



ISSN 1392–6195 (print)
ISSN 2029–2058 (online)
JURISPRUDENCIJA
JURISPRUDENCE
2009, 2(116), p. 23–44

DEVELOPMENT OF WOMEN'S RIGHTS IN LITHUANIA: RECOGNITION OF WOMEN'S POLITICAL RIGHTS

Toma Birmontienė

Mykolas Romeris University, Faculty of Law,
Department of Constitutional Law
Ateities 20, LT-08303 Vilnius, Lithuania
Telephone (+370 5) 2714 546
E-mail: ktk@mruni.eu

Virginija Jurėnienė

Vilnius University, Kaunas Faculty of Humanities,
Department of Philosophy and Culture Studies
Muitinės 8, Kaunas, Lithuania
Telephone (+ 370 7) 2026 27
E-mail: Virginija.jureniene@centras.lt
Received 30 March, 2009; accepted 30 May, 2009

***Annotation.** The article discusses the problems of development of women's political rights in Lithuania in the legal historical aspect starting from the 16th century, when some property and individual rights were enshrined in the first codifications of the laws of the Great Duchy of Lithuania. The aim of the article is to show that women's struggle for political equality and suffrage at the end of the 19th and at the turn of the 20th century correlates with the movement for re-establishment of the independent State of Lithuania. As a result in Lithuania equal suffrage and political rights were ensured from the very beginning of independence. In 1905 the Great Seimas of Vilnius recognized the principles of equality of women and men and declared the principles of equal general election to the Seimas (parliament); women's suffrage, as one of the elements of legal equality, became constitutionally entrenched already in the first temporary Constitution of the State of Lithuania in 1918. At the end of the 20th century and the beginning of the 21st century women's rights have been*

further developed, moreover, the first woman was elected as President of the Republic in the national elections in May 2009.

Keywords: *constitutional law, history of law, women's political rights, suffrage, women's movements in Lithuania, constitutional recognition of suffrage in Lithuania, first female President.*

Introduction

In Lithuania women's political rights were not recognized until the beginning of the 20th century. The first woman was elected President of the Republic only after a century, in May 2009.

Women's struggle for political equality and suffrage at the end of the 19th and at the turn of the 20th century correlates with the movement for re-establishment of an independent State of Lithuania, that was lost at the end of the 18th century, and constitutional consolidation of equality and recognition of women's suffrage at the beginning of the 20th century. The Great Seimas of Vilnius in 1905 recognized the principles of equality of women and men and declared the principles of equal general election to the Seimas (parliament). These principles were implemented after Lithuania regained independence in 1918 and they were declared in the first provisional Constitution of 1918. In Lithuania, women and men gained their election rights at the same time – this could be viewed as a very significant feature of women's suffrage rights development. Parliamentarians of both genders (sexes) were elected to the first constituent Seimas (parliament) during the first national elections in 1920; women were active parliamentarians and played a particular role in the state political developments.

Women's rights in Lithuania remain an important question of law, however, historically, for ages the legal status of women has been related to property rights – in particular, the right of succession and the right to foster their children. In the 16th century Lithuanian Statutes formally authorised a noble girl to get married on her own free will and prohibited to force a noblewoman to be married without her consent.

1. Historical Development of Women's Rights. The Statutes of Lithuania

The Lithuanian State (the Great Duchy of Lithuania) was established at the beginning of the 13th century¹. Lithuania may be regarded as a state different from others

1 In 1387 Lithuania was the last nation in Europe to accept Christianity. After that it began intensively to assimilate Western, Latin values. The Grand Duchy of Lithuania controlled royal Lithuania and western Orthodox Russian lands, and having formed a union with the Kingdom of Poland became the arena for the extensive interaction of all these nations (Gudavičius, E. *Pirmasis Lietuvos Statutas*. Iš anglų kalbos vertė E. Gudavičius. The Statute of Lithuania. 1529. Vilnius: Artlora, 2002, p. 17. Lithuanian language is Indo-European, the religion is predominantly Roman Catholic.

due to its early elaboration of the doctrine of human rights which developed from the doctrine of natural rights that was part of European culture. Already at the beginning of the 16th century Lithuania started to shape its first legal concept of human rights in the very first codification of Lithuania, the First Statute of 1529². The Statute codified a number of Lithuanian common law rules and included provisions from Roman and Canon law. The Statutes represent the culture of the Grand Duchy of Lithuania of the 16th century. The First Statute contained certain democratic principles of law of Lithuanian estate-based society. Thus, the Preamble of the Statute indicated that it was addressed to all subjects, regardless the estate to which they belonged³, and Article 9⁴ of the Statute mentioned that all persons must be equally judged according to the same written law. This statute can be regarded as Lithuania's first contact with legal equality. The appearance of the First Statute was influenced by the interest in codification that arose in the 16th century Europe, an interest motivated by an understanding of the importance of the law, by the doctrine of state sovereignty and by the tendencies of unification of law⁵. In this line, the Statutes of Lithuania were an important legal source for the Lithuanian estate-based society, they consolidated the sovereignty of the state, the power of the Grand Duke and the Council of Lords, and estate freedoms of the noblemen. The First Statute of Lithuania included the following spheres of law: constitutional, civil, family, criminal, procedural, hunting, land and war law. It codified virtually all existing areas of law of that time. The First Statute consisted of 282 Articles⁶. The First Statute and its subsequent versions (1566, 1588) regulated women's rights in various aspects. The fourth section of the First Statute entitled "Concerning inheritance by women and the giving of girls in marriage" was considered to be an exceptional feature of this Statute and of the whole law, as the issues of women's rights were regulated in a separate section of the Statute as a particular subject matter. It was dedicated to the regulation of property rights

2 After the 1529 Statute, two more versions were adopted in 1566 (the Second Statute) and 1588 (the Third Statute). The statutes were written in modified Church Slavonic and Latin and features of Lithuanian can also be found. It was translated into Lithuanian only much latter. The 1588 Statute of Lithuania had a great impact on the law of neighboring countries.

3 "We, Sigismund, by the grace of God King of Poland and Grand Prince of Lithuania, Russia, Prussia, Smogitia, Mazovia and other lands, having ourselves sufficiently examined with good intent and desiring in accordance with our sovereign grace to grant Christian laws to all prelates, princes <...> nobility and the entire state and their subjects, the native inhabitants of the lands of our Grand Principality of Lithuania, regardless of their class or origin, all their rights and church privileges, both [for persons] of the Latin as well as Greek, as well as secular [privileges] which were received from the memory of the kings and grand princes, <...> wish to consider [these privileges] binding for whatever possessions and rights <...> may have regardless <...> these freedoms were given And [we also wish to consider binding] granted privileges consisting of just decisions as though [these privileges were] our documents inscribed word by word on our records. <...>" Gudavičius, E., p. 69.

4 "Everyone in the Grand Principality of Lithuania Must Be Tried by One Law. We desire and establish to be preserved for all time that all our subjects, poor and rich alike, whatever their condition or position, be tried equally and identically by these written laws". *Ibid.*, p. 71.

5 We would agree with the opinion of some authors that the first universal codification of laws in Europe was carried out in 1529 in Lithuania. See Valikonytė, I.; Lazutka, S.; Gudavičius, E. *Pirmasis Lietuvos Statutas: 1529*. [First Statute of Lithuania (1529 m.)]. Vilnius: Vaga, 2001, p. 261.

6 *Ibid.*

of women and dowry and gift of the noblemen. The Statute formally authorised a noble girl to get married on her own free will,⁷ it even included a provision prohibiting to force noblewomen to get married against their will. But at the same time the Statute specified that if a daughter married without consent of her father or mother, she forfeited the patrimonial dowry and the matrimonial estate (Art.10)⁸. In the Second and Third Statutes of Lithuania the guarantees of the noblewomen were enhanced by the promise of the sovereign to protect the freedoms of women “as free people”. The marriage did not grant any particular personal rights of a husband to his wife: the Statutes of Lithuania did not specify that if a wife did not agree to live together with her husband, he could force her to live in his house by bringing her to trial. Violence against each other was considered as a crime committed under aggravating circumstances⁹. Thus, even though the Statutes of Lithuania did not grant equal rights to men and women, they guaranteed equal rights of succession and titles to land of the noblewomen, as well as some personal freedoms.

