SUBMISSION TO THE HUMAN RIGHTS COMMITTEE: 123rd SESSION

LITHUANIA
Military service, conscientious objection and related issues.
Updated June 2018

Basic Information

HISTORY: Lithuania seceded from the Soviet Union in 1991 and was granted UN membership the same year.

POPULATION: (November 2017, estimated) 2,824,000

MILITARY SERVICE: Conscription was suspended in 2008, reimposed in 2015.

DURATION: 9 months

MINIMUM AGE: 19 (18 for volunteers, and in time of war).

CONSCIENTIOUS OBJECTION: Provisions included in the 1996 Law on Military Conscription, presumably still applicable following the reintroduction of conscription.

APPROXIMATE MALE POPULATION REACHING 18 ANNUALLY: 15,250

ARMED FORCES: ACTIVE STRENGTH, NOV 2017: 18,350 In proportion to those reaching 18: 120.3%

MILITARY EXPENDITURE US $ equivalent, 20166 $811m Per capital $281 As % of GDP 1.7%

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1 Source: The Military Balance 2018 (International Institute of Strategic Studies, London), which bases its estimate on "demographic statistics taken from the US Census Bureau".
2 Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012.
3 Calculated from the population breakdown given in The Military Balance 2018.
4 Source: The Military Balance 2018, op cit..
5 This provides a very crude indication of the extent to which the population is enrolled, through conscription or otherwise, into military service. By focussing on just the age cohort which is most affected, it builds in a rough compensation (as compared with total population) to the figures for those States which have unusually large proportions of old or very young people. And in the case of conscription, it gives an indication of how universal this is in practice.
6 Stockholm International Peace Research Institute (SIPRI), April 2018
Context

In the List of Issues prior to Lithuania’s Fourth Report under the International Covenant on Civil and Political Rights, the Human Rights Committee asks:

“Please provide information, in the light of the reintroduction of conscription in 2015, on the opportunities for alternative service for conscientious objectors. Please indicate the conditions necessary to qualify for alternative service, the duration that alternative service and the number of requests for an alternative service made since the reintroduction of conscription.”

Background: Conscription and conscientious objection

Article 139.1 of the Lithuanian Constitution states that defence of Lithuania against a foreign armed attack is the right and duty of every citizen; Article 139.2 requires citizens to perform military or alternative national defence service according to the procedure established by law.

The relevant provisions were promulgated in the Law on Military Conscription No 1593/1996 of 22 October 1996, which stipulated that male citizens aged between 19 and 26 years were liable to “initial mandatory military service” of 12 months; in time of war or national emergency the duration might be extended and the age of liability lowered to 18 years. At other times those aged 18 might, on written request to a municipal selection commission or regional military conscription centre, be permitted to commence their military service early. Under no circumstances may anyone under the age of 18 join the armed forces.

Article 4.3 of the Law on Military Conscription institutes alternative service for conscientious objectors, but the criteria for recognition and the nature of the service are not made clear.

In 1997, in its concluding observations on the Initial Report of Lithuania under the International Covenant on Civil and Political Rights (ICCPR), the Human Rights Committee expresses its concern over the conditions for alternative service available to persons who have a conscientious objection to military service, in particular the grounds for establishing the right to perform alternative service and its length.”

Therefore:

“The Committee recommends the State party clarify the grounds and eligibility for performing, without discrimination, alternative service on grounds of conscience or religious belief to ensure that the right to freedom of conscience and religion is respected.”

7 CCPR/C/LTU/QPR/4, 16th August 2016, para 22
8 CCPR/C/79/Add.87, 19th November 1997, para 19,
During the consideration of the Second Periodic Report in 2004, Lithuania indicated that “article 4, paragraph 3, of the Law on National Conscription governed alternative service for those who did not wish to bear arms on the grounds of religious or pacifistic beliefs. A special commission composed of representatives of the military, doctors and priests decided on the appropriate alternative military service. However, new draft regulations were being prepared which would make it possible to do alternative service outside the framework of the national defence system.”  

Nothing, however, seemingly came if this initiative.

In its Concluding Observations: “The Committee reiterates the concern (…) about conditions of alternative service available to conscientious objectors to military service, in particular with respect to the eligibility criteria applied by the Special Commission and the duration of such service as compared with military service.”

and it recommends, expanding on its previous comments, “that the State party clarify the grounds and eligibility for performing alternative service to persons objecting to military service on grounds of conscience or religious belief, to ensure that the right to freedom of conscience and religion is respected by permitting in practice alternative service outside the defence forces, and that the duration of service is not punitive in nature (arts. 18 and 26).”

