. Although termination of pregnancy is not considered a method of family planning, it is still practised on a wide scale.

Abortions in 1995, total: 37,655

40.53/1,000 women of childbearing age (15-49 years of age)

Artificial abortions, total: 31,273.

33.7/1,000 women of childbearing age (15-49 years of age)

The structure of abortions:

Spontaneous - 12.8 per cent;

At the wish of the woman - 82.6 per cent;

On the indication of medical doctors - 0.5 per cent;

Other cases - 4.1 per cent.

Abortions per 100 births:

15-49-year-old women, per 1,000:

1994 - 71.85

1994 - 32.49

1995 - 76.40

1995 - 37.07

Infant mortality in 1995: 12.4 per 1,000 live births; 6.9 stillborn per 1,000

The structure of infant mortality:

Inborn anomalies - 33.5 per cent;

State of the perinatal period - 42.4 per cent.

The Ministry of Health of Lithuania has prepared and carries out the Mother and Child Health Programme. The Programme consists of several major projects:

1. The Programme for the Prevention of Perinatal, Neonatal and Inborn Anomalies began in 1993. Pregnant women, women at childbirth and new-born babies are offered a three-level programme of perinatal care.

2. Programme of Healthy Nutrition (for children under three years of age)

3. Programme for the Prevention of Chronic Diseases

4. Programme for Immuno-preventive Drugs

5. Programme of Children's Mental Health

6. Healthy Living Programme

7. Programme for the Prevention of Tooth Caries in Children

8. Family Planning Programme. The aim of this programme is to improve and develop one sphere of women's health - reproductive health. Attention is devoted to family planning in young families and the training of professional staff for family planning centres.

Currently in Lithuania, only two programmes, the Programme for the Prevention of Perinatal, Neonatal and Inborn Anomalies and the Programme of Immuno-preventive Drugs, receive full financial support. Funding of other programmes remains insufficient.

The Lithuanian AIDS Centre was established in 1990. Its main task is to examine and treat all of the people who have contracted venereal diseases. In 1995-1996 alone, 7,200 persons approached the Centre for assistance. Such a large number of patients can be explained by the mass media efforts to raise public awareness and the favourable conditions - e.g., anonymous centres. As of 1 January 1997 there were 32 people diagnosed HIV-positive in Lithuania; three of those persons have AIDS. Since 1990 five persons have died of AIDS.

Article 13

Equal rights to receive bank loans and other types of financial credits (item (b), article 13, of the Convention) are guaranteed by article 46 of the Constitution. The article stipulates that Lithuania's economy is based on the right to private ownership, freedom of individual economic activity and initiative. The Civil Code and the Law on Commercial Banks do not provide for any restrictions on allocating financial credits to women. Generally speaking, in order to describe the civil law of Lithuania against the background of the issues under discussion, it should be noted that in civil laws, "man" and "woman" are defined as "natural persons" separating them from "legal persons". This ensures equal legal treatment of persons of both sexes. However, item (b), article 13, of the Convention must be given a special emphasis in the system of civil laws of Lithuania.

Article 42 of the Constitution, which corresponds to item (c), article 13, of the Convention, guarantees equal rights to make use of the cultural properties and achievements of science of Lithuania and does not provide for any

restrictions on the basis of sex. The existing restrictions to participation in sports events, which hardly corresponds to the meaning of the Convention, were mentioned above in the comments on item (g), article 10, of the Convention.

Article 14

In respect of rural women, in spite of article 29 of the Constitution, which stipulates that a person may not have his rights restricted in any way or be granted any privileges on the basis of his or her social status, the difference between the legal possibilities and economic status still remains. The legal system of the Republic of Lithuania does not provide for special regulations of the conditions of life of the rural population, except the legal and economic measures to promote the implementation of agricultural reform.

Article 15

Provisions of equality for men and women before the law are fully implemented in article 29 of the Constitution which states that all people are equal before the law, the court, and other State institutions and officers. A person may not have his rights restricted in any way or be granted any privileges on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions or opinions.

The implementation of provisions of part 2 of article 15 of the Convention has already been discussed above in the comments on article 13. In addition, it should also be noted that article 8 of the Lithuanian Civil Code provides for equal conditions to all the citizens of Lithuania who are 18 years of age and over, to enjoy civil capability. Therefore, every person who is 18 years of age and over has equal rights to conclude deals and dispose of his or her property, except in cases of limited capability related to the abuse of narcotics, toxic substances or alcohol, or to mental disorder when it is proven and recognized by the court.