At the beginning of the 17th century the Great Duchy of Lithuania lost its economic and political power¹⁰. However, this was a period of prosperity of culture in the state. Apart from the masterpieces of law (the Statutes), the first law on religious tolerance in Europe was adopted which allowed confessing various religions. In 1794 Lithuania was occupied by Russia.¹¹ However, the Third Statute of the end of the 16th century (in 1588) remained effective till 1840, even after the abolition of statehood of the Grand Duchy of Lithuania.

7 “Princesses, Lords’ Widows and Girls May Not Be Married Against Their Wills, but Only with Their Consent.

We also promise and establish by our sovereign grace and generosity, that we ourselves and our decedents shall protect princesses (*kinaginy*) lords’ widows, princesses (*kinazheny*) maidens, and girls, in their freedoms, [and] will not force them to marry anyone without their consent. But each of them [may] freely marry anyone [they] please with the consent of their friends.” Gudavičius, E., p. 89.

8 *Ibid.*, p. 88.

9 See Andriulis, V. et al., *Lietuvos teisės istorija*. Vilnius: Justitia, 2002, p. 213.

10 In 1569 the Liublin Seimas was convened, in which the union of Lithuania and Poland was concluded and named the Polish–Lithuanian Commonwealth; (Polish: *Rzeczpospolita Obojga Narodow*, Lithuanian: *Abiejų Tautų Respublika*). Despite the Union and integration of the two countries, for nearly two centuries Lithuania continued to exist as the Grand Duchy of Lithuania in the Polish–Lithuanian Commonwealth, retaining separate laws as well as an Army and Treasury. The Polish–Lithuanian Commonwealth existed till 1795 when the State of Lithuania and Poland was occupied by Russia, Prussia (since 1871-Germany) and Austria. The State of Lithuania and Poland had existed before the division had the official name of the Kingdom of Poland. In Europe it was known only by that name even though it was actually composed of two political entities: Poland (Kingdom) and Lithuania (Great Duchy). After the occupation Lithuania and Poland were no longer the full-fledged subjects of international law in the European politics.

11 Why did the State of Lithuania collapse in the 18th century? It is considered that the main reason of collapse was weak power of the elected king. The power of the king and different development of the state was not influenced by the Constitution of May 3, 1791. The oligarchical power of the noblemen which governed the state for 200 years did not allow reforms in the fields of economy, politics and social developments. The serfdom work dominated in the state’s economy. Noblemen, who ruled the country, were against any new involvements and usually their motto was *nihil novi*.

2. Development of Women's Rights and the Struggle for Political Equality at the End of the 19th and at the Beginning of the 20th Century

After Lithuania lost its statehood at the end of the 18th century, during the 19th century, the Lithuanian noble women started to play an important role in the society.¹² They participated in revolts against the tsarist Russia which had conquered Lithuania. They took part in the revolt of 1830–1831; the main objective of this revolt was agrarian reforms and restoration of statehood. The noblewoman Emilija Pliaterytė¹³ participated in this revolt. It was one of the most significant examples of the 19th century to inspire other people of the country to fight for reconstitution of the state.

Noblewomen engaged themselves in the activities of the newly created charity organisations, their activity became even more intense with the rise of the national movement in which some women were particularly important. In 1808 in Vilnius, the first mixed charity association was created which also carried out its activities at the beginning of the 20th century. In 1844, the *Association of the Merciful Sisters* was established. It was patronized by priests. A large number of charity organisations worked under the umbrella of churches. The absolute majority of the charity associations were established on the confessional basis. For example, out of 33 charity associations of Vilnius, eleven were Jewish, six Russian (they belonged to the orthodox parishes or declared their Russianness by their names and statutes, for example, the *Circle of Russian Women*, which provided support only to “orthodox Russians”, as well as to “the Russians in soul, i.e. old believers and Lutherans if they do not have their own charity associations”); there were five declared catholic charity associations and six more catholic ones, which were believed to be Polish. Charity associations were also established in other towns. From 1875, there were eleven charity organizations in Šiauliai. In 1875, Countess A. Zubovienė founded sheltered housing for orphan girls. These girls attended a local school (boarding school) of three grades, learnt needlework and housekeeping. In addition, this institution supported a few old ladies (at the expense of Count Nikolajus Zubovas).

At the second half of the 19th century, the women's movement in Lithuania emerged as a part of a nationalist movement, which after the Second Revolt in 1863–1864 was directed against the denationalization politics pursued by tsarist Russia. The objectives and tasks of this revolt were to liberate from the oppression of the tsarist Russia, to re-

12 More about Lithuanian women's movement see: Jurėnienė. V. *Lietuvos moterų judėjimas XIX amžiaus pabaigoje – XX amžiaus pirmojoje pusėje*. [Lithuanian women's movement at the end of the 19th – middle of the 20th century]. Vilniaus universiteto leidykla, 2006.

13 Emilija fon der Plater was born on 13 November 1806 in Vilnius, in the family of counts František Ksaver and Anna Mhol Pliateriai). In 1830, in Likšna (the current territory of Latvia) she was knighted. She organized a group of people who held the same views, cut her beautiful long hair, made herself soldier's clothes. In 1831, having brought his unit from Poland to Lithuania, one of the leaders of the revolt general D. Chlopovskis re-formed his troops and appointed Emilija as the commander of the 1st company of the 25th infantry troop, granted her the rank of captain. The tsarist Russia suppressed the revolt. Emilija and her relatives, as well as other rebels were retreating through the southern Lithuania towards Poland, as the revolt was still taking place there. She was injured in a battle, fell ill with pneumonia and died on 23 December 1831.

establish the former State of Lithuania and Poland (the Republic of both Nations) and to utterly abolish the serfdom services of peasants,¹⁴ which remained even after the abolition of serfdom in 1861. It is clear from history that people of all social statuses (disregarding gender) participated in this revolt. The result was that the tsarist government banned the Latin script in the country, constricted the activity of the Catholic Church, and started to actively colonize the country. By such actions tsarist Russia tried to turn Lithuania Russian. The Lithuanian nationalist movement was targeted against the tsarist politics. Women worked side by side with men. Secret schools were opened in which children were taught in the national, i.e. the Lithuanian language.

Women's demand for political rights was a result of self-education and came only after demands for education¹⁵. Lithuanian women, like women in Europe, primarily made efforts to educate themselves and others. In 1890 women established the first organization the *Žiburėlis* (Light) the aim of which was to teach and support talented children. The founder of the *Žiburėlis* was Gabrielė Petkevičaitė-Bitė (pseudonym Bitė, meaning "a bee"). In 1903, Felicija Bortkevičienė became its leader.

At the beginning of the 20th century women actively fought for equal rights, for women suffrage, for equal education and for equal possibilities to undertake professional activity. The work of women like Gabrielė Petkevičaitė-Bitė, Julija Žymantienė-Žemaitė, Felicija Bortkevičienė, Ona Pleirytė-Puidienė, S. Landsbergaitė, Ona Brazauskaitė, Marija Šveikauskienė and others proved to the society that women could take an active part in political life that they could help form national self-consciousness and generate progressive ideas. Women's activities were related to the society's changing attitude towards women.

Political parties founded at the end of the 19th or the very beginning of the 20th century were also declaring equal rights for women.

Political equality of both genders was included in the program of the Political Party of Lithuanian Social Democrats, which was established in 1896. Women were members of this party,¹⁶ one of them (Juana Griniuvienė) was also elected to the central committee of the party. In the program (promulgated in September 1905) the *Lithuanian Social Democrats* pointed out that:

"Lithuania should be created as an independent country. For this purpose all adult residents in Lithuania, *men and women*, disregarding their nationality, religion, and gender, should elect their representatives to the Seimas (parliament) by general, direct, equal, and secret vote".

14 Unpaid work for the noblemen, money contributions and payments in kind for the used land even though at that time the peasant had to ransom it, etc.

