

Lithuania

Issues

- Lithuania does not recognise the right to conscientious objection for professional soldiers.
- Should conscription again be enforced, a genuinely civilian substitute service for conscientious objectors will not be available.



Military recruitment

Conscription

Conscription is enshrined in Article 139 of the 1992 Constitution, which says: "*Citizens of the Republic of Lithuania must perform military or alternative national defence service according to the procedure established by law*"¹. It is further regulated by the 1996 Law on National Conscription (1593/1996).

On 13 March 2008, the Lithuanian Parliament passed a new law "On the Principles of Organisation of the Lithuanian Armed Forces", which provides for parliament to set the number of conscripts to be recruited on a year by year bases, with the aim to suspend conscription (a 'zero' quota)². On 26 March 2008, Parliament asked the Constitutional Court to investigate whether this is constitutional, and the Constitutional Court decided on 3 April 2009 that this procedure does not conflict with the Lithuanian constitution³.

Conscription has in fact been suspended on 15 September 2008. The last conscripts left the Lithuanian Armed Forces on 1 July 2009⁴.

For those called up before 15 September 2008, the length of military service was 12 months, and 6 months for university and college graduates.

All men between the ages of 19 and 26 are liable for military service, should conscription be enforced. Reservist obligations apply up to the age of 35.

All male citizens of the Republic of Lithuania, upon reaching 16 years of age, enter in a military register at the local territorial military office and are issued a draftee's certificate.

According to the announcement on the suspension of conscription, no medical examination of those registered will take place. It can therefore be assumed that potential draftees, upon reaching 19 years of age, no longer have to 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 birthday⁵.

The number of young men being drafted into the military was already going down. In

1 Constitution of the Republic of Lithuania, <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>, accessed 30 April 2008

2 The Constitutional Court of the Republic of Lithuania: Decision, 3 April 2009, <http://www.lrkt.lt/dokumentai/2009/d090403.htm>, accessed 22 September 2009

3 The Constitutional Court of the Republic of Lithuania: Decision, 3 April 2009, <http://www.lrkt.lt/dokumentai/2009/d090403.htm>, accessed 22 September 2009

4 Ministry of National Defence: Compulsory basic military service discontinued, 15 September 2009, <http://senas.kam.lt/index.php/en/168627>, accessed 22 September 2009

5 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, [http://www.unhchr.ch/tbs/doc.nsf/0/48fa528ee06a70b2c12571cc0048a94f/\\$FILE/G0642912.DOC](http://www.unhchr.ch/tbs/doc.nsf/0/48fa528ee06a70b2c12571cc0048a94f/$FILE/G0642912.DOC), accessed 30 April 2008

2007, only 2,738 men joined the military as conscripts (compared to a total strength of 7,170 professional soldiers)⁶. This number was to go down to only 2,000 by 2011⁷. The announcement of 15 September 2008 brought the suspension of conscription forward.

Professional soldiers

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 service⁸.

According to website of the Lithuanian Armed Forces, all Lithuanian citizens under the age of 35 who did not stand trial in the past can join the Armed Forces. The initial service period is four years, but can be renewed⁹.

There is also the option to join as part-time volunteers. During the course of service volunteers master a military profession, are sent to exercises and international missions. Volunteers annually spent the average of 20 days and nights on exercise¹⁰.

Conscientious objection

Conscientious objection for conscripts

As conscription has only been suspended, the laws governing conscription and conscientious objection are still in place, should conscription again be enforced.

The right to conscientious objection is enshrined in Article 139 of the constitution. Article 4, paragraph 3, of the Law on National Conscription governs substitute service for those who do not wish to bear arms on the grounds of religious or pacifist beliefs. However, the scope of the accepted beliefs is unclear, and the United Nation Human Rights Committee repeatedly asked for clarification on the matter¹¹.

According to the available information, a special commission composed of representatives of the military, doctors and priests decided on applications for conscientious objection and appropriate “*alternative military service*” before the suspension of conscription. The phrasing “*alternative military service*” makes it doubtful that this substitute service was a genuine civilian substitute service.

The Law on National Conscription does not specify if there are time limits for submitting CO applications. However, the absence of clear legal provisions implies that serving conscripts and reservists cannot apply for CO status. Moreover, the Lithuanian government has stated in the past that applications can only be made before starting military service¹².