Article 48 of the Civil Code stipulates that all deals with aims that are contrary to the goals and interests of society are considered null and void. Moreover, article 47 of the Civil Code stipulates that deals that do not conform to the provisions of laws are invalid.

Article 32 of the Constitution guarantees the same rights to every citizen and provides for the right of every person to move and choose his or her domicile in Lithuania freely and to leave Lithuania at his or her own will. The Constitution also stipulates that these rights may not be restricted except as provided by law and when it is necessary for ensuring State security or protecting the health of the people, or to administer justice. Thus, the understanding of equality in the meaning of article 15 of the Convention may be considered as being in conformity with the laws of Lithuania.

Article 16

Article 38 of the Constitution declares that marriage is contracted through a free agreement between man and woman. The same right is ensured by article 4 of the Marriage and Family Code which stipulates that no direct or indirect restriction of rights, direct or indirect granting of privileges in contracting marriage and in family relations is allowed on the basis of origin, social and property status, sex, education or other circumstances.

The right freely to choose a spouse and to enter into marriage only with free and full consent is guaranteed on the basis of the provisions which were discussed above in the section on the implementation of article 16 (a) of the Convention. Article 15 of the Marriage and Family Code also stipulates that the main condition for contracting marriage is the consent of both persons getting married who have reached the age established by law.

Apart from the provisions mentioned above, article 21 of the Marriage and Family Code stipulates that the property acquired by the spouses in marriage is their common joint property and must be used only with mutual consent. Article 19 of the Code establishes directly that in marriage the spouses enjoy equal rights.

Cancellation of marriage is possible in the event of death of one of the spouses or upon the request of one of the spouses or of both of them. According to the Marriage and Family Code, both spouses have equal rights either during the marriage or after its cancellation:

1. To choose and retain the surname before or after marriage (article 18);
2. To dispose of or use jointly property (article 21);
3. To dispose of and use the property of the spouse if, during marriage, it was improved to a considerable extent (article 22);
4. To demand a division of the property acquired in marriage (article 23);
5. To demand material support from the spouse after the dissolution of marriage (article 28).

Article 19 of the Marriage and Family Code stipulates that spouses decide together the issue of bringing up children and other issues of family life. Article 64 of the Code stipulates that spouses have equal rights and duties in bringing up their children after a marriage has been dissolved. Apart from this, according to article 57 of the Code, the same duties also apply to parents who have not contracted marriage. It should be noted that in the country's legal system the concept "mutual consent" includes the following:

1. Selecting children's names and surnames;
2. Deciding children's place of residence;
3. Children's upbringing within the limits established by law.

Article 20 of the Code establishes equal duties of parents regarding child alimony during marriage and after its dissolution.

The implementation of provisions of item (e) of article 16 of the Convention is a problem of morality and upbringing rather than an object of legal regulation. Therefore, it has not been singled out in the legislation. However, measures of indirect influence in this realm are established by the laws which regulate equal rights of men and women in the spheres of education and family planning. Nevertheless, the right of women to decide on the number of children should be one of the major categories of equality from a gender point of view. In order to broaden possibilities for

women to choose the means of family planning, sexual education is being incorporated into secondary school curriculums as a compulsory subject, family planning centres are funded by the State etc. Still, in many families abortions are practically considered a family planning measure.

Guardianship, wardship, trusteeship and adoption of children

According to article 110 of the Marriage and Family Code, in regard to adoption, persons who reach the age of 18 have equal rights, irrespective of their sex.

Article 150 of the Marriage and Family Code stipulates that every person may be appointed a guardian at the age of 18, except the groups of persons who are on the list provided in part 2 of this article. Those groups include persons who were recognized by the court as incapable or with limited capacity; persons who were deprived of paternity rights by a court decision; persons convicted for avoiding to pay alimony for adolescents; persons who had been foster parents if the adoption was annulled due to the inappropriate fulfilment of duties by the foster-father (-mother); and persons who were dismissed from the duties of a guardian for inappropriate fulfilment of duties they were entrusted with. Therefore, neither article 150 of the Code nor its other provisions limit the rights of women to be guardians. Another proof of this statement is the provisions of articles 152-160 of the Marriage and Family Code, stipulating property and non-property rights of those persons irrespective of their sex.

In the legal system of Lithuania, relations of representation are regarded as an institution of civil law and are thus regulated by appropriate provisions of the Civil Code. Their conformity with the Convention was discussed in the comments above on article 11.