15 At the end of the 19th century Lithuanian women were quite literate: "Lithuanian women's literacy in Kaunas governorship exceeded men's – by 54.9 and 51.9 %. This is a unique phenomenon which was not observed in any other part of the Russian Empire, though most often women's education was limited to reading skills." (Aleksandravičius, E.; Kulakauskas, A. *Carų valdžioje. Lietuva XIX amžiuje*. [Under the Tsars: Lithuania in the 19th Century]. Vilnius: Baltos lankos, 1996, p. 359.

16 The following women were members of the Lithuanian Social Democratic party: V. Didžiulytė-Albrechtienė, B. Biržiškienė, F. Grincevičiūtė. In 1905, M. Zauniūtė ir J. Griniuvienė joined this party too.

In 1902, the Political Party of Lithuanian Democrats was established.¹⁷ At the party's assembly of 1903, the main principles of the party's activity were formulated and the political rights of women were declared. This party also supported the struggle for the independence of Lithuania which had to be governed by the state power elected by universal secret ballot.

In 1905, the *Union of Peasants* was founded and it declared the same provisions regarding equal political and civil rights of men and women as did the Party of Lithuanian Democrats. One of its members was F. Povickaitė-Bortkevičienė who was very active in the struggle for equal opportunities for women.

In 1905, the Political Party of *Lithuanian Christian Democrats* was established which in its program also called for equal political rights of men and women. However, the party did not have any women members.

Women were trying to cooperate in their work. On 22-23 September 1905, in Vilnius, women representatives founded the *Association of Lithuanian Women*¹⁸ and elected its board. The board members were Felicija Bortkevičienė, Ona Pleirytė-Puidienė and Stasė Landsbergaitė. They were active in politics, culture and society. The meeting prepared and approved the Association's program which aimed to achieve the autonomy of Lithuania within the ethnographic boundaries with the Seimas (parliament) formed in Vilnius by general elections, equal, secret, and direct vote. Another goal of this association was to achieve the equal rights of women and men, and the *Association* acknowledged equal membership of both women and men. These aims were to be achieved by elaborating theoretical questions concerning women's and men's rights, by developing – especially women's – political self-awareness, and by actively fighting for women's and men's equal rights in towns as well as in villages; by helping women to reach equal status both in general activities and professional education; by caring about improvement of working women's conditions; by writing and distributing books, brochures, articles and appeals, and by lecturing and using a variety of propaganda-related methods; by creating professional organisations, and by protecting new women's organisations and associations in the whole country. The main aim of these activities was to raise women's self-awareness.

On 6–7 October 1907, the First Women's Congress was organized by the priests from Kaunas. The initiator of the First Women's Congress was Priest Povilas Januševičius. While seeking to direct the public activities of women for the benefit of the church,

17 The members of *Lithuanian Democrats* party were F. Povickaitė-Bortkevičienė, T. Goesytė, G. Petkevičaitė-Bitė, E. Gruzdytė-Putvinskienė, J. Mikuckaitė-Višinskienė, M. Zauniūtė.

18 On 13 June 1905 in the county of Šiauliai (one of the regions of Lithuania) the first meeting was convened in which 50 intellectual women took part. The participants decided to establish an information centre in Šiauliai which would collect and distribute the material on women movement in other states. The information centre had to be intermediary of the intellectual women, to convene the common meeting and to prepare a draft program of the said meeting. On 22-23 September 1905 in Vilnius, the meeting of Lithuanian women was convened. The representatives assented to the establishment of the organization the *Association of Lithuanian Women* and elected the board. Though the government of the tsarist Russia did not approve the statutes of the organization, the first organization of Lithuanian women – the Association of Lithuanian Women – remained functional till the World War I.

the priests organized the First Women's Congress. At the beginning of the 20th century, Kaunas was one of the biggest Lithuanian towns and it was developing into an alternative cultural centre to Vilnius. The priests constituted an organizational committee of the Women's Congress,¹⁹ which was composed of women and was expected both to ensure the development of the congress to the appropriate direction, and to enshrine the influence of the priests in the newly created women's organization. Every political group sought to influence the women's movement, as women constituted more than half of the country's population also at that time. In Vilnius, the meeting of the *Lithuanian Women's Association* was held in which it was decided to change the Women's Congress of Kaunas into the Congress of Women of the whole Lithuania. The question of transferring the Congress to Vilnius was also considered, however, it was decided to approve the idea of the Congress to be held in Kaunas, so as it would be easier for people to get there. The participants of the meeting prepared a program and selected their representatives for the Congress.

The women's intellectual elite and women from different social groups took part in it. This Women's Congress adopted the following decisions: to create a union that would fight for the rights of women and join other similar unions in other countries; to create unions that are concerned with improving the household conditions for women; to work together with men or separately from them in the unions; to elect a committee of the union consisting of ten people. The committee was composed of representatives from both the catholic and the liberal streams.

The First Lithuanian Women Congress was a very important event in the public life of the country and for Lithuanian women's movement. It received wide coverage in Lithuanian and foreign press. It influenced the establishment of the first women's organisation and the creation of a catholic women's movement. However, it did not manage to unite women for their common objective - protection of their rights.

On 26 April 1908, a constituent assembly of Lithuanian Catholic Women's Association²⁰ was organized. Its aim was to unite all women of Lithuania to engage in cultural and economical work, to promote self-respect of the whole of Lithuanian society, to improve education, to seek to improve the position of girls and women and to fight for their political and civil rights. With the support of the priests, the association quickly expanded its activities in Kaunas and in the provinces. Agricultural schools for countryside girls were established in the country in order to improve the cultural life of

19 Organizational committee of the congress was composed of seven women members: M. Ramašauskienė, E. Vaitkevičienė, O. Daugelytė, E. Lebkaušienė, T. Kubilienė, M. Augustinaitė and C. Leoninė.

20 On 21 March 1908, the Association of the Lithuanian Catholic Women (the ALCW) was established. The elected council of the association composed of the chairwoman E. Vaitkevičienė, vice chairwoman J. Stanelytė, secretary V. Lebkaušienė, treasurer M. Robašauskienė, members – T. Kubilinskaitė, M. Račkauskienė, O. Paliulytė and Jankauskaitė. Differently than other catholic associations of Kaunas, this council was not headed by priests. The association announced their proclamation in press, in which the main aims of the association were set forth: to unite the female citizens of Lithuania in cultural and economic work, to improve the moral and education of the Lithuanian society, to seek to improve the situation of women and girls and to fight for the civil and political rights of women. In 1908, the statutes of the Association of the Lithuanian Catholic Women were approved by the representative of the government of the tsarist Russia, the Governor of Kaunas.

women in the countryside. The Lithuanian Catholic Women Association was involved in charity work as well. In 1910, the first catholic publication for women *Lietuvaitė (The Lithuanian Girl)* was issued, edited by T. Kubilinskaitė. The aim of this new publication was to promote religious catholic ideas and to analyze cultural and social problems. In 1914, after the World War I started, the publication and the activities of the association were suspended.

The liberal and the social democratic movements of women were also active and they continued their activities after the First Women's Congress in 1907. In 1908, the *Lithuanian Women's Union*²¹ started their activities. One of the directions of this liberal movement was the education of young women and the promotion of the idea of women's movement. In 1910, the *Lithuanian Women's Union* even discussed the question of establishing a women's party. In 1911, the *Lietuvos ūkininkas (Lithuanian Farmer)* supplement the *Žibutė (Violet)* was issued for the first time, edited by G. Petkevičaitė. The secular newspaper the *Žibutė* was not only intended to educate women but also to raise their awareness. Equal rights of men and women including suffrage rights was a frequently discussed topic in the newspaper. However, the *Žibutė* publications were much criticized and its publication stopped in 1913.

The catholic and the liberal streams of the women's movement were most active in the period between 1908–1914. Both streams had their own organisations and programs and similar possibilities to express their ideas, both of them had intentions to influence Lithuanian women's attitudes and to promote their ideas on women's rights in a patriarchal society. When the World War I started the activities of women's organizations were suspended²².

