



QUAKER COUNCIL FOR EUROPEAN AFFAIRS

The Right to Conscientious Objection in Europe: A Review of the Current Situation

Country Report: LITHUANIA

Conscription

Conscription is enshrined in Article 139 of the 1992 Constitution and is further regulated by the 1996 Law on National Conscription (1593/1996).¹

The length of military service is 12 months, and 6 months for university and college graduates. All men between the ages of 19 and 26 are liable for military service. Reservist obligations apply up to the age of 35.

Statistics

The armed forces comprise 12,190 troops, including 3,740 conscripts. Each year approx. 26,000 young men reach conscription age; approx. 10 per cent are recruited

Conscientious objection

Legal basis

The right to conscientious objection is enshrined in Article 139 of the 1992 Constitution, according to which "Citizens of the Republic of Lithuania are to serve in the national defence or to perform alternative service in the manner established by law".

Further provisions for conscientious objection are laid down in the 1996 Law on National Conscription.²

Scope

According to Article 4 of the Law on National Conscription, substitute service is available for "those who due to religious or pacifist beliefs may not serve under arms".

This wording suggests that both religious and secular grounds for conscientious objection are legally recognized. It is, however, unclear how the grounds for recognition are interpreted in practice. In fact, both in 1997 and 2004 the United Nations Human Rights Committee called upon the Lithuanian government to "clarify the grounds and eligibility for performing alternative service to persons objecting to military service on grounds of conscience or religious belief".³

Time limits

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 service.⁴

¹ English translation of the Law on National Conscription, as amended in 2002, www.3lrs.lt

² The Law on National Conscription replaced the 1990 Law on Alternative Service. This law only recognized religious grounds for conscientious objection. Moreover, the government required COs to be members of religious pacifist organisations who forbid their members to bear arms. However, the government always maintained that no such organisations existed in Lithuania. (War Resisters' International: Refusing to bear arms: A world survey on conscription and conscientious objection to military service, 1998).

³ United Nations Human Rights Committee, Concluding observations of the Human Rights Committee: Lithuania (CCPR/CO/80/LTU), 4 May 2004 and (CCPR/C/79/Add.87), 19 November 1997.

⁴ 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.

There are no legal provisions for the right to conscientious objection for professional soldiers.⁵

Procedure

According to Article 20 of the Law on National Conscription, CO applications must be made to the regional conscription centre. The application must include a motivation letter and curriculum vitae. The application is decided on by a commission, consisting of representatives of public organisations, religious communities and educational institutes.

The Law does not specify if a personal interview is part of the application procedure. According to Article 20.1, a request for alternative service “must be reasonably grounded”, but it is not known which criteria the commission uses to assess this.⁶

It is not clear how far the application procedure is actually functioning. Article 20.2 requires the government to introduce further procedures to set up the commission. According to one source, the government announced in 2000 that a commission was to be established. This suggests that at least until 2000 no such commission existed.⁷

Substitute service

According to Article 23.2 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 available.

The Law on National Conscription provides for both an unarmed military service within the armed forces and a substitute service outside the armed forces. The option of unarmed military service is included in Article 22.1, according to which: “citizens shall complete alternative national defence service within the national defence system” (...) “They shall be appointed to serve in positions which do not require using coercion and weapons”. Substitute service is dealt with in Article 22.2: “By decision of the Government, alternative national defence service as civil-type socially useful labour, may be completed in other state institutions”. The Law requires the government to introduce further procedures on the organisation of substitute service, but so far this has not happened. Consequently, only an unarmed service within the armed forces is available.

In May 2004, the United Nations Human Rights Committee called upon the Lithuanian government to ensure that the right to conscientious objection is respected “by permitting in practice alternative service outside the armed forces”.⁸

According to the US State Department in September 2004, the Lithuanian government was believed to be exploring the possibility of introducing a substitute service outside the armed forces.⁹ However, no concrete steps seem yet to have been taken to introduce a substitute service outside the armed forces.

Practice

Not many CO applications are made. According to figures provided by the Lithuanian government, between 1993 and 1997 no CO applications were made at all.¹⁰ Figures for recent years are not available, but the number of applications is believed to be low. There are no human rights organisations or CO groups campaigning on the issue.

⁵ Exercise of the right of conscientious objection to military service in Council of Europe member states, Report Committee on Legal Affairs and Human Rights, Doc. 8809 (Revised), 4 May 2001.

⁶ In fact, during the United Nations Human Rights Committee’s discussion on Lithuania’s country report in 2004, one committee member asked which criteria are used by the commission, and if CO status is only granted to members of religious and pacifist organisations. These questions were, however, not answered by the Lithuanian delegation. (United Nations Human Rights Committee, Press Release (HR/CT/653), 25 March 2004).

⁷ BNS News Agency, Vilnius, 10 February 2000 (quoted in: UK Home Office, Country Assessment, 2001).

⁸ United Nations Human Rights Committee (CCPR/CO/80/LTU). During the United Nations Human Rights Committee discussion on Lithuania’s state report in 2004, the Lithuanian delegation actually failed to answer the question as to whether COs could perform an alternative service (United Nations Human Rights Committee, HR/CT/653).

⁹ US State Department Bureau of Democracy, Human Rights and Labor: International Religious Freedom Report 2004.

¹⁰ Tannert and Bachmann (1997).

The only known recent CO applications were made by several Jehovah's Witnesses in 2003. They were assigned to perform unarmed military service within the armed forces. They refused this service and appealed against their call-up. They were initially sentenced to a fine and one year's imprisonment by a local court. In February 2004 Klaipeda District Court overturned this ruling and their appeals were granted.¹¹ It is not known if they will not be called up for service at all or if their cases are still pending.

¹¹ United Nations Human Rights Committee (HR/CT/653). US State Department Bureau of Democracy, Human Rights and Labor: International Religious Freedom Report 2003 & 2004.