All the rights listed in item (e) of article 16 of the Convention are repeated in the same manner in article 18 (the right to choose a surname) and article 20 (the right to choose an occupation and profession) of the Marriage and Family Code.

The implementation of rights is discussed in item (c) above.

Article 16 of the Marriage and Family Code stipulates that marriage is possible between persons who reach 18 years of age. However, part 2 of the same article stipulates that in exceptional cases, by the decision of the boards of regional, city and other administrative units, persons under the specified age are allowed to marry. In practice this happens when a child is born or a medical institution confirms pregnancy. Therefore, a conclusion can be made that the minimal marriageable age as required by the Convention is not regulated by law.

In addition, in accordance with article 38 of the Constitution, marriages contracted in the Church are also recognized. The Constitutional Court, by its decision of 21 April 1994, acknowledged that part 2 of article 6, article 11, and part 2 of article 12 of the Marriage and Family Code, which established compulsory marriage registration at civil registries, violated the Constitution and declared them invalid as of 2 November 1992, the day of the adoption of the Constitution. Taking account of the cases of misunderstanding regarding inappropriate registration of marriages at confessional institutions, the contradiction between this provision and the Convention is obvious and requires clearer legal definition.

Notes

¹ See additional social demographic data in the tables and figures in the annex.

² In such a case, a law on ratification of a particular international agreement (convention) is passed.

³ If there is no need to follow domestic legal acts, then international norms incorporated in the domestic law are applied directly.

ANNEX

Figure I. Population by sex and age group, 1 January 1996

Annex table 1. Females in respective age groups, as of
1 January 1997

Age group	Females as percentage of the total population	Females per 1,000 males
0-19	49.0	961
20-29	49.1	966
30-39	50.1	1 005
40-49	52.4	1 100
50-59	55.2	1 230
60-69	62.2	1 536
70-79	67.2	2 044
80+	70.4	2 377
Total	52.8	1 120

Annex table 2. Population by marital status

(Data of the population census; percentage)

	Single		Married		Male	Female
	Male	Female	Male	Female		
1979	25.1	19.8	69.3	58.9	5.5	21.2
1989	23.0	17.2	69.5	60.0	7.3	22.6

Annex table 3. Average life expectancy

	0	10	30	50	70
1990	66.6	57.7	39.267.3		
Male	76.2	67.3			
Female					

Annex table 7. Pupils and students, compared to certain age groups of the population

Education levels	Number of pupils and students		Percentage of students as compared to certain age groups of the population		
	1995	1996	Age group	1995	1996
Primary	223 662	225 701	7-10	94.9	96.7
Basic	246 244	251 434	11-15	90.8	90.9
Secondary	119 107	127 320	16-18	76.2	81.2
Higher	75 559	83 645	19-24	22.8	25.9
Total	664 572	688 100	7-24	66.9	69.5
Females					
Primary	108 236	108 811	7-10	93.7	95.1
Basic	119 261	121 499	11-15	89.6	89.5
Secondary	63 897	67 597	16-18	83.0	87.4
Higher	44 954	49 566	19-24	27.6	31.0
Total	336 348	347 473	7-24	68.9	71.3

Annex table 8. Number of pupils and students by education level

	Education preceding the first level (0)	First level (1)	First stage of the second level (2)	Second stage of the second level (3)	Vocational secondary education (4)	Total (5)	Non- university education (6)	University education (7)	Total (6,7)	Total
1995										
Total	80 574	223 662	246 244	72 531	46 576	119 107	21 591	53 968	75 559	745 146
Of which females (%)	48	48	48	60	44	54	68	56	59	50
1996										
Total	84 160	225 701	251 434	80 644	46 676	127 320	24 869	58 776	83 645	772 260
Of which females (%)	48	48	48	59	43	53	66	56	59	50

Notes: Distribution of number of pupils and students made on the basis of International Standard Classification of Education (ISCED) is preliminary estimate because the Classification has not been confirmed and introduced in Lithuania.

Education preceding the first level (0): education of 3-6-year-old children in pre-school establishments.

First level (1): primary education (classes 1-4).

First stage of the second level (2): basic education (classes 5-9).

Second stage of the second level (3): secondary (classes 10-12 and vocational secondary education).

Third level (5, 6, 7): special secondary and higher education.