In the beginning of 1918, when it became possible to restore the independence of Lithuania, discussions about the need to reestablish women's organizations started. The main idea was that the reconstituted organizations have to expand their activities and create subdivisions in the whole country. In 1918, the Lithuanian women's movement raised the same issues as before the war – the necessity to educate women, to renew women's organizations that existed before the war and to create new ones; they raised problems concerning the legal and economical inequalities between women and men. Nevertheless, women became able effectively to call attention and to promote the solution of important problems of women's movement only when they started to participate in the governance of the state, became members of representative institutions – women were elected to the Seimas (parliament).

The Lithuanian women's movement of the end of the 19th and the beginning of the 20th century is important in several aspects; it made a great impact on the democratization of political process and the change of stereotypes in a patriarchal society. Women's movement was linked to political, social and professional activities of women; it influenced the development of political parties, other social institutions. The question of

21 In 1908 Association of Lithuanian Women was renamed Lithuanian Women's Union.

22 As many Lithuanians during the war moved to Russia, in Moscow and Petersburg some Lithuanian women organizations were established to promote some educational and other activities. In 1915 the German occupational administration in Lithuania did not allow to function for any women organization.

women's political rights was the most principal and the most critical objective of the Lithuanian women's movement in this period. Women actively participated in the national movement and made great contribution to restoration and creation of the Lithuanian state based on the principles of democracy.

3. The Great Seimas of Vilnius (1905), Declaration of Political Rights of Women

On 19 October 1905 an assembly of Lithuanians belonging to different political groups was held at the editorial office of the newspaper the *Vilnius News*. The assembly elected fifteen members to its steering (organizational) committee, including two women, i.e. Felicija Bortkevičienė and Ona Šapkauskaitė. The steering committee did not adopt any regulations for elections of the representatives to the Great Seimas of Vilnius,²³ the election followed the mode of local meetings – in some places the representatives were elected even by the people from various peasant communities.

The Great Seimas of Vilnius which took place on 4–5 December 1905, and decided questions of statehood of Lithuania, was particularly important for the consolidation of women's equality in Lithuania. Women were also elected and actively participated in the Great Seimas of Vilnius. Chapter two of the resolution of the Great Seimas announced the requirement of Lithuanian autonomy with the Great Seimas (parliament) in Vilnius, elected by democratic principles. The Great Seimas of Vilnius recognized the principles of equality of women and men and declared the principles of equal general elections to the Seimas. These principles were implemented after Lithuania regained independence. The declaration of the democratic principles of the Seimas elections was the beginning of the legal recognition of women's suffrage and political equality. Lithuania regained its independence only at the beginning of the 20th century when the World War I started and the Russian Empire collapsed.

4. Constitutional Recognition of Women's Suffrage in 1918 and Further Constitutional Developments

During the World War I, in 1917, the occupational authority of Germany²⁴ in Lithuania allowed to convene the Lithuanian conference in Vilnius. The conference took place on 18-22 September. Because of the period of the war, the conference participants were not elected but convoked on the basis of trust. The conference was not attended by a single woman. The Lithuanian Conference in Vilnius elected the Council of Lithuania which was composed of 20 persons who had to negotiate with the German occupational

23 In 1905 the tsarist Russian government gave permission to organize the elections to the conference in Vilnius to discuss different regional problems. This conference turned out as very important as it discussed the possible statehood developments of Lithuania and the historians called it the Great Seimas of Vilnius. This conference adopted important resolutions on the re-establishing of the Lithuanian statehood.

24 Germany occupied the country at the end of the summer of 1915.

administration of the country, to take over the educational affairs, to take care of the restoration of the University in Vilnius and to help the people who moved to Russia and other states during the war to come back to their homeland. On 16 February 1918 the Council of Lithuania proclaimed the independence of Lithuania. Since November 1918, after the State of Lithuania was restored, the Council of Lithuania became the legislative institution. It worked as the legislative body till 15 May 1920, when the Constituent Seimas started its work. During the whole period of activity of the Council of Lithuania women could not participate in it; they could not hold any positions in the government of the state, some members of the Council thought that women politicians would lessen the image of the state²⁵.

After the Restoration of the Independent State of Lithuania on 16 February 1918, several provisional constitutions were adopted. Article 22 of the first Provisional Constitution of 1918 (the Basic Laws of the Provisional Constitution of the State of Lithuania)²⁶ which was adopted by the State Council of Lithuania on 2 November 1918 announced the equality of all citizens, irrespective of their gender, before the law. In the Preamble to this Constitution, it was established that the Constituent Seimas shall decide on the form of the state and adopt the Constitution. Article 27 of the Constitution of 1918 specifies that the Constituent Seimas (the parliament) shall be elected by universal, equal and direct elections, by secret vote. Therefore, differently from certain sources which link the appearance of this right to the Law on Elections to the Seimas of 1919, it was the aforementioned Provisional Constitution of 1918 which declared the democratic principles of elections and, by proclaiming gender equality, also enshrined women suffrage. Analogous provisions were also included in the Provisional Constitution of 1919 (the Basic Laws of the Provisional Constitution of the State of Lithuania)²⁷.

Thus, we would think that the Provisional Constitution of Lithuania of 1918 opened the possibilities for women to actively participate in politics and recognized their suffrage. This interpretation is further enhanced by a circumstance that in the Provisional Constitution of the State of Lithuania²⁸ of 1920 which defined Lithuania as a democratic Republic (Article 1), only general principles of equal rights were included (Article 15 of the Constitution notes that all citizens of Lithuania irrespective of their

25 In autumn of 1917 when women representatives were not invited to the Conference of Vilnius where the issue of the statehood of Lithuania was also discussed, the women convened at a meeting in Kaunas and applied to the Chairman of the Presidium of the Council of Lithuania, A. Smetona, with a petition, which was signed by 20 000 persons, requesting that the Council of Lithuania would also include women representatives. Such activity of women induced constitutional consolidation of equal rights of men and women to adopt democratic laws on the elections to the Parliament (the Seimas).

26 Andriulis, V.; Mockevičius, R.; Valeckaitė, V. (sud.). *Lietuvos valstybės teisės aktai (1918.II.16 – 1940.VI.15)*. [Lithuanian state legislative acts 16 February 1918–15 June 1940]. Vilnius: Teisinės informacijos centras, 1996, p. 2–3.

27 *Ibid.* It needs to be noted that lawyers and historians differ concerning this legal act. For example, Mykolas Romeris considers the Basic Laws of the State of Lithuania of 1919 as a new Provisional Lithuanian Constitution, while K. Račkauskas, M. Mackevičius and others—only as a new wording of the Provisional Basic Laws of the State of Lithuania and do not give them independent significance; this point of view is also approved by prof. Maksimaitis (see: Maksimaitis, M. *Lietuvos valstybės konstitucijų istorija*. Vilnius: Justitia, 2005, p. 88-90).

28 Andriulis, V., et al., *Lietuvos valstybės teisės aktai*, p. 6–7.

gender, nationality, belief shall be equal before the law). However, in the elections to the Constituent Seimas, as many as seven women not only participated but were also elected. The mere fact that the Constitution of the State of Lithuania of 1922 elaborated on the right of elections demonstrates the democratic nature of this constitution and its broad doctrine of human rights²⁹.

Further to the provisions of the provisional constitutions, on 20 November 1919 the State Council of Lithuania adopted a Law on Elections to the Constituent Seimas³⁰. Its Article 1 named the principles of the right of elections and repeated the provisions of the provisional constitutions, whereas its Article 2 defined the active right of elections, providing that Lithuanian citizens of all beliefs and nationalities, males and females, who have reached the age of 21, shall participate in the elections. Article 5 defined that the right to be elected was held by a Lithuanian citizen, who had reached the age of 24.

