LITHUANIA

1. Discriminatory family code

The legal minimum age of marriage for women and men is 18 in Lithuania. However, permission can be granted by the court to reduce the marriage age by two years to 16 for women and men, for instance in cases of pregnancy. This was raised from 15 following an amendment to the Civil Code made in 2010.

Religious marriages performed by a representative of a religious organisation registered in and recognised by the Republic of Lithuania are legally recognised only if they are also recorded at a civil registry office. The minimum age for marriage for religious marriages is the same as for civil marriages, i.e. 18.

A shadow report submitted to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee in 2008 draws attention to high rates of early marriage among Roma women in Lithuania. However, it does not provide information as to whether these marriages are registered or not, and/or whether these marriages take place with court permission to reduce the legal marriage age to 16. No further information was found regarding whether or not marriages are routinely registered, and whether or not the law relating to age of marriage is implemented in practice.

Women and men have equal parental authority within marriage in Lithuania, including in relation to children. Parental authority is governed solely by the Civil Code; customary and religious law have no standing.

According to the Women, Business, and the Law report for 2012, women and men can both be legally recognised as the head of the household. The report does not provide details of the law granting this right.

Women and men continue to have equal decision-making authority over children following a divorce.

Women have equal inheritance rights as wives and as daughters.

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1 Civil Code of Lithuania, Article 3.14
3 Civil Code of Lithuania, Article 3.24
4 CEDAW (2005), p.98
6 Civil Code of Lithuania, Article 3.26
7 CEDAW (2005), p.102
9 Civil Code of Lithuania, Article 3.156
10 Civil Code of Lithuania, Articles 2.4, 5.13
Inheritance is governed solely by the Civil Code, not by customary or religious laws.\[^{11}\]

**More**

Women and men have the same **right to initiate divorce** in Lithuania.\[^{12}\] According to one of the CEDAW shadow reports submitted in 2008, poverty is common among divorced women raising children on their own, as former husbands sometimes refuse to pay maintenance, and the state ‘Child Maintenance (alimony) Fund’ does not provide adequate support; nor is there any mechanism in place to force absent fathers to pay child support. The report also notes that in cases of divorce, sometimes women are not aware of what rights they have to joint property, and lose out in the process of dividing the family property and assets.\[^{13}\]

According to research on violence against older women in Lithuania, 17.1% of widows questioned reported experiencing abuse of some form. However, this was lower than older women who identified themselves as married or single.\[^{14}\] No further information was found regarding mistreatment of widowed women in Lithuania.

**2. Restricted physical integrity**

Lithuania has signed but not yet ratified the Council of Europe ‘Convention on preventing and combating violence against women and domestic violence’.\[^{15}\]

Since 2011, **domestic violence** has been a criminal offence in Lithuania, under the Law on Protection Against Domestic Violence.\[^{16}\]

The 2011 law includes a comprehensive definition of domestic violence, defined as any ‘intentional physical, mental, sexual, economic or another influence exerted on a person by an act or omission as a result whereof the person suffers physical, property or non-pecuniary damage’.\[^{17}\] The law protects all family members including women and men, and married or cohabiting, same-sex partners and ex-partners.\[^{18}\]

The Law on Protection Against Domestic Violence allows prosecutors to bring criminal assault charges in cases of domestic violence;\[^{19}\] however, it does not specify specific criminal penalties.\[^{20}\] In addition, police can issue a restraining order against the perpetrator for the duration of any investigation and subsequent trial. However, the Women Against Violence Europe (WAVE) network notes that long-term civil or criminal protection orders are not legislated for under the law.\[^{21}\]

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\[^{12}\] Civil Code of Lithuania, Article 3.49
\[^{13}\] Mecajeva, Liudmila and Audrone Kisieliene (2008), p.33, 37
\[^{14}\] Reingarde, Jolanta and Ilona Tamutiene (2010), p.32
\[^{15}\] Council of Europe Treaty Office (2013)
\[^{16}\] Law on Protection Against Domestic Violence, Articles 5, 6, 12
\[^{17}\] Law on Protection Against Domestic Violence, Article 2
\[^{18}\] WAVE (2011)
\[^{19}\] Advocates for Human Rights (2013)
\[^{20}\] US Department of State (2013)
\[^{21}\] WAVE (2011)
According to the national report to the Human Rights Council (2011), an integrated mechanism is in place to oversee the implementation of the law, and to ensure that victims of domestic violence receive legal, social, and psychological support.\textsuperscript{22} WAVE reports that as of 2011, there was a national strategy to combat domestic violence in place, overseen by a governmental coordinating body responsible for implementing and coordinating the policies regarding violence against women.\textsuperscript{23}