In 2007 the US State Department reported: “Conscientious objectors may petition for alternative military service within military structures, but there is no option for alternative nonmilitary service, despite requests by members of Jehovah’s Witnesses. Persons enrolled in alternative military service receive noncombat assignments but must follow military regulations and reside on military installations.”

The other blatant shortcoming of the Law on National Conscription was the punitive duration of the “alternative military service”, set in Article 23.2 as 18 months, as opposed to a standard military service duration of 12 months.

In its Third Periodic Report under the ICCPR, Lithuania indicated simply that the information under Article 18 in the previous reports had not changed.

As regards provision for conscientious objection to military service, it is somewhat baffling that no mention should have been made of the suspension of obligatory military service. Details were subsequently provided to the Committee on the Rights of the Child: “On 13 March 2008, the Seimas [Parliament] of the Republic of Lithuania passed the Resolution “On the Principles of Organisation of the Lithuanian Army” which states that it is reasonable to organise the

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12 Professional soldiers and the right to conscientious objection in the European Union (Information against war, repression, and for another society No. 5 – Documentation produced for Tobias Pflüger MEP (Vereinigte Europäische Linke / Nordische Grüne Linke (GUE/NGL) Parlamentsfaktion Europäische Parlament), Brussels, October 2008, p35.
13 CCPR/C/LTU/3, 29th November 2010, para 3.
Lithuanian Army as a professional and volunteer military service. In the Law on the Principal Structure of the Armed Forces in 2009, the Planned Principal Structure of the Armed Forces in 2014, and the Number of Statutory Civil Servants in the Civil National Defence Service (No. X-1701, of 15 July 2008), the number of servicemen in initial mandatory military service is set at up to 600. The Minister of National Defence has issued a decision to suspend conscription to initial mandatory military service, with effect from 15 September 2008, and to set the number of servicemen in initial mandatory military service at 0, with effect from 1 July 2009.\(^\text{14}\)

The number of conscripts had already been falling for some years. In 2006, it was 3,981 of a total armed forces personnel of just over 12,000. By the end of 2008 the number had dropped to 480; until 2012 a figure of 120 conscripts serving in the Navy was still quoted; by 2012 there were no more serving conscripts.\(^\text{15}\)

Following the Russian annexation of Crimea in March 2014 and its military intervention in Eastern Ukraine, and more specifically following military exercises in December 2014 in the Kaliningrad exclave, (Lithuania lies directly between the exclave and the remainder of Russia), Parliament on 4\textsuperscript{th} March 2015 approved the recommendation of the State Defence Council that conscription be reinstated. President Dalia Grybauskaite called conscription a 'quick and cost-effective way to bolster the country's army', with conscript soldiers costing about half as much as professionals. The proposal was to mobilise for training in each of the following five years about 3,500 conscripts - men aged 19 to 26 and graduates of higher education institutions up to age 38.\(^\text{16}\) The first call-up took place on May 11\textsuperscript{th} 2015. About 2,000 of the 3,000 conscripts enlisted came forward voluntarily.\(^\text{17}\) We gather that the numbers required each year have continued to be filled mainly by those who enlisted willingly.

In November 2015 the decision was taken to extend the original scheme by at least one year; a survey showed that it commanded majority support in the country except, apparently, among the age group directly affected.\(^\text{18}\) In March 2016 the State Defence Council recommended to the Parliament that it be extended indefinitely.\(^\text{19}\)

Whether or not solely through conscription, the manpower of the Lithuanian armed forces, after a long periodof decline, has been sharply increased in recent years, as shown in the following table.

\(^{14}\) CRC/C/LTU/3-4, received 25\textsuperscript{th} February 2010, published 1\textsuperscript{st} March 2012, Para 442
\(^{15}\) International Institute for Strategic Studies, The Military Balance (editions from 2007 to 2013, inclusive
\(^{16}\) War Resisters International, “Propaganda, Ukrainian desertion and conscription in Lithuania”, in CO Update No. 86 (January-March 2015)
\(^{17}\) War Resisters’ International, “Portraits of men explore conscription and gender in Lithuania”, in CO Update No. 87 (March-June 2015)
\(^{18}\) War Resisters’ International, “Lithuania and Latvia: reacting to growing tension with Russia”, in CO Update No. 89 (September-November 2015)
\(^{19}\) War Resisters’ International, “Lithuania: conscription may become permanent”, in CO Update No. 91 (March-April 2016)
The “other” category which appeared in 2010 comprises the Special Operation Force, the Logistics Support Command, the Training and Doctrine Command, but the sharp increase in numbers in the last few years are accounted for simply by a new category, itself labelled “other”.

The Jehovah’s Witnesses, in their separate submission, document at least three cases since the reintroduction of conscription of members who expressed their willingness to perform a genuinely civilian alternative service, but were not prepared to enrol for unarmed military service. All these cases are currently making their way through the legal process.