As already noted, the Provisional Constitution of 1920, adopted by the Constituent Seimas, did not address the right of elections. Analogically to the former provisional constitutions, Article 15 of the Constitution included the general principle of equal rights. The Constitution of the State of Lithuania of 1922³¹ emphasized the equal rights of men and women in more detail. Article 10 of the Constitution specified that all citizens of Lithuania, men and women, shall be equal before the law. In the Constitution of 1922, the right of elections to the Seimas (parliament) was elaborated by formulating not only its general principles, *inter alia* universality and equality of this right by establishing the proportional system of elections, but also by distinguishing the active and the passive rights of elections. By formulating the requirements of the right of elections, Article 24 of the Constitution specifies that the Lithuanian citizens, men and women, at least 21 years old, shall have the right to elect the representatives to the Seimas, while the right to be elected shall be enjoyed by those at least 24 years old.³² The entry into force of the Constitution of the State of Lithuania on 6 August 1922 was a significant event of the restored State of Lithuania. The Constitution virtually finished the procedure of restoration of the independent state³³.

The democratic enthusiasm which emerged in all Europe after World War I did not last long. Having gained independence and after its constitutional consolidation by the Constitution of the State of Lithuania of 1922, Lithuania faced various internal and external threats. Already the first Seimas needed to be dissolved prematurely as its members were not able to perform their functions. Seimocracy developed into presidency and authoritarianism³⁴. Under such conditions it was resolved to change the Constitution. On 25 May 1928 the President of the Republic officially announced the

29 Regarding the doctrine of human rights in the Constitution of the State of Lithuania of 1922 See Birmontienė, T. Žmogaus teisių koncepcija 1922 m. Lietuvos valstybės konstitucijoje. [Human Rights Conception in the Lithuanian State Constitution of 1922]. Iš straipsnių rinkinio *Mūsų konstitucionalizmo raida*. Vilnius: Seimo leidykla „Valstybės žinios“, 2003, p. 124–133.

30 Andriulis, V., et al., *Lietuvos valstybės teisės aktai*, p. 41–46.

31 *Ibid.*, p. 7–14.

32 *Ibid.*

33 Maksimaitis, M. *Lietuvos valstybės konstitucijų istorija*. Vilnius: Justitia, 2005, p. 169.

34 Maksimaitis, M. *Lietuvos valstybės konstitucijų istorija*, 2005, p. 175.

new document, which was signed by himself and countersigned by the Prime Minister. It was called the Constitution of the State of Lithuania, was published in the Official Gazette *Valstybės žinios*, and entered into force on the day of its publication. However, this constitution was announced by ignoring the amendment procedure of the Constitution of 1922, therefore, it may not be assessed as a natural continuity of development of constitutionalisation of Lithuania.

As far as the regulation of women's rights in the new constitution is concerned, one should pay attention to the fact that certain provisions were directly transferred from the Constitution of the State of Lithuania of 1922. Formally, the catalogue of human rights was similar to that of the Constitution of the State of Lithuania of 1922, most provisions were repeated. For example, Article 11 of the new constitution regulated the principle of equal rights of men and women identically to the Article 10 of the Constitution of 1922. However, as far as the right of elections was concerned, the Constitution of 1938 obviously aimed to reduce the number of voters by increasing the age limit – the active right of elections was recognised for men and women from the age of 24, while the passive right – from the age of 30. The new constitution also increased the age census for President from 35 years old in the Constitution of 1922 (Article 43) to 40 years old in the Constitution of 1928 (Article 45).

The Article 106 of the Constitution of the State of Lithuania of 1928 provided that the validity of the Constitution needed to be “<...> verified not later than within ten years by consulting the Nation”. However, the new Constitution of 1938 was adopted by Seimas, not by referendum. The Seimas of 1936 was elected after quite a long break by undemocratic elections: the right to propose the lists of candidates was granted not to parties but to municipal councils formed on the grounds of censorship. Although it did not have the powers of a constituent government, the draft constitution was almost unanimously approved at the sitting of the Seimas of 11 February 1938, and on 12 May 1938 the Lithuanian Constitution was announced in the *Vyriausybės žinios*.

The Lithuanian Constitution of 1938 was based on the concept of authoritative power of the elected president. It abandoned the traditions typical of liberal constitutions, did not include a principle of separation of powers, allocating both executive and legislative power to the President of the Republic. Even though it declared various civil and political rights and compared with former constitutions included a rather strong component of social rights, there was still a strong etatistic and paternalistic treatment of human rights. In this Constitution the constitutional regulation of human rights was distinguished by giving priority for state interests— Article 16 of the Constitution stated that “for the citizen, the State shall be the basis of his own existence”.

Assessing this regulation of human rights, one should note that women suffrage was not mentioned separately, but, rather, a general principle of equal rights of all citizens was included. Article 18 of the Constitution specifies that all citizens shall be equal before the laws and that the rights of citizens may not be reduced because of their beliefs or nationality. In contrast with the former constitutions, gender is not distinguished as a possible ground for discrimination. The other articles of the Constitution also declare only general principles of elections to the Seimas, however, the Constitution of 1938 reduces the right of elections of the Constitution of 1928 by establishing a rather high age qualifications for active and passive right of elections; the same age requirements for

the candidates to Members of the Seimas remain (the same minimum age requirement also remained for the candidate to the President of the Republic – at least 40 years old (Article 63)). Article 76 (1) of the Constitution specifies that “citizens who are at least thirty years old may be proposed as candidates for Members of the Seimas”, whereas under Article 78 of the Constitution the active right of elections remains 24. However, in contrast with the former constitutions, the Constitution of 1938 directly specifies that the active and passive right of elections would be defined by Seimas in the Law on Elections. Article 77 of the Constitution enumerates the traditional principles of the right of elections to the Seimas – universality, equality, direct elections, secret ballot. The proportional system of elections is also retained, however, in contrast with the former constitutions, Article 78 of the Constitution of 1938 provides that voting is not only a right, but also a duty.

Thus, the Constitution of 1938 does not mention separately civil political rights of women and does not emphasize equality of the rights of men and women. It treats the rights of women as the rights of citizen. Women suffrage is not identified as a separate right, because by that time gender equality had clearly become self-evident. Therefore, the legal expression of the discussed constitutional provisions did not cause dissatisfaction of the society. However, in view of the realities of gender equality both in politics and in other spheres of life of those times in Lithuania and in the whole Europe, we would think that the Lithuanian Constitution of 1938, when defining the equal rights of all citizens, could have at least mentioned the prohibition to discriminate a person on the grounds of gender.

5. Women's Participation in the Politics after Restoration of Independence of the Lithuanian State in the First Decades of the 20th Century

About 30 parties and groups which participated in the election campaign for the Constituent Seimas in 1920 presented the lists of candidates, most of them including women on their lists. However, only in one district a woman – G. Petkevičaitė - was the first candidate on the list. Most women candidates were active and well-known leaders in the women's movement – and most of them were young. The first parliament of independent Lithuania was composed of 112 members³⁵. Seven female representatives were elected to the Seimas (7 % of all the Seimas' members). Six women from the *Christian Democrats*' block were elected to the Seimas by the party list³⁶. One woman, i.e. Gabrielė Petkevičaitė,³⁷ was elected from the *Lithuanian Socialist Populist Democrats*' party,³⁸

35 Website of the Seimas of the Republic of Lithuania. <<http://www3.lrs.lt>>.

36 These members were: Magdalena Galdikienė, Emilija Gvildienė, Morta Lukošytė, Vida Mackevičaitė, Ona Muraškaitė and Salomėja Stakauskaitė.

37 On 22 January 1921, when Gabrielė Petkevičaitė refused the mandate in the parliament she was replaced by Felicija Bortkevičienė.

38 Lithuanian Democrats party that was established in 1902 in 1916 changed its name to Lithuanian Socialist Populist Democrats. Lithuanian Peasants' Union was established in 1905. These parties merged in 1922 and their name was Lithuanian Peasants' Populist Union. This party was a democratic central wing party.

No woman from the *Social Democrats*' list was elected to the Constituent Seimas. First female-members of parliament were public characters, teachers and head-teachers of gymnasiums and elementary schools, governors.

At her age of 60, Gabrielė Petkevičaitė was the eldest member of the Constituent Seimas. As a result she became the chairperson of the first sitting of the Constituent Seimas³⁹. The secretary of the hearing was also a woman—one of the youngest members of the Constituent Seimas – a 24-year-old Ona Muraškaitė-Račiukaitienė. The same structure remained until the regular chairperson was elected. A woman as the chairperson of the parliament in 1920 was a great sensation in Europe.

