



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

Initial reports of States parties due in 2005

LITHUANIA

[13 June 2006]

**REPORT ON THE IMPLEMENTATION OF THE OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE
INVOLVEMENT OF CHILDREN IN ARMED CONFLICTS, 2000**

**Approved by Resolution No. 435 of the Government of the Republic of Lithuania
of 9 May 2006**

GENERAL PROVISIONS

1. On 12 November 2002, the Seimas of the Republic of Lithuania ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000 (*Valstybės Žinios* (Official Gazette), No. 126-5734, 2002) (hereinafter referred to as the Optional Protocol). In Lithuania, the provisions of the Optional Protocol entered into force on 20 March 2003. Pursuant to article 8, paragraph 1, of the Optional Protocol, information on the implementation of the provisions of the Optional Protocol in Lithuania is provided in this report.
2. The Ministry of Social Security prepared this report on the implementation of the provisions of the Optional Protocol and submitted it for examination by the Government of the Republic of Lithuania after consideration with the Ministry of Health, Ministry of Education and Science, Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, and the Ministry of National Defence of the Republic of Lithuania, in the manner prescribed by legal acts.
3. On 2 May 2000, the Seimas of the Republic of Lithuania ratified the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (*Valstybės Žinios* (Official Gazette), No. 63-1908, 2000); the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 (*Valstybės Žinios* (Official Gazette), No. 63-1907, 2000); the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949 (*Valstybės Žinios* (Official Gazette), No. 63-1906, 2000); the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 (*Valstybės Žinios* (Official Gazette), No. 63-1905, 2000); the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (*Valstybės Žinios* (Official Gazette), No. 63-1909, 2000); and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II) (*Valstybės Žinios* (Official Gazette), No. 63-1910, 2000), the special norms of which stipulate the specific situation of children in armed conflict and provide them with additional protection and guarantees. The provisions of the Geneva Conventions have been in force in Lithuania since 3 April 1997 (Lithuania adhered to the Conventions on 7 July 1993, pursuant to the respective Directive of the Government of the Republic of Lithuania); however, they became part of the legal system of the Republic of Lithuania only after their ratification.

Implementation of article 1

4. The duty to defend the State is established in the Constitution of the Republic of Lithuania (hereinafter referred to as “the Constitution”). Pursuant to paragraph 1 of article 139 of the Constitution, the defence of the State of Lithuania against a foreign armed attack shall be the right and duty of each citizen of the Republic of Lithuania. Pursuant to paragraph 2 of the article, citizens of the Republic of Lithuania must perform military or alternative national defence service according to the procedure established by law.

5. Pursuant to legislation of the Republic of Lithuania only citizens of the Republic of Lithuania who have attained the age of 18 can be voluntarily accepted into active military service.

6. Compulsory recruitment of children under the age of 18 into the national armed forces shall be prosecuted under laws of the Republic of Lithuania.

Implementation of article 2

7. The performance of the compulsory military service in the Republic of Lithuania is regulated by the Law on National Conscription of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette), No. 106-2472, 1996). Citizens of the Republic of Lithuania (males), upon reaching 16 years of age, enter in a military register at local territorial military office and are issued a draftee’s certificate. Draftees, upon reaching 19 years of age, must appear at a local territorial military office within a 45-day period, which starts 30 days prior to the draftee’s 19th birthday and ends 15 days after the birthday.

8. Municipal institutions shall keep records of potential draftees, while the Conscription Administration Service under the Ministry of National Defence shall keep records of draftees. The Residents’ Register Service under the Ministry of the Interior of the Republic of Lithuania shall provide the above-mentioned municipality institution with information about the places of residence, passports and identity cards of the draftees and potential draftees, as well as other data. The Resident’s Register Service provides the aforementioned data to the Ministry of National Defence, upon request by the latter. Each quarter of the year, civil registration offices must submit to local territorial military institutions lists of military conscripts (males) who have changed their names and surnames; upon request of such institutions, additional lists; and, in the event of death of a military conscript, information about this fact within 10 calendar days.