Annex table 9. Female students in establishments

Female
students

the beginning of the academic

Annex table 10. Students of higher education, by study programme,
beginning of 1996/97 academic year

Study programme	Total number of students	Percentage female
Teachers' training and education	3 612	85
Visual and applied art	548	71
Humanities	159	91
Business management and commerce	5 923	77
Law	541	69
Natural science	717	50
Mathematics and computer science	294	61
Health care	2 830	94
Crafts and manufacturing	696	72
Engineering	5 414	27
Architecture and urban planning	48	90
Agriculture, forestry and fisheries	2 096	71
Home economy and management	136	94
Transport and communications	1 117	36
Services	719	84
Other	1 397	49

Annex table 11. Students of higher education, by study programme

Study programme	Total number of students		Percentage female	
	1995	1996	1995	1996
Teachers' training and education	10 538	10 776	80	80
Visual and applied art	2 194	2 084	63	69
Humanities	2 837	2 929	80	80
Religion and theology	315	437	69	74
Social science and psychology	1 671	1 631	66	64
Business administration and related programmes	5 153	5 901	66	68

Law	3 068	3 020	33	33
Natural science	1 032	1 078	54	56
Mathematics and computer science	1 092	1 300	41	40
Medical diagnostics and therapy	3 066	2 972	70	68
Technical science	9 881	12 151	28	27
Architecture and urban planning	426	436	55	50
Agriculture, forestry and fisheries	3 170	3 205	60	61
Mass media and office management	603	594	69	67
Other	707	827	18	43

Annex table 12. Population and employment^a

(average annual number, thousands)

	1991	1993	1995	1996
Female				
Working-age and older population	1 530.2	1 532.3	1 538.7	1 544.0
Labour force ^b	1 023.0	967.6	884.7	895.3
Employed ^c	1 020.9	931.8	825.1	827.8
Unemployed ^d	2.1	35.8	59.6	67.6
Not active ^e	507.2	564.7	654.0	648.6
Male				
Working-age and older population	1 315.9	1 314.1	1 315.2	1 318.1
Labour force ^b	879.8	891.7	867.9	888.2
Employed ^c	876.7	846.4	818.5	831.2
Unemployed ^d	3.1	45.3	49.4	56.9
Not active ^e	436.1	422.4	447.3	430.0

^a Employed population - data from company reports, unemployed population - data from labour exchange reports.

^b Employed and unemployed population, registered with the labour exchange.

^c Persons working at all types of enterprises, establishments and organizations, except those working on individual farms (except small landowners and servicemen).

^d Persons of working age who do not study full time and are registered at the State Labour Exchange by their place of residence as persons seeking work and ready for vocational training (from the Law on Support of the Unemployed).

^e Persons of working age and older not in the labour force. This category comprises full-time pupils and students, pensioners who are not working, disabled persons, convicted persons, housewives and persons who lost hope to find work.

Figure III. Employed population, by age group

Figure IV. Employed population, by occupation

(thousands)

Annex table 13. Employed population, by economic activity

(thousands)

	1995			1996		
	Male	Female	Percentage female	Male	Female	Percentage female
Total	818.5	825.1	50.2	831.2	827.8	49.9
Agriculture, hunting and forestry	253.9	136.1	34.9	257.9	141.2	35.4
Fisheries	1.5	0.3	16.7	1.2	0.2	14.3
Mining and quarrying	2.6	1.3	44.8	2.4	1.1	31.4
Manufacturing industry	160.5	141.8	46.9	157.4	130.8	45.4
Electricity, gas and water supply	32.8	9.5	22.5	33.3	9.0	21.3
Construction	98.0	16.7	14.6	101.2	14.5	12.5
Wholesale and retail trade, motor vehicle and motorcycle maintenance, repairs of personal and household articles	54.2	156.7	74.3	54.5	159.3	74.5
Hotels and restaurants	4.0	14.7	78.6	4.2	13.9	76.8
Transport, storage and communications	64.3	30.8	32.4	62.7	31.3	33.3
Financial mediation	2.9	17.7	85.9	2.6	14.4	84.7

/ . . .

Real estate, renting and commerce	17.5	19.3	52.4	16.3	19.5	54.5
Public administration and defence; compulsory social security	45.8	21.8	32.2	45.1	23.7	34.4
Education	32.9	109.4	76.9	35.3	116.7	76.8
Health care and social work	15.7	86.9	84.7	15.9	87.0	84.5
Other community, social and personal service activities	31.9	62.1	66.1	41.3	65.2	61.2

Figure V. Unemployed, by age group, 1996

Annex table 14. Unemployed, by age, 31 December 1996^a

	Male		Female	
	Thousands	Percentage	Thousands	Percentage
Total	49.8	100	59.6	100
Under 18 years of age	1.5	3.1	1.2	2.0
19-24	9.1	18.3	8.8	14.7
25-29	5.7	11.4	7.7	12.9
30-49	25.1	50.5	34.3	57.6
50-54	4.1	8.3	6.6	11.0
55-59	4.0	8.1	1.0	1.8
60 years of age and above	0.1	0.3	0.0	0.0

^a Data of the Labour Exchange.