A group of six women from the *Christian Democrats* block, led by M. Galdikienė, was called a women's fraction in the Constituent Seimas, although it did not separate from the *Christian Democrats*' block. The Christian Democratic women were active participants in the work of the commissions and prepared amendments of the laws. The women mostly concerned to ensure that their rights were not restricted during the drafting process of the Constitution of Lithuania and adopting the laws inherited from Russia. Struggling for equality of both genders, the women developed a program which was designed to be implemented in the independent state⁴⁰.

The Constituent Seimas of 1920 had an exclusive role in the formation of the legal basis of the restored independent state as it drafted the Constitution of 1922. The role of women was also important for this process. One woman – Gabrielė Petkevičaitė⁴¹ – belonged to a fourteen-member commission which drafted the Constitution. Other women also actively submitted their proposals for the draft Constitution. Additionally, it was suggested that the Constitution would include an article, which would guarantee moral equality of women to men, and for this purpose⁴² it was suggested to annul legal regulation of prostitution. Despite support of some male members of the Constituent Seimas,

39 In her opening speech on the 15 of May of 1920 Gabrielė Petkevičaitė greeted the Constituent Seimas: "I am happy to do that as an old fighter for my nation's freedom, as a woman who gained the desired equal rights, as a society member who did not cease to fight against any enslavement of nations, social status, capital. While the representatives are doing great work, let us do it without forgetting even for a moment that we are here only the ministers of our country people's will" (see Čepėnas, P. *Naujujų laikų Lietuvos istorija* [Lithuania's History of the New Ages]. Vilnius, 1992, p. 367.)

40 The program stated: 1) Family should be based on the equality of both genders. This principle will allow the family to develop on a new basis of humanism, not on slavery to each other. 2) The principle of equality should be realized in the economy as well. It was noted that this had to be not only accentuated but that "really the same payment should be given for the same work, irrespective of gender". 3) It should be declared that woman's housework and the education of the children "equal a man's earning in keeping the family". It is ironic that this program today remains relevant. The women also indicated directions for the Seimas to realize the program, and prepared and proposed the Seimas to read bills for the following laws: abolishment of prostitution regulations; restriction and prohibition of alcohol distribution; revision of the definite articles of civil laws stating inequality of men and women; amendments to the law on "Patients bill".

41 Žemaitytė-Veilientienė, A. Konstitucijos projekto komisijos nariai. [Members of the Constitution Drafting Commission]. Iš straipsnių rinkinio *Mūsų konstitucionalizmo raida*. Vilnius: Seimo leidykla „Valstybės žinios“, 2003, p. 57.

42 Jūrenienė, V. Moterys 1920-1922 metų Steigiamajame Seime [Women in the Constituent Seimas of 1920-1922] Iš straipsnių rinkinio *Feminizmas, visuomenė, kultūra*. Vilnius: VU Lygių galimybių centras, 2001, p. 128-133, 130-131.

this suggestion of women was rejected at vote.⁴³ In the second reading of the Article 84 of the draft Constitution concerning the defense of the state, the speaker proposed the following formula: “All Lithuanian citizens take part in defending the territory”. Representatives of the *Christian Democrats*’ block discussed whether women should be involved in the country’s defense⁴⁴.

In the Constituent Seimas, the women’s group also suggested amendments seeking to remove inequality of men and women from the civil laws which regulated women’s property rights,⁴⁵ as well as from the provisions of family law. The suggestions on the amendments of civil laws were supported by all the parliamentary parties, and the appropriate law was adopted, though some inequalities of men and women remained⁴⁶. The issue of legalization of civil marriage was also discussed. Women prepared and submitted also other draft laws. The Law on Amending and Supplementing the Civil Laws of 1922 established the principle of separate property of husband and wife which granted the right to any of them to independently conclude any transactions. A prenuptial agreement could be concluded under the notarial procedure. In these agreements, one could also agree on the common management of property. The rule was included that the wife must also contribute to the maintenance of the family and even to cover the expenses of the maintenance if her husband had no property and had no earning capacity. Women also raised the question of shortening the surnames so that the social status of women were not clear from the ending of the surname. However, this was implemented only in the 21st century.

Nevertheless, the inequality of women remained even after the adoption of the Law on Amending and Supplementing the Civil Laws of 1922, especially in the family law. The civil and family law was influenced by the legal acts of tsarist Russia which had been effective before restoration of independence and, as particularism was dominant in Lithuanian law, other legal sources.

43 18 members of the Seimas voted in favour of this proposal, 31 against.

44 The chair of the Constitution project Antanas Tumėnas summarized the discussion and responded to the proposals as follows: “A woman is so much different from a man ... that we cannot put this obligation on her. ... Everybody should do their duties properly, and not dash into the work which is the men’s duty.” *Steigiamojo Seimo darbai* [Works of the Constituent Seimas], (March 2, 1922), Session 177, 13.

45 Legal particularism was prevailing in Lithuania. It was determined by various historical circumstances. In one part of Lithuania, the Civil Code of France of 1804 (Napoleon) was in effect, in the other part – the legal acts of tsarist Russia, etc. The provisional Constitutions enshrined the continuity of effectiveness of the formerly valid laws when they were not in conflict with the provisions of the said provisional constitutions. (In the Klaipėda Region (1924-1939) the civil laws of Germany were in effect).

46 For example, even though the law enshrined that a woman has a right not to live at her husband’s home, however, it was not realized, as the Law on Marriage of 1836 of tsarist Russia remained effective, under which a woman had to live with her husband in the place where he wanted. In the law of 1922, the principle of a man’s domination in the family remained, because it specified that “the wife must obey her husband, head of the family, love and respect him, be absolutely obedient to him, do her best to please him and be affectionate as a housewife”. The husband was considered as the head of the family (*Civil laws. X t., I p. Translation by K. Šalkauskas. Kaunas, 1933, p. 26*). This principle was transferred from the laws of tsarist Russia.

At Seimas elections in 1922, five women were elected from the total of 78 members of the Seimas⁴⁷. During the elections to the Seimas of 1926 in one electoral district women even had a separate women candidate list, but unfortunately they were not elected from that list. In 1926, the Third Seimas elections — 4 women out of 85 members of the Seimas were elected⁴⁸. Women made up 5 % of the whole Seimas.

In 1926, this Seimas had to elect the President of the Republic of Lithuania. Two candidates out of four were women – G. Petkevičaitė and F. Bortkevičienė, but they did not receive sufficient support and were not elected. The very fact that women participated in the elections of the president of the state in 1926 as candidates is very important and shows the strength of the Lithuanian women and their desire to struggle for the real equality of political rights.

It is believed that the women activities in the Third Seimas would be very active and fruitful as it was in the Constituent Assembly and other Seimas, if not the state takeover of 6 December 1926, after which restriction of democratic rights started. For a long time no parliamentary elections were held at all.

No women were elected to the Seimas of 1936, which consisted of only 49 members. Such results of the Seimas election of 1936 were determined by the new law on the Seimas election,⁴⁹ which was linked to the Law on Local Elections (version of 1931), and which was not favourable to women, as only some of them were members of local self-government institutions that formed the district councils and only district councils were eligible to present lists of candidates for the elections to the Seimas. The results of the elections to the Seimas encouraged the Council of Women to raise the question of political equality, criticized the law on local elections (version of 1931), and, at the same time, required to adopt a civil code, as the effective civil laws restricted women's property rights, while the property rights restricted women's possibilities to be elected to the Seimas. The adoption of a civil code was an important question as it was related to the abolishment of the particularity of the civil law in Lithuania, which created conditions for different regulation of women's property rights.