In March 2013, the European Court of Human Rights unanimously held that Lithuania had violated Article 3 (prohibition of torture and of inhumane or degrading treatment) of the European Convention on Human Rights.\textsuperscript{24} The case in question was brought by a Lithuanian woman who had been a victim of domestic violence, based on the authorities’ failure to investigate her allegations of ill treatment and to bring her partner to account.\textsuperscript{25}

Advocates for Human Rights note that in the period immediately following the new Law on Protection Against Domestic Violence coming into force, there was a marked increase in the number of police investigations initiated. In the four months following the law coming into force in December 2011, over 10,000 reports were made of domestic violence, initiating 3,300 investigations; by contrast, in the first half of 2011, 25,673 reports of domestic violence resulted in just 471 investigations.\textsuperscript{26} No further information was found in regard to implementation of the new law.

The official the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report (2011) included data from a survey on domestic violence that found that one third of victims had never sought help from anyone, including friends and family.\textsuperscript{27}

Research on violence against older women found that very few had reported abuse to the police; just 2.3% of women questioned said that they had approached the police after suffering violence. The three most commonly cited reasons for not reporting abuse (to the police, or anyone else) were thinking that no-one would be able to help, considering the abuse to be too trivial to warrant assistance, and not wanting anyone else to get involved.\textsuperscript{28}

One of the shadow reports submitted to the CEDAW Committee in 2008 notes that at that time, police and prosecutors often considered domestic violence to be a private matter, and rarely investigated cases unless the victim’s life was in danger.\textsuperscript{29} The new law requires police to investigate all reports of domestic violence, including in cases where the victim does not want to press charges.\textsuperscript{30}

\textsuperscript{22} Human Rights Council (2011a), p.6  
\textsuperscript{23} WAVE (2011)  
\textsuperscript{25} Advocates for Human Rights (2013)  
\textsuperscript{26} Advocates for Human Rights (2013)  
\textsuperscript{27} CEDAW (2011), p.19  
\textsuperscript{28} Reingarde, Jolanta and Ilona Tamutiene (2010), p.39-40  
\textsuperscript{29} Mecajeva, Liudmila and Audrone Kisieliene (2008) p.4-5  
\textsuperscript{30} Advocates for Human Rights (2013)
**Rape** is a criminal offence in Lithuania. The law is gender neutral, indicating that cases can also be brought where the victim is a man.

The definition of rape in the criminal code does not specifically include spousal rape. However, the Advocates for Human Rights note that the Criminal Code does not include marriage as *defence* in rape cases.

Penalties for rape are up to fifteen years imprisonment, depending on the age of the victim and the number of perpetrators. No minimum penalty is given.

According to data held by the UN Office on Drugs and Crime (UNODC), in 2010, 208 cases of rape were registered by the police in Lithuania. In the same year, 152 people were charged with rape or attempted rape. Advocates for Human Rights report 191 registered cases in 2011. Information is not available as to how many of these cases resulted in a conviction.

At the Universal Periodic Review, it was noted that police officers and prosecutors lack competence and specialised skills in dealing with victims of sexual violence, and that in some cases, victims were treated as criminals.

**Sexual harassment** is included under the Criminal Code. Under the Criminal Code, a person is considered to have committed sexual harassment if he ‘in seeking sexual contact or satisfaction, harasses a person subordinate to him in office or otherwise by vulgar or comparable actions or by making offers or hints’.

Under the Criminal Code, sexual harassment is treated as a misdemeanour, and can be punished by a fine, deprivation of liberty, or arrest. No specific penalties are specified.

In addition, Sexual harassment is covered by the 1998 Law of the Republic of Lithuania On Equal Opportunities for Women and Men. The Law on Equal Opportunities for Women and Men covers verbal and physical offensive conduct of a sexual nature towards a person with whom there are work, business or other relations of subordination.

Under the Law on Equal Opportunities for Women and Men, complaints of sexual harassment can be made to the Equal Opportunities Ombudsman, who has a duty to investigate. The Ombudsman can impose administrative sanctions; however, the nature of these sanctions is not specified. The national...
report to the Human Rights Council notes that victims can claim compensation, but again, no details are provided as to the level of this compensation.\textsuperscript{45}

In 2010, the Ombudsman’s office estimated that 20% of women were victims of sexual harassment in the workplace.\textsuperscript{46} A shadow report submitted to the CEDAW Committee in 2008 states that sexual harassment in the workplace is a significant problem, but that few women report it because the burden lies with them to prove that the harassment has taken place, which is often hard to do.\textsuperscript{47} Only two complaints were made to the Ombudsman’s office in 2010, and none were made in 2011.\textsuperscript{48}

The CEDAW shadow report goes on to note that lack of awareness of the law in regard to sexual harassment means that few people know that they are able to make complaints to the Ombudsman;\textsuperscript{49} this would indicate that the Law on Equal Opportunities is not currently being adequately understood in regard to sexual harassment.