Even any objectors who would be prepared to accept “unarmed military service” will find that the duration is now even more punitive. As the period of military service currently required is nine months,21 unarmed service, at 18 months, is twice as long.

Meanwhile, Lithuania claims that it would respect the right of any professional member of the armed forces who develops a conscientious objection to be released. In its reply to the questionnaire on follow-up to Recommendation CM/Rec(2010)4 of the Committee of Ministers of the Council of Europe, on Human Rights in the Armed Forces, it indicates that the Law on the Organisation of the National Defence System and Military Service “provides that a serviceman […] may terminate service prior to the expiry of a term undertaken under the contract solely in accordance with the procedure laid down by the Minister of Defence and on his decision for recognised valid reasons. While not specifically mentioned in the said procedure […], reasons of conscience would constitute a recognised valid reason.” If the request were to be turned down there is a right of appeal to a court.22 It would be interesting to know whether this had ever been tested in practice.

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<th>Year</th>
<th>Total active personnel</th>
<th>Army</th>
<th>Navy</th>
<th>Air Force</th>
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</tbody>
</table>

20 INT/CCPR/CSS/LTU/31384
Involvement of children in military activities

When Lithuania delivered its Initial Report to the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child (CRC-OPAC) on the involvement of children in armed conflict, the Committee noted “that no compulsory active military service is required before the age of 19 but that registration of Lithuanian male citizens to enter military service starts at the age of 16, and that children between the ages of 12 and 18 can receive military training through the Riflemen’s Union.” The Committee was “concerned about the fact that the State party could engage children under 18 in military activities” and requested “more information and clarification, (...) on the purpose of the registration of male citizens from the age of 16, and on the military training provided to children between the ages of 12 and 18 within the Riflemen’s Union and their possible use in armed conflicts”.

To its credit, Lithuania responded fully to this request when it delivered its joint Third and Fourth Periodic Report under the Convention on the Rights of the Child itself, and indeed it has some of the strongest legal provisions anywhere against the forced involvement of children in armed conflict: “Article 105(1) of the Criminal Code lays down that a person who, in time of war, during an armed international conflict, or occupation or annexation, forces, in violation of international humanitarian law, civilians or prisoners of war to serve in the armed forces of their enemy, uses them as a human shield in a military operation, conscripts or recruits children under the age of 18 years into the armed forces or uses them in a military operation shall be punished with imprisonment for a term of 3 to 10 years; pursuant to Article 105(2), a person who conscripts or recruits children under the age of 18 years into military service in a military group not belonging to the armed forces of the State or uses them in a military operation shall be punished by imprisonment for a term of 3 to 2 years. The provisions of Article 105 of the Criminal Code have a retroactive effect (Art. 3(3) of the Criminal Code) and are not subject to time limitations (Art. 95(5)(7) of the Criminal Code)”.

The rest of the response however sadly reflects the trend that when States abandon obligatory military service they feel it necessary to step up pre-recruitment activities addressed at schoolchildren in order to raise the number and quality of volunteers:

“Institutions of the system of national defence make much effort to foster civic and national virtues in children, youth and adults:

(a) The Ministry of National Defence, the National Defence Volunteer Forces and the Ministry of Education and Science organise a yearly competition, “What Do We Know about Lithuania’s Armed Forces”;

(b) Civic education of young people from the perspective of national security and defence policy and promotion of understanding of fundamental values and the national identity are among the main tasks of the Civil Resistance Centre under the Ministry of National Defence. A number of various

23 CRC/C/OPAC/LTU/CO/1, 6th December 2007, para 6.
24 CRC/C/LTU/3-4, op.cit, Para 444
events are dedicated for this purpose, such as conferences, seminars, summer camps for schoolchildren, and “survival” treks; active cooperation is maintained with non-governmental organisations, the business community, the Lithuanian Schoolchildren’s Parliament, the Civil Society Institute and other institutions.

“Representatives of the system of national defence take part in the process of updating civic and national education programmes in schools; possibilities for mainstreaming defence education in other subjects are being considered; the Ministry of National Defence has financed the writing of a textbook for civic and national education in schools, which is currently being revised to incorporate defence issues.