Women were also active in their organisations: in 1928, the Council of Women of Lithuania was established, which had an objective to coordinate women's movement. In 1937, the Second Congress of women was held in which the issues of women's rights were much discussed and in which demands were raised to implement the constitutional provisions of women's rights in reality. The Second Women's Congress asked to implement the equality of men and women enshrined in the Constitution of 1928, i.e. that

47 In 1923, there were three women representatives out of 78.

48 In all these elections more than 3% of the candidates on the parties' lists were women.

49 In 1936, the new Law on Elections to the Seimas came into force, under which in each county the members of parliament were proposed by the County Council (and not the parties themselves, as it used to be earlier, under the Law on Elections to the Seimas of 1922). It was possible to propose only a number of candidates that were elected to the Seimas in that region. The County Council proposed the candidates from the county who had lived in the said county for not less than 6 months or those who had real estate in the said county (the previous Law on Elections did not include such requirements). The County Council was composed of the representatives of the self-governance institutions, it was not elected directly.

women's rights would not be narrowed by laws and decrees of the Government, that women would participate in the preparation of the civil code and that women would also be elected to the Seimas⁵⁰.

Due to the problems that emerged during the movement of women, the undemocratic political system, undemocratic constitutional reforms and negative attitude of male politicians to women's participation in politics,⁵¹ the women's movement did not have a significant influence on the policy of the State of Lithuania in the fourth decade of the twentieth century.

6. Some Contemporary Trends of Development of Women's Movement and Participation in Politics

The Soviet occupation of 1940 blocked the development of the State of Lithuania and its law. Lithuania regained its independence only in 1990. At the turn of the 20th and 21st centuries the problems of women's rights are no longer related to the recognition of women's rights *de jure* and legal consolidation of their equality to men, but they are related to their actual implementation, as the equality of men and women is still influenced by the patriarchal stereotypes which remain vital in the society. The development of women's rights in Lithuania is also influenced by the tendencies of international developments of rights⁵². Lithuania also has been a member state of the EU since 1 May 2004.

The effective Constitution of the Republic of Lithuania of 1992 consolidates equality of men and women. The special laws and legal mechanisms have been created,⁵³

50 Jurėnienė, V. I-asis ir II-asis moterų suvažiavimai: Lietuvos moterų judėjimo siekiai ir išdavos. [1st and 2nd Congress of Women: Aims and Outcomes of the Lithuanian Women's Movement] *Kauno istorijos metraštis*. T. 5. Kaunas: VDU leidykla, 2005, p. 131.

51 See Jurėnienė, V. Lietuvos moterų taryba ir jos veikla valstybėje XX a. 3–4 dešimtmėčiuose. [Lithuanian Women's Council and its State Activities in the Nineteen Twenties and Thirties]. *Parlamento studijos. Mokslo darbai*. 2005, 4: 9–37.

52 Lithuania has ratified the main international documents on women's rights, *inter alia* the Convention on the Elimination of all Forms of Discrimination against Women of the UN of 1979 and the Optional Protocol to the 1979 Convention on the Elimination of all Forms of Discrimination against Women of the UN of 1999, the United Nations Convention against Transnational Organized Crime of 2000 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the 2000 United Nations Convention against Transnational Organized Crime of 2002, etc.

53 In 1998, the Law on Equal Rights of Men and Women was adopted. While implementing the provisions of this law, the Office of Equal Opportunities for Men and Women Ombudsperson was established in 1999, which had to consider complaints concerning the discrimination on the basis of gender. In 2002, the said law was supplemented so that the Office of Equal Opportunities of Men and Women Ombudsperson could also investigate complaints in the field of the consumer rights protection and advertising. In 2003, the Law on Equal Opportunities was adopted, which came into force in 2005 and which implied the change of the title of the office (the Office of Equal Opportunities Ombudsperson) and expanded its branches of activity. At present, the Equal Opportunities Ombudsperson investigates the complaints on direct and indirect discrimination on the basis of gender or sexual orientation, sexual harassment, age, disability, race or ethnical dependence, religion or beliefs. Women usually complain concerning the discrimination on the mentioned basis, even though in 2000 men composed 62 per cent of all the persons applying to the Office. It was noted that women mostly complain concerning discrimination at work, *inter alia* also concerning the different re-

which must ensure the effective implementation of equal rights of men and women. However, the insufficient activeness of women in politics and complaints concerning discrimination in various spheres of life, which are considered by the Office of Equal Opportunities Ombudsperson may be taken as evidence that ensuring the rights of women is still a relevant problem of the State of Lithuania.

During the European Parliament elections of 2004 five out of thirteen members of parliament elected in Lithuania were women. In the European Commission Lithuania also became represented by a woman – in 2004, D. Grybauskaitė, the former Minister of Finance, became a commissioner responsible for EU budget. In the parliaments of Lithuania women representatives are not numerous. For example, out of 141 members fifteen women were elected to Seimas in 2000, and 31 in 2004.

27 women were elected to Seimas in 2008. Two women were elected as vice chairpersons of the Seimas. Being the eldest member of the newly elected Seimas, Vida Marija Čigriejienė⁵⁴ was the chairperson of the first sitting of the Seimas, similarly to the opening of the Constituent Seimas of 1920s. One should take into consideration that women are not sufficiently represented in the executive power as well, their number in the Government is particularly small, usually they hold one to three offices of ministers. A woman held the office of the Prime Minister only once in the whole history of Lithuania. And even though more than half, i.e. 54 per cent, judges in Lithuania are women, usually they work in the lower levels of courts; only a few of them are justices of the Supreme Court of Lithuania, the Supreme Administrative Court of Lithuania or the Constitutional Court of the Republic of Lithuania.

Unfortunately, the equality between men and women is still influenced by patriarchal stereotypes that are still vital in society. However, during the recent political and economical developments the role of women professionals has increased and during the last elections of the President of the Republic of Lithuania Dalia Grybauskaitė was elected as the first female President of the Republic by an impressive majority of votes.

muneration for men and women for the same job. Men usually complain on the discrimination in the sphere of family relations i.e. that in the case of divorce, their right to take care of children is usually restricted.

54 Vida Marija Čigriejienė addressed the parliamentarians: “It is a great honour for me to begin the first sitting of the Republic of Lithuania Seimas of 2008-2012. I am very happy that destiny gave me the honour to chair this sitting. Who could think that an exile of 1941 who was expatriated while still a baby in a cattle train cars from the railway station of Alytus to the Siberian vastness, dropped in taiga would survive (even though one had to live in non-heated barracks, to suffer privations, starvation, humiliation, disdain and to see closest people dying) and would chair the first sitting of the Seimas. A journey to obscurity of all the Šapokai kin was a very long and hard one. It is my pleasure to repeat the first sitting of the Constituent Seimas of 15 May 1920 which was also chaired by a woman, a public and culture character, writer Gabrielė Petkevičaitė-Bitė. However, one did not manage to obliterate the aims of independence of Lithuania from the people’s memory even in exile, even though one wished to delete the name of Lithuania from the history map. May our wounds cicatrise, and let us prove by means of our work that we are able to form politics and to adopt firm decisions. It is great that women also actively participate in the formation of politics and Lithuania was among the first states of the world in which women were granted the right to vote without limitations. Let us enjoy it, as it will influence the lives of our daughters and granddaughters. While we have to be thankful for the generation of our ancestors which gained this right for us. I hope that we will find women also in the new Government and among the leaders of the Seimas” (*the Seimas stenographs*).

Out of more than 50 per cent of those who participated in the elections of 17 May 2009 almost 70 per cent of voters supported her candidacy.

Conclusions

While assessing the development of legal recognition of the rights of women in Lithuania, we could emphasize the 16th century, when property rights and some personal freedoms of women were legally entrenched in the first Statutes of Lithuania.

At the end of the 19th and at the turn of the 20th century women's struggle for political equality and suffrage was linked with the movement of re-establishing of the independent State of Lithuania. At the beginning of 20th century the feminist movement started in Lithuania, which equated women's rights to their participation in the election, women tried to actively participate in the political events which led to reconstruction of the statehood of Lithuania. Women representatives participated in the work of the Great Seimas of Vilnius in 1905 that recognized the principles of equality of women and men and declared the principles of equal general election to the Seimas (parliament).

Women's suffrage, as one of the elements of legal equality, became constitutionally entrenched already in the first temporary Constitution of the State of Lithuania of 1918. While stating the equality of gender before the law, the generality and equality of election in the Constitution, also the women's suffrage was recognized. Women's active and passive suffrage was also regulated in the law on the Constituent Assembly of 1919 and subsequent electoral laws.