Lithuanian representatives declared at the meeting of the UN Human Rights Committee in March 2004: “*However, new draft regulations were being prepared which would make it possible to do alternative service outside the framework of the*

6 Ministry of Defence: Personnel size in 1998-2008, <http://www.kam.lt/index.php/en/154585/>, accessed 30 April 2008

7 White Paper Lithuanian defence policy 2006, <http://www.kam.lt/EasyAdmin/sys/files/BK-En1.pdf>, accessed 30 April 2008

8 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, [http://www.unhchr.ch/tbs/doc.nsf/0/48fa528ee06a70b2c12571cc0048a94f/\\$FILE/G0642912.DOC](http://www.unhchr.ch/tbs/doc.nsf/0/48fa528ee06a70b2c12571cc0048a94f/$FILE/G0642912.DOC), accessed 30 April 2008

9 Lithuanian Armed Forces: Military service, http://kariuomene.kam.lt/en/military_service.html, accessed 22 September 2009

10 Lithuanian Armed Forces: Military service, http://kariuomene.kam.lt/en/military_service.html, accessed 22 September 2009

11 In 2004, the Committee reiterated “*the concern expressed in its concluding observations on the previous report 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*”, Concluding observations of the Human Rights Committee : Lithuania. 04/05/2004. CCPR/CO/80/LTU, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.80.LTU.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.80.LTU.En?OpenDocument), accessed 30 April 2008

12 Tannert, C. & R. Bachmann: Military service and conscientious objection in Central and Eastern Europe in view of the extension of the European Union towards the East, Brussels, 1997.

national defence system"¹³. If these new regulations have in fact been passed, and what they include, is presently not known.

According to Article 23 paragraph 2 of the Law on National Conscription, the length of substitute service is 18 months. This is one and a half times the length of military service. In practice, substitute service is not organised and only an unarmed military service within the armed forces is available¹⁴.

In 2006 and in 2007, the US State Department reported that "*conscientious objectors may petition for alternative military service within military structures, but there is no option for alternative non-military service, despite requests by members of Jehovah's Witnesses. Persons enrolled in alternative military service must follow military regulations and reside on military installations. They receive assignments to work in nonviolent military roles, such as grounds maintenance, or can work as unskilled labourers in government health or social care institutions*"¹⁵. These reports make it appear unlikely that any new regulations have been passed, or if so, then that these new regulations led to substantial changes.

Ms. Milašiūte, a member of the Lithuanian delegation to the UN Human Rights Committee session in March 2004, "*noted that there had been one recent case in which two Jehovah's Witnesses, after being denied the right to perform alternative service, had appealed to the courts and won their case*"¹⁶.

Conscientious objection for professional soldiers

Lithuania does not recognise the right to conscientious objection for professional soldiers¹⁷.

Draft evasion and desertion

Draft evasion and desertion are punishable under the criminal code¹⁸.

Evasion of the regular draft or alternative (labour) service is punishable by up to two years' imprisonment; up to five years' if a conscript deliberately injures himself, fakes illness, forges documents or avoids performing his duty in any other way. (article 79)

Evasion of the mobilisation draft for national defence service is punishable by two to five years' imprisonment. (article 80)

In June 1993 parliament amended the criminal code, increasing fines for ignoring call-up notices to 80 Litas and increasing the penalty for repeat offenders to up to a year's imprisonment¹⁹.

No information on practice is available.

13 Human Rights Committee , Eightieth session , Summary record of the 2182nd meeting , CCPR/C/SR.2182 , <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/SR.2182&Lang=E>, accessed 30 April 2008

14 The Right to Conscientious Objection in Europe, Quaker Council for European Affairs, 2005, <http://wri-irg.org/co/rtba/lithuania.htm>, accessed 30 April 2008

15 International Religious Freedom Report 2006: Lithuania, 15 September 2006, <http://www.state.gov/g/drl/rls/irf/2006/71392.htm>, accessed 30 April 2008, International Religious Freedom Report 2007: Lithuania, 14 September 2007, <http://www.state.gov/g/drl/rls/irf/2007/90185.htm>, accessed 30 April 2008

16 Human Rights Committee , Eightieth session , Summary record of the 2182nd meeting , CCPR/C/SR.2182 , <http://daccessdds.un.org/doc/UNDOC/GEN/N04/283/50/PDF/N0428350.pdf?OpenElement>, accessed 30 April 2008

17 The Right to Conscientious Objection in Europe, Quaker Council for European Affairs, 2005, <http://wri-irg.org/co/rtba/lithuania.htm>, accessed 30 April 2008

18 UN Commission on Human Rights, 1997. The question of conscientious objection to military service, report of the Secretary-General prepared pursuant to Commission resolution 1995/83. United Nations, Geneva.

19 Girmius, Saulius 1993. 'Problems in the Lithuanian Military', in: RFE/RL Research report, 22 October 1993.