“Institutions of the national defence system regularly organise various events aimed at providing information to children and youth on the Armed Forces and military service and at promoting their interest in national defence. For instance, quite a number of the events organised on the Commemoration of Partisans, the Army and Public Unity Day are dedicated to children in order to familiarise them with the Armed Forces at closer range. Every year, military units assist public authorities, county administrations, municipalities, schools, child care institutions and non-governmental organisations to organise over 30 camps throughout Lithuania. In such camps, children and young people are not only engaged in recreational activities or sports but they also tidy up the environment, take care of cultural and historical heritage objects, learn to be responsible and disciplined persons and acquire healthy living skills. An exceptional campaign was launched in 2007: children of several Lithuanian schools sent their drawings and toys to children of the Ghor Province of Afghanistan where Lithuanian troops are deployed. As a thank-you gift, Afghan children sent over 100 drawings to Lithuania. The exhibition of these drawings at Vilnius Teachers’ House under the title “Coloured Letters to Lithuania” got huge attention from the public and the media.

“The system of national defence contributes to the civic and national education of youth by financing a wide range of projects carried out by non-governmental organisations.

“Several inter-institutional agreements were signed to promote civic and national education of children and youth:

(a) A trilateral cooperation agreement between the Ministry of National Defence, the Ministry of Education and Science, and the Lithuanian Riflemen’s Union (9 April 2008). In this agreement, the Ministry of National Defence undertook to contribute to the improvement of children’s education on national defence, to supply information on the armed forces and the military service so that general education schools and vocational guidance centres can provide adequate information to schoolchildren on the possibility of opting for a military profession, to organise qualification advancement courses for teachers, and to promote cooperation among education and national defence institutions in the field on non-formal education of children and youth. The Ministry of Education and Science undertook to complement the general education curriculum with issues of national defence, to invite the Ministry of National Defence to take part in assessing new textbooks, teaching aids and methodological literature, to urge general education schools, vocational training institutions and vocational guidance centres to inform and advise schoolchildren on the possibility of opting for a military profession, and to
encourage teachers from general education schools and other educational establishments to participate in the activities of the Lithuanian Riflemen’s Union. The Lithuanian Riflemen’s Union undertook to inform teachers and schoolchildren on the possibility of participating, and to encourage them to actually participate, in the activities of the Lithuanian Riflemen’s Union, to train riflemen for pedagogical activities, to organise joint competitions of the Lithuanian Riflemen’s Union, schoolchildren and students;

(b) A cooperation agreement between the Ministry of National defence and the Lithuanian Riflemen’s Union (11 June 2008), whereby the parties have undertaken to cooperate in cultivating civic virtues and patriotism in young people in the field of national defence, in trying to arouse the interest of young people in professional or voluntary military service in the armed forces, and in training citizens for armed defence of the State. The parties have also undertaken to promote cooperation among riflemen and national defence institutions and their subunits with regard to informal youth activities and to organise joint sporting and cultural events. The Ministry of National Defence and the Lithuanian Riflemen’s Union cooperate regularly. The Ministry of National Defence, the Lithuanian Armed Forces and the Lithuanian Riflemen’s Union are implementing a joint project “Mobile Summer Camps” for young riflemen, young riflemen applicants, schoolchildren, children from higher risk groups, and other young people, who spend time meaningfully there. The Armed Forces send military instructors to such camps, to teach young riflemen the basics of topography, first medical aid, communications, etc., and provide logistic support.

“Civic education on defence issues will be strengthened further. A new concept of the Law of the Republic of Lithuania on Military Conscription was approved by Resolution No. 620 of 18 June 2008 of the Government of the Republic of Lithuania, which provides for a set of measures aimed at the civic and national education of military conscripts: “With a view to enhancing education of military conscripts on defence issues, mandatory participation of military conscripts in the events dedicated to the National Defence Day will be introduced. This one-day national defence educational event organised to explain to military conscripts the importance of defence of the Homeland, the essentials of military conscription, and the armed forces and military service, would be an integral part of military conscription. This would be mandatory for all young people (men) from the age of 16 years, with the exception of disabled people, members of the Riflemen’s Union and/or those who have completed a “Defender of the Homeland” course (this would be a short course attended on a voluntary basis, where young people would acquire basic theoretical knowledge of the Homeland’s defence and basic practical skills of military defence; these young people would participate in the National Defence Day event on a voluntary basis).”

There was surprisingly little follow-up on this during the examination of the State Report. The Committee on the Rights of the Child seemed satisfied with the assurance that the Riflemen’s Union did not provide firearms training to children. It is however disturbing that the International Institute

26 CRC/C/SR/1827, (Meeting of 13th September 2013), Para 36.
for Strategic Studies lists the “Riflemen's Union” among the paramilitary forces of Lithuania, with a strength of 7,800. Even if they do not receive firearms training, the fact that members of the Riflemen's Union are exempt from the mandatory participation of all 16-year-old males in the National Defence Day events (itself contrary to the spirit of Article 2 of CRC-OPAC) implies that persons aged under 18 can be formally admitted to this paramilitary force, which in the event of armed conflict on Lithuanian soil would put them in obvious danger of involvement.

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