In the first half of the 20th century women were also struggling for political equality. They were elected to the first parliament, a woman even became a chairperson of the opening of the elected parliament of 1920, they submitted draft proposals for the Constitution of the State of Lithuania of 1922, and seeking to expand women's property rights, they attempted to unify the civil laws and to improve them. In 1926 two women were nominated as candidates for the president of the state elections in the Seimas.

At the end of the 20th century – the beginning of 21st century women's rights have been further developed, moreover, the mechanisms protecting these rights have been created, which must help to implement the equality of men and women in real life. The first woman was elected President of the Republic by popular vote in May 2009.

References

Aleksandravičius, E.; Kulakauskas, A. *Carų valdžioje. Lietuva XIX amžiuje*. [Under the Tsars: Lithuania in the 19th Century]. Vilnius: Baltos lankos, 1996.

Andriulis, V. *et al.*, A. *Lietuvos teisės istorija*. [Legal History of Lithuania]. Vilnius: Justitia, 2002.

Andriulis, V.; Mockevičius, R.; Valeckaitė, V. (sud.) *Lietuvos valstybės teisės aktai* (1918.

- II.16–1940.VI.15). [Lithuanian state legislative acts (16 February 1918–15 June 1940)]. Vilnius: Teisinės informacijos centras, 1996.
- Birmontienė, T. Žmogaus teisių koncepcija 1922 m. Lietuvos valstybės konstitucijoje. [Human rights conception in the Lithuanian State Constitution of 1922]. *Mūsų konstitucionalizmo raida*. Vilnius: Seimo leidykla „Valstybės žinios“, 2003.
- Čepėnas, P. *Naujųjų laikų Lietuvos istorija*. [Lithuania’s History of the New Ages]. Vilnius: 1992.
- Civiliniai įstatymai. X tomo 1 dalis. K. Šalkausko vertimas. Kaunas, 1933. [Civil laws. X t. 1 p. Translation by K. Šalkauskas].
- Gudavičius, E. *Pirmasis Lietuvos Statutas*. Iš anglų kalbos vertė E. Gudavičius. The Statute of Lithuania, 1529. Vilnius: Artlora, 2002.
- Jurėnienė, V. I-asis ir II-asis moterų suvažiavimai: Lietuvos moterų judėjimo siekiai ir išdavos. [1st and 2nd Congress of Women: aims and outcomes of the Lithuanian Women’s movement] *Kauno istorijos metraštis*. T. 5. Kaunas: VDU leidykla, 2005, p. 131.
- Jurėnienė, V. *Lietuvos moterų judėjimas XIX amžiaus pabaigoje–XX amžiaus pirmojoje pusėje*. [Lithuanian Women’s movement at the end of the 19th century and the beginning of the 20th century]. Vilniaus universiteto leidykla, 2006.
- Jurėnienė, V. *Lietuvos moterų taryba ir jos veikla valstybėje XX a. 3–4 dešimtmečiuose*. [Lithuanian Women’s Council and its activities in the nineteen twenties and thirties]. *Parlamento studijos. Mokslo darbai*. 2005, 4: 9–37.
- Jurėnienė, V. Moterys 1920–1922 metų Steigiamajame Seime [Women in the Constituent Seimas of 1920–1922]. *Feminizmas, visuomenė, kultūra*. Vilnius: VU lygių galimybių centras, 2001, p. 128–133.
- Maksimaitis, M. *Lietuvos valstybės konstitucijų istorija*. [History of the Constitutions of the State of Lithuania]. Vilnius: Justitia, 2005.
- Valikonytė, I.; Lazutka, S.; Gudavičius, E. *Pirmasis Lietuvos Statutas: (1529 m.)*. [The First Statute of Lithuania: 1529]. Vilnius: Vaga, 2001.
- Žemaitytė-Veilentienė, A. Konstitucijos projekto komisijos nariai. [Members of the Constitution Drafting Commission]. *Mūsų konstitucionalizmo raida* (straipsnių rinkinys). Vilnius: Seimo leidykla „Valstybės žinios“, 2003.

MOTERŲ TEISIŲ RAIDA LIETUVOJE, POLITINIŲ TEISIŲ PRIPAŽINIMAS

Toma Birmontienė

Mykolo Romerio universitetas, Lietuva

Virginija Jurėnienė

Vilniaus universitetas, Lietuva

Santrauka. Straipsnyje moterų teisių raida Lietuvoje nagrinėjama teisiniu istoriniu aspektu, daugiausia dėmesio skiriant politinėms teisėms. Lietuva iš kitų valstybių išsiskiria tuo, kad joje žmogaus teisių doktrina ėmė formuotis anksti. Jau XVI a. Lietuvos Statutuose, atspindinčiuose to meto europinę žmogaus teisių sampratą, buvo pripažintos kai kurios turtinės ir asmeninės moterų teisės. Dėl Lietuvos valstybei nepalankiai susiklosčiusių istorinių

aplinkybių moterų teisės XVIII a. pabaigoje–XIX a. pradžioje nebuvo plėtojamos, jos savo teisių pripažinimo, lygiateisiškumo siekė plačia šviečiamąja labdaringa veikla, neatsiejama nuo Lietuvos valstybingumo atkūrimo siekio, dalyvavo sukilimuose prieš carinę Rusiją. XIX a. pabaigoje Lietuvoje prasidėjo feministinis sąjūdis, moterų siekis turėti lygias su vyrais politines teises atsispindėjo 1905 m. Didžiojo Vilniaus Seimo dokumentuose, kuriuose buvo deklaruojama moterų ir vyrų lygybė, įtvirtinti visuotiniai lygūs Seimo rinkimų principai, vėliau konstituciškai įteisinti 1918 m. Laikinojoje Konstitucijoje ir kitose XX a. pirmojoje pusėje priimtose konstitucijose. Straipsnyje nagrinėjama moterų dalyvavimas įvairiuose moterų judėjimuose, politinių partijų veikloje, moterų Seimo narių veikla Steigiamajame Seime ir kituose Seimuose. Pagrindžiama, kad aktyvi įvairių moterų organizacijų veikla siekiant politinių teisių pripažinimo neatsiejama nuo Lietuvos valstybingumo atkūrimo, ir tai lėmė, kad ir moterų, ir vyrų politinių teisių pripažinimas vyko vienu metu.

XX a. pabaigoje atkūrus nepriklausomą Lietuvos Respubliką moterų politinės teisės buvo toliau plėtojamos. Svariausiai moterų lygiateisiškumo pripažinimą patvirtina tai, kad 2009 m. gegužės mėn. didele rinkimuose dalyvavusių rinkėjų balsų dauguma pirmą kartą Lietuvoje Respublikos Prezidente yra išrinkta moteris – Dalia Grybauskaitė.

Reikšminiai žodžiai: *konstitucinė teisė, teisės istorija, moterų politinės teisės, rinkimų teisė, moterų judėjimas Lietuvoje, konstitucinis rinkimų teisių pripažinimas Lietuvoje, pirmoji moteris Respublikos Prezidentė.*

Toma Birmontienė, Lietuvos Respublikos Konstitucinio Teismo teisėja, Mykolo Romerio universiteto Teisės fakulteto Konstitucinės teisės katedros profesorė. Mokslinių tyrimų kryptys: konstitucinė teisė, žmogaus teisės, sveikatos teisė.

Toma Birmontienė, Constitutional Court of the Republic of Lithuania, justice; Mykolas Romeris University, Faculty of Law, Department of Constitutional Law, professor. Research interests: constitutional law, human rights law, health law.

Virginija Jurėnienė, Vilniaus universiteto Kauno humanitarinio fakulteto Filosofijos ir kultūros studijų katedros docentė. Mokslinių tyrimų kryptys: Lietuvos moterų judėjimo ir feminizmo istorija, moterų politinis ir socialinis aktyvumas XX–XXI amžiuje.

Virginija Jurėnienė, Vilnius University, Kaunas Faculty of Humanities, Department of Philosophy and Culture Studies, associated professor. Research interests: history of the Lithuanian women's movement and feminism, women's political and social activities in the 20th–21st centuries.