Annex table 15. Unemployed, by education, 31 December 1996^a

	Male		Female	
	Thousands	Percentage	Thousands	Percentage
Total	49.8	100	59.6	100
Higher	2.5	5.0	5.2	8.6

Special secondary	6.8	13.7	14.5	24.4
Vocational	27.9	56.0	21.1	35.4
Not skilled	12.6	25.3	18.8	31.6

a

Computer programmers	842.0	910.3	779.5	85.6
Chemical engineers	633.7	656.4	629.6	95.9
Other engineers	754.6	823.2	661.0	80.3
Psychiatric doctors	670.3	685.5	664.8	97.0
Dentists	538.9	562.4	535.1	95.1
Other medical doctors	580.1	636.3	558.1	85.0
Lecturers of special secondary and higher schools	824.8	907.2	711.9	78.5
Secondary schoolteachers	508.3	485.9	512.9	105.6
Lawyers, barristers	940.0	1 004.0	903.9	90.0
Judges	2 802.2	3 382.0	2 041.3	60.4
Actors	472.6	483.9	460.8	95.2
Technicians and associate professionals				
Insurance agents	482.0	547.3	466.3	85.2
Customs and border inspectors	723.7	724.9	719.3	99.2
Tax inspectors	1 063.0	1 395.3	975.8	69.9
Police inspectors	1 077.9	1 112.9	891.3	80.1
Clerks				
Data processing	507.5	..
Secretaries	476.9	..
Postmen	395.3	..
Service workers and shop and market sales workers				
Flight attendants	1 440.7	1 419.4	1 441.3	101.5
Waiters	294.4	337.3	283.8	84.1
Shop assistants	338.4	378.1	335.1	88.6
Craft and related trade workers				
Masons	/	665.4	/	/
Painters of building constructions	711.7	746.0	669.3	89.7
Operators and assemblers of equipment and machinery				
Operators of paper manufacturing equipment	843.1	895.3	614.1	68.6

Operators of sugar production and refining equipment	754.1	899.2	659.3	73.3
Packaging equipment	721.8	763.0	708.4	

:

Male
Female

Medical treatment	Total	247	259	289
	Male	287	303	344
	Female	240	251	280
				314
				371
				305
				382
				445
				372
				469
				546
				456
				500
				581
				486

Other community, social and personal service activity	Total	251	279	308
	Male	277	308	339
	Female	230	256	283334
				366
				307394
				431
				364500
				551
				457549
				607
				502
Leisure and entertainment organization, cultural and sports activity	Total	237	261	298
	Male	261	287	327
	Female	222	245	280321
				358
				298383
				430
				353493
				551
				458533
				600
				493

^a Exclusive of industrial, electricity and agricultural production enterprises, and of individual (personal) enterprises.

^b Exclusive of agricultural production enterprises.

^c Exclusive of electricity.

^d Average gross earnings in October 1996 as compared to April decreased due to the seasonal nature of work.

^e In October 1996 fewer bonuses and other single benefits were granted.

Annex table 20. Average gross earnings of women, compared to men

(Percentage)

Title of economic activity	Category, if employees	1994			1995		1996	
		April	July	October	January	July	April	October

Total ^a	All employees	73.0	69.6	70.6	72.1	70.3	75.3	72.6
	Workers	59.9	54.7	54.4	56.8	54.0	60.5	61.2
	Clerks	69.4	67.7	67.8	67.2	66.4	68.6	66.6
Agriculture, hunting and forestry ^b	All employees	100.7	97.6	93.7	86.1	84.9	87.3	89.1
	Workers	82.4	78.2	80.2	69.6	72.7	68.6	72.1
	Clerks	96.8	101.3	94.5	87.6	84.7	87.3	90.1
Fisheries	All employees	..	118.0	89.3	70.4	78.4	82.3	85.1
	Workers	..	108.8	75.7	48.9	79.4	63.3	69.6
	Clerks	..	97.4	83.1	75.6	51.3	94.1	82.4
Electricity, gas and water supply ^c	All employees	91.5	90.5	89.6	91.3	91.3	90.8	89.9
	Workers	77.4	73.5	75.5	75.8	76.8	74.9	75.6
	Clerks	82.0	80.5	79.9	81.8	81.1	79.8	77.4
Construction	All employees	81.9	83.4	80.7	82.4	81.7	84.2	85.5
	Workers	77.6	69.7	68.4	66.0	65.4	69.9	72.0
	Clerks	69.5	69.6	68.9	69.8	69.0	68.5	69.7
Wholesale and retail trade; motor vehicle and motorcycle maintenance, repairs of personal and household articles	All employees	92.4	90.1	92.3	91.2	91.1	87.8	84.3
	Workers	85.3	81.8	80.9	83.2	82.8	83.3	82.2
	Clerks	88.1	86.1	87.7	85.6	84.2	77.1	72.8
Wholesale and retail trade, except trade in motor vehicles and motorcycles	All employees	90.7	91.1					
	Workers	83.8						
	Clerks	79.7						