9. The duration of the initial military service may be prolonged in the state of war, or in cases of war and mobilization.

Implementation of article 3

10. Pursuant to article 17 of the Law on National Conscription of the Republic of Lithuania, citizens of the Republic of Lithuania between the ages of 19 to 26, may be conscripted into initial mandatory military service. Citizens who have written a request to a Selective Recruitment Commission or regional military conscription centre may start service at the age of 18.

11. Those who fail to perform the initial military service can enter the General Jonas Žemaitis Military Academy of Lithuania (hereinafter referred to as the Academy). The Academy is a higher school for officer training and in-service training for military service officers. It is a military institution of the national defence system accountable to the Minister of National Defence. Adults who have, as a minimum, completed their secondary education may be accepted into the Academy. The Academy organizes three bachelor's degree and two master's degree university-level programmes as well as one military training programme. The university-level training programmes are completely separate from the military training programme. Graduates of the Academy receive university-level bachelor's (or master's) diplomas as well as certificates of relevant military qualification, which entitle them to work in the national defence system. At all times, cadet students can terminate their studies and discontinue their military service in the manner prescribed by laws of the Republic of Lithuania. In 2005, there were 223 full-time cadet students and 20 full-time master's degree students. Student distribution by percentage according to age was as follows: 18 years, 2 per cent; 19 years, 16 per cent; 20 years, 16 per cent; 21 years, 29 per cent; 22 years, 23 per cent; 23 years, 4 per cent; 24 years, 21 per cent; 25 years, 3 per cent; 26 years, 2 per cent; 27 years, 1 per cent; 28 years, 1 per cent; 30-34 years, 2 per cent. 8.5 per cent of the students were female. Full-time cadet student and master's-level student distribution by region was as follows: Alytus county, 9 per cent; Kaunas county, 18 per cent; Klaipeda county, 10 per cent; Marijampole county, 5.6 per cent; Panevezys county, 9.4 per cent; Siauliai county, 8.5 per cent; Taruage county, 5 per cent; Telsiai county, 6.5 per cent; Utane county, 5 per cent; Vilnius county, 23 per cent.

12. Pursuant to subparagraph 2 of paragraph 2, article 8 of the Law on National Conscription of the Republic of Lithuania, cadets at the Academy are exempted from the compulsory military service, i.e. the initial compulsory military service is substituted with the studies organized by the Academy. Students of the Academy are granted with the cadet and common soldier status, while in the state of war or in the case of armed defence against aggression (case of war), the Academy, with the exception of its civil personnel, is a constituent part of the Lithuanian Armed Forces subordinate to the army commander. Complaints of cadets of the Academy are examined in the manner established by articles 57-64 of Chapter VIII of the Disciplinary Statute of the Armed Forces of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette), No. 51-1635, 1999; 17-603, 2006).

Implementation of article 4

13. In article 2 of the Law of the Republic of Lithuania on the Ratification of the Optional Protocol (*Valstybės Žinios* (Official Gazette), No. 126-5727, 2002), the Seimas of the Republic of Lithuania established that, under the law of the Republic of Lithuania, citizens of the Republic of Lithuania under the age of 18 years may not serve in the national armed forces; the minimum age of citizens of the Republic of Lithuania for voluntary recruitment into the active military service is 18 years; and the minimum age of citizens of the Republic of Lithuania for enlisting in the mandatory military service is 19 years. Compulsory recruitment of children under the age of 18 years into the national armed forces entails liability under laws of the Republic of Lithuania.