While there are two national helplines operating for women experiencing gender-based violence, neither of these is set up to receive reports of sexual harassment.\textsuperscript{50} In addition, the law stipulates that complaints to the Ombudsman must be made in writing.\textsuperscript{51}

According to a report by the Council of Europe, judges and other members of the judiciary do not routinely receive training on how to deal with cases of violence against women.\textsuperscript{52} This would indicate that there is no programme in place to sensitise the judiciary to the legal provisions relating to sexual harassment.

A shadow report to the CEDAW Committee states that women are often reluctant to report sexual harassment, for fear of being blamed for what has taken place; sensationalist reporting of sexual harassment cases in the media does not help in encouraging women to report harassment. The report also notes that men are reluctant to report experiencing sexual harassment because of perceptions that such things cannot happen to a man.\textsuperscript{53}

During the Universal Period Review for Lithuania, the UN Human Rights Council drew attention to the reported failure of officials to prevent high rates of sexual harassment of single women at the Foreigners’ Registration Centre, which processes applications for asylum.\textsuperscript{54}

There is no evidence to suggest that female genital mutilation is practised in Lithuania.

\textit{More}

\textbf{Abortion} is currently available on demand in Lithuania.\textsuperscript{55} However, as of May 2013, a draft law was under consideration by the Lithuanian parliament that would ban abortion except in cases of rape or

\begin{itemize}
\item \textsuperscript{45} Human Rights Council (2011a), p.5
\item \textsuperscript{46} Advocates for Human Rights (2013)
\item \textsuperscript{47} Mecajeva, Liudmila and Audrone Kisieliene (2008), p.6
\item \textsuperscript{48} Advocates for Human Rights (2013)
\item \textsuperscript{49} Mecajeva, Liudmila and Audrone Kisieliene (2008), p.6
\item \textsuperscript{50} WAVE (2011)
\item \textsuperscript{51} Law of the Republic of Lithuania On Equal Opportunities for Women and Men, Article 18
\item \textsuperscript{52} Hagemann-White, Carol (2010), p.52
\item \textsuperscript{53} Mecajeva, Liudmila and Audrone Kisieliene (2008), p.8
\item \textsuperscript{54} Human Rights Council (2011b), p.11
\end{itemize}
where the woman’s life or health was in danger. The bill was passed at its initial reading, but still needs to go before the Committees on Human Rights, Health Affairs and Legal Affairs; it will then return to the parliament for a second vote in late 2013.56

3. Son bias

The male/female sex ratio for the working age population (15-64) in 2013 is 0.97 while the sex ratio at birth is 1.06.57 Based on this information, there is initial evidence suggesting that Lithuania is a country of concern in relation to missing women.

More

According to 2011 data from the World Bank’s Development Indicators Database, the ratio of female to male primary school enrolment was 98 and 97 for secondary education.58

4. Restricted resources and assets

Women and men have the same rights to own and access land in Lithuania.59, 60

Customary law is not considered a valid source of law under the Constitution, in relation to land rights or any other area.61

According to the UN Food and Agricultural Organization (FAO), over 46% of land in Lithuania is owned by women.62

According to the 2008 shadow report to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee, there are many elderly widowed or single women living on their own in rural areas, often on small farmsteads that they cannot afford to maintain.63 Pressure from the European Union to modernise farming in Lithuania has meant that many small-scale women farmers have been forced out of business, or can no longer produce enough income from farming to survive.64

Women and men have the same rights to own and access property other than land in Lithuania.65, 66

Women’s property rights do not depend on their marital status or the type of marriage. A woman retains ownership and control over all property that she purchased prior to marriage; once married, the default property regime is joint community of property.67

55 United Nations Department of Economic and Social Affairs, Population Division (2013)
56 Lithuania Tribune, The (2013)
57 CIA World Fact Book
58 World Bank Development Indicators Database
59 Civil Code of Lithuania
62 FAO (2010)
63 Mecajeva, Liudmila and Audrone Kisieliene (2008), p.34
64 Mecajeva, Liudmila and Audrone Kisieliene (2008), p.35
65 Civil Code of Lithuania
67 Civil Code of Lithuania, Articles 3.87, 3.89
Customary laws are not considered valid sources of law under the Constitution, in relation to property rights or any other area.  

Women and men have equal rights to credit and bank loans in Lithuania. 

The 2005 official CEDAW report notes that at that time, it was more difficult for women to obtain credit for business development than men, while one of the CEDAW shadow reports also states that it is harder for women to obtain credit.