Water transport	All employees	73.3	75.0	77.4	74.7	72.0	74.9	69.4
	Workers	61.7	57.4	67.8	61.6	57.5	64.2	56.2
	Clerks	80.9	102.9	79.4	88.0	98.5	86.4	77.4
Air transport	All employees	71.9	79.6	74.8	76.9	75.5	76.7	75.2
	Workers	75.3	82.4	68.9	80.3	78.6	81.0	73.4
	Clerks	66.0	72.2	75.3	71.1	69.3	69.8	72.2
Financial mediation	All employees	71.1	64.4	65.6	65.5	70.2	70.9	69.5
	Workers	55.1	44.9	49.3	41.7	52.7	56.6	55.3
	Clerks	67.1	61.8	62.6	63.4	69.1	69.3	68.4
Cash mediation	All employees	72.3	66.8	69.5	70.2	74.6	73.8	71.5
	Workers	50.5	45.1	48.6	42.1	52.5	54.6	54.2
	Clerks	68.1	63.7	66.0	67.6	73.7	72.7	70.8
Accumulation of insurance and pension resources, except compulsory social security	All employees	84.6	84.1	68.1	67.9	65.6	65.5	65.9
	Workers	96.0	67.3	67.7	49.4	54.1	56.4	68.9
	Clerks	82.5	83.6	67.1	67.5	64.8	63.9	63.9
Real estate, renting and commerce	All employees	80.5	79.7	78.6	81.1	81.2	83.7	82.6
	Workers	70.7	71.9	69.1	75.8	73.0	76.6	76.0
	Clerks	71.8	70.2	70.0	70.8	72.8	74.8	74.2
Scientific research and applied work	All employees	71.5	74.7					
	Workers	65.3	69.4					
	Clerks	66.4	68.8					

Secondary education	All employees	102.5	100.8	104.3	103.5	100.8	103.2	100.7
	Workers	90.6	91.5	92.6	90.1	90.2	90.3	94.7
	Clerks	94.8	94.2	94.6	93.1	91.5	92.5	91.8
Higher education	All employees	64.1	64.4	62.2	62.4	62.5	65.7	67.7
	Workers	73.4	73.3	68.4	69.4	68.8	75.5	81.1
	Clerks	65.4	64.6	63.4	63.4	63.0	66.2	67.2
Health care and social work	All employees	86.0	84.7	83.5	83.9	85.8	85.5	85.0
	Workers	86.2	84.7	82.1	82.5	85.9	84.0	88.9
	Clerks	74.0	72.5	73.0	73.2	73.4	73.2	72.3
Medical treatment	All employees	83.6	82.8	81.4	82.2	83.6	83.5	83.6
	Workers	84.0	82.3	79.7	81.1	84.1	82.4	88.0
	Clerks	71.5	69.9	70.1	70.7	70.8	71.1	70.1
Other community, social and personal service activity	All employees	83.0	83.1	83.5	83.9	84.5	82.9	82.7
	Workers	71.9	70.7	69.2	69.9	75.2	71.6	76.2
	Clerks	81.0	81.8	81.8	79.7	78.2	78.0	76.5
Leisure and entertainment organization, cultural and sports activity	All employees	85.1	85.4	85.6	83.2	82.1	83.1	82.2
	Workers	74.2	73.3	73.8	72.1	68.8	75.4	79.8
	Clerks	82.0	81.9	82.3	78.8	78.7	78.7	77.2

^a Exclusive of industrial, electricity and agricultural production enterprises, and of individual (personal) enterprises.

^b Exclusive of agricultural production enterprises.

^c Exclusive of electricity.