14. By implementing article 4 of the Optional Protocol, in the Republic of Lithuania Law on the Amendment of Articles 8-1, 11-1, 45, 53-1, 232-1, 232-2, 232-5, 232-8, 312, 321-2 of the Criminal Code, Recognition of Article 232-3 Thereof as no Longer Valid and Supplement Thereof with Article 340-1 (*Valstybės Žinios* (Official Gazette), No. 123-5544, 2002) and in article 340-1 of the Criminal Code of the Republic of Lithuania which was in force until 1 May 2003, the Seimas of the Republic of Lithuania established criminal liability for the recruitment of children into military service and their use in military operations. According to this article, recruitment of children under the age of 18 years into armed groups that do not belong to the military service, or their use in hostilities, entails criminal liability of 3 to 10 years' imprisonment. The provisions of the Optional Protocol are included in article 105 of Penal Code under the name of "*Forced Use of Civilians and Prisoners of War in the Armed Forces of an Enemy*" (*Valstybės Žinios* (Official Gazette), No. 89-2741, 2000). This article entered into force on 1 May 2003. In accordance with paragraph 1 of the aforementioned article, a person who, in violation of international humanitarian law, in the time of armed international conflict, occupation or annexation, forces civilians or prisoners of war to serve in the armed forces of their enemy, uses them as a human shield, or induces or recruits children under the age of 18 years into armed forces or uses them in hostilities, shall be penalized with 3 to 10 years in prison. Paragraph 2 of article 105 of the Criminal Code of the Republic of Lithuania reiterates the provision on the acceptance of children into military service in armed groups that are distinct from the national armed forces, which was in force until 1 May 2003. However, the aforementioned paragraph criminalizes not only the acceptance of children into military service, but also their recruitment, and also increases the maximum possible penalty from 10 years' imprisonment to 12 years' imprisonment. Consequently, pursuant to paragraph 1 of article 105 of the Criminal Code of the Republic of Lithuania, a person who accepts or recruits children under the age of 18 years into military service in armed groups that are distinct from the national armed forces or uses them in hostilities, shall be penalized with imprisonment of 3 to 12 years. The provisions of article 105 of the Criminal Code of the Republic of Lithuania have retroactive effect (paragraph 3 of article 3 of the Criminal Code of the Republic of Lithuania), and the statute of limitations is not applicable to them (subparagraph 7 of paragraph 5, article 95 of the Criminal Code of the Republic of Lithuania).

Implementation of article 5

15. The Constitution and the Law on International Treaties of the Republic of Lithuania (*Valstybės Žinios* (Official Gazette), No. 60-1948, 1999) establishes that all international treaties ratified by the Seimas of the Republic of Lithuania are a constituent part of the legal systems of the State. If an effective ratified treaty establishes norms other than laws of the Republic of Lithuania, provisions of the treaty are applicable. This principle creates the most favourable conditions for the implementation of international humanitarian law.

Implementation of article 6

16. Pursuant to paragraph 6.3 of the Provisions of the Ministry of National Defence of the Republic of Lithuania, approved by the Republic of Lithuania Government Resolution No. 924 of 23 July 1998 (*Valstybės Žinios* (Official Gazette), No. 67-1959, 1998), the implementation of international humanitarian law is coordinated by the Ministry of National Defence. Pursuant to the Order No. 1139 of the Minister of National Defence of 30 August 2001, the Commission for the Implementation of International Humanitarian Law was established and its composition as

well as its rules of procedure were approved. This Commission is a supervisory institution of the Minister of National Defence. The key task of the Commission is to assist the Ministry of National Defence with the implementation of the international humanitarian law in the Republic. The Commission consists of representatives of various ministries and institutions. It examines all questions related to the implementation of international humanitarian law in the Republic of Lithuania, analyses the situation in the country, provides suggestions on amendments to the national legislation, and coordinates the promotion of international humanitarian law. International humanitarian law is a constituent part of the study programmes organized by the Lithuanian Armed Forces and Police. It is also studied in the Academy, Division General Raštikis NCO School, Mykolas Romeris University, and the Faculty of Law of Vilnius University, as well as in the Institute of International Relations and Political Science of Vilnius University.

Implementation of article 7

17. Different institutions were in close cooperation with NATCOM of UNICEF of Lithuania while implementing the multilateral international programme for 2003-2005 on children's rights. The priorities of the aforementioned programme were the following: protection of the rights of the child, early childhood development, and youth health and development.