Over four-fifths of female entrepreneurs have a post-secondary degree in Lithuania, according to the Global Entrepreneurship Monitor. In 2009, there were 38.7% of firms with female participation in ownership compared to 33.5% in Eastern Europe and Central Asia, and 15.1% of firms with a female top manager in Lithuania, compared with 21.3% in the same region.

According to data held by the World Bank, 76% of adult women in Lithuania had a bank account in 2011, compared to 71% of men. In the same year, 6% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); this data was not disaggregated by gender.

Data on women’s access to micro-credit was not available. A programme launched in 2011 with funding from the European Investment Fund enables women entrepreneurs to apply for micro-credit loans of up to €25000. The Government of Lithuania supported the establishment in 2002 of the Lithuanian Central Credit Union, which continues to provide micro-credit; it is not clear if any of their programmes specifically target women.

5. Restricted civil liberties

Women have the same free access to public space and freedom of movement as men in Lithuania. Under the constitution, there are no restrictions on freedom of movement or choice of residence. A woman can apply for a passport in the same way as a man.

Members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community face discrimination and hostility in Lithuania, and there have been several attempts to introduce amendments to the Code of Administrative Offences with the aim of ‘preventing homosexuality in public places’, the most recent in June 2012. Such an environment will inevitably impact on the free access to public space of LGBTI women.

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70 CEDAW (2005), p.60
71 GERA (2013)
72 The World Bank (2009),
73 World Bank (n.d.)
74 European Commission (2011)
75 MixMarket (n.d.) Funders – LCCU.
76 Constitution of the Republic of Lithuania, Article 32
78 Amnesty International (2013), p.165
Roma women also face discrimination in Lithuania,\(^79\) potentially limiting their free access to public space.

Lithuania currently does not have any **quotas** in place to promote women’s political participation at the national or sub-national level.\(^80\)

At local elections held in 2011, 346 women were elected, along with 1180 men, meaning that women accounted for 29% of candidates elected.\(^81\)

In Lithuania, 24.1% of the Members of Parliament are women, while the percentage of female ministers remains at a low level (7.1%). In 2013, 22.2% of constitutional court members were women.\(^82\)

**More**

Concerning **media**, according to a 2011 report by the International Women’s Media Foundation (IWMF), women make up 78.5% of junior reporters and 70.6% of senior reporters in the Lithuanian media; the report also notes that women’s representation at the level of middle and senior management of media organisations is almost equal (specific figures not supplied).\(^83\) However, in its concluding observations, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee expressed concern at the high prevalence of patriarchal gender stereotyping in the Lithuanian media, in regard to women’s and men’s roles in society.\(^84\)

Discrimination on the basis of gender in **employment** is prohibited under the Law of the Republic of Lithuania On Equal Opportunities for Women and Men\(^85\) and under the Labour Code.\(^86\)

Pregnant women are entitled to 126 days’ paid **maternity leave** in Lithuania.\(^87\) While on maternity leave, women receive 100% of their salary.\(^88\) Paid maternity leave is financed though the state social insurance scheme.\(^89\)

One of the shadow reports submitted to the CEDAW committee in 2008 draws attention to the fact that in rural areas, women are often partners in family-run small and medium enterprises that are not legally registered. This means that women working in these enterprises have difficulty accessing maternity and sick leave and benefits, and may be left without assets and income in the event of divorce.

In 2013, there were 62.9% of women family workers, compared to 37.15 men.\(^90\) In 2011, the female labour force participation rate was 54.1% for women and 63.9% for men.\(^91\)

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\(^{79}\) Mecajeva, Liudmila and Audrone Kisieliene (2008), p.15
\(^{80}\) quotaProject (2013)
\(^{81}\) Lithuania Tribune, The (2011)
\(^{82}\) UNECE Gender Statistics
\(^{83}\) Byerly, Carolyn M. (2013), p.30
\(^{84}\) CEDAW (2008), p.4
\(^{85}\) Law of the Republic of Lithuania On Equal Opportunities for Women and Men, Article 5
\(^{86}\) Labour Code, Article 2
\(^{87}\) Labour Code, Articles 178, 179; ILO (2011)
\(^{88}\) Law on Sickness and Maternity Social Insurance, Article 18
\(^{89}\) Law on Sickness and Maternity Social Insurance, Article 22
\(^{90}\) UNECE Gender statistics
\(^{91}\) UNDP (2013), p. 156


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women against violence in Council of Europe member states’, Council of Europe Directorate General of Human Rights and Legal Affairs, Strasbourg.


United Nations Economic Commission for Europe (UNECE) Gender Statistics


