



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ
PRIE EUROPOS SAUGUMO IR BENDRADARBIAVIMO ORGANIZACIJOS**

**PERMANENT REPRESENTATION OF THE REPUBLIC OF LITHUANIA
TO THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE**

No. *1.1.3 - 226*

The Permanent Mission of the Republic of Lithuania to the Organization for Security and Co-Operation in Europe presents its compliments to all Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre and with the reference to the FSC.DEC/2/09 has the honour to provide the information on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Mission of the Republic of Lithuania to the Organization for Security and Co-Operation in Europe avails itself of this opportunity to renew all Missions and Delegations to the OSCE and the OSCE Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 15 April 2011

To:

All Missions and Delegations to the OSCE
OSCE Conflict Prevention Centre
VIENNA



QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

a) United Nations Conventions:

1. *Convention on Offences and Certain Other Offences Committed on Board Aircraft* – Tokyo 14/09/63; entry into force in Lithuania – 19 February 1997;
2. *Convention on the Unlawful Seizure of Aircraft* – The Hague 16/12/70; entry into force in Lithuania – 3 January 1997;
3. *Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft* – Montreal 23/09/71; entry into force in Lithuania – 3 January 1997;
4. *Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel* – New York 14/12/73; entry into force in Lithuania – 23 October 2002;
5. *Convention Against the Taking of Hostages* – New York 17/12/79; entry into force in Lithuania – 2 February 2001;
6. *Convention on the Physical Protection of Nuclear Material* – Vienna 26/10/79; entry into force in Lithuania – 6 January 1994;
7. *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft* – Montreal 24/02/88; entry into force in Lithuania – 3 January 1997;
8. *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* – Rome 10/03/91; entry into force in Lithuania – 30 April 2003;
9. *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf* – Rome 10/03/88; entry into force in Lithuania – 30 April 2003;
10. *Convention on the Marking of Plastic Explosives for the Purpose of Detection* – Montreal 01/03/91; entry into force in Lithuania – 21 June 1998;
11. *International Convention on the Suppression of Terrorist Bombings* – New York 15/12/97; entry into force in Lithuania – 17 March 2004;
12. *International Convention for the Suppression of Financing of Terrorism* – New York, 09/12/99; entry into force in Lithuania – 20 February 2003;
13. *International Convention for the Suppression of Acts of Nuclear Terrorism* - New York 13/04/2005; entry into force in Lithuania – 19 July 2007;
14. *Amendment to the Convention on the Physical Protection of Nuclear Material* – 08/07/2005; ratified on 3 June 2008;
15. *Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* – London 14/10/2005 – not a State Party;
16. *Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf* – London 14/10/2005 – not a State Party;
17. *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* – Beijing 10/09/2010 – not a State Party;
18. *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* – Beijing 10/09/2010 – not a State Party;
19. *The United Nations Convention Against Transnational Organized Crime* – New York 15/11/2000; entry into force in Lithuania – 9/05/2002.

b) Council of Europe Conventions related to terrorism:

1. *European Convention on the Suppression of Terrorism CETS No: 090* – Strasbourg 27/01/1977; entry into force in Lithuania – 8 March 1997;
2. *Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190* – Strasbourg 15/5/2003; ratified by Lithuania – 12 September 2005;
3. *Convention on Cybercrime CETS No: 185* – Strasbourg 23/11/2001; entry into force in Lithuania – 1 July 2004;
4. *Convention on the Prevention of Terrorism CETS No: 196* – Warsaw 16/05/2005; signed on 10 October 2007;
5. *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (2005) CETS No: 198* – Warsaw 16/5/2005 – Not a State Party;
6. *European Convention on Extradition CETS No: 024* – Paris 13/12/1957; entry into force in Lithuania – 18 September 1995;
7. *Additional Protocol to the European Convention on Extradition CETS No: 086* – Strasbourg 15/10/1975; entry into force in Lithuania – 18 September 1995;
8. *Second Additional Protocol to the European Convention on Extradition CETS No: 098* – Strasbourg 17/3/1978; entry into force in Lithuania – 18 September 1995;
9. *European Convention on Mutual Legal Assistance in Criminal Matters CETS No: 030* – Strasbourg 20/4/1959; entry into force in Lithuania – 16 July 1997;
10. *Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters CETS No: 099* – Strasbourg 17/3/1978; entry into force in Lithuania – 16 July 1997;
11. *Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters CETS No: 182* – Strasbourg 8/11/2001; entry into force in Lithuania – 1 August 2004;
12. *European Convention on the Transfer of Proceedings in Criminal Matters CETS No: 073* – Strasbourg 15/5/1972; entry into force in Lithuania – 24 February 2000;
13. *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime CETS No: 141* – Strasbourg 8/11/1990; entry into force in Lithuania – 1 October 1995.

c) Other regional, subregional or bi-lateral agreements or arrangements:

1. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Hungary on cooperation in combating terrorism, illicit drug trafficking, organized crime and other major crimes* – Vilnius 04/03/97; entry into force 20/11/02.
2. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Turkey on cooperation in combating terrorism, organised crime, illicit circulation of (trafficking in) narcotic drugs and psychotropic substances and other major crimes* – Vilnius 02/06/97; entry into force 12/08/04.
3. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Kazakhstan on cooperation in combating organised crime, illegal drug and psychotropic substances trafficking, terrorism and other crimes* – Astana 11/05/00; entry into force 21/08/01.
4. *Agreement between the Government of the Republic of Lithuania and the Government of the Federal Republic of Germany on the cooperation in combating organised crime, terrorism and other major crimes* – Vilnius 23/02/01; entry into force 10/07/03.
5. *Agreement between the Government of the Republic of Lithuania and the Government of the United States of America Concerning Cooperation in the Area of the Prevention of Proliferation of Weapons of Mass Destruction, and the Promotion of Defence and Military Relations* – Vilnius 10/10/02; entry into force 24 April 2003.
6. *The Protocol to Amend and Extend the Agreement between the Government of the Republic of Lithuania and the Government of the United States of America concerning Cooperation in the Area of the Prevention of Proliferation of Weapons of Mass Destruction, and the Promotion of Defence and Military Relations* – Vilnius 30/11/09; entry into force 23/04/10. The Protocol was complemented and extended the Agreement until 2017.
7. *Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on cooperation in combating organised crime, illegal drug and psychotropic substances trafficking, terrorism and other crimes* – Vilnius 03/10/05; entry into force 17/07/07.

8. *Agreement between the Republic of Lithuania and the Kingdom of Spain on Co-operation in Detecting, Investigating and Preventing Criminal Offences* – Madrid 03/12/07; entry into force 07/02/09.
9. *Agreement between the Government of the Republic of Lithuania and the Government of the Slovak Republic on Co-Operation in Detecting, Investigating and Preventing Criminal Offences* – Bratislava 10/06/08; entry into force 14/03/09.

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

1. *Law on Implementation of Economic and other International Sanctions* of 22 April 2004 – stipulates the procedure for imposition, change and termination of the non-military international sanctions imposed by the United Nations and other international organisations, as well as the European Union.
2. *Law on the Control of Strategic Goods* of 29 April 2004, as amended – establishes the conditions of control of export, import and transit of military equipment and of mediation related thereto as well as of activities that may contribute to the proliferation of weapons of mass destruction and conventional arms.
3. *Resolution of the Government of the Republic of Lithuania No 237 of 1 March 2005 on the Approval of the List of the States to Which the Export or Transit of the Goods Listed in the Common Military List is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List is Prohibited*, as amended.
4. *Resolution of the Government of the Republic of Lithuania No 820 of 4 June 2002 on the measures for the implementation of the UN Security Council Resolutions 1333(2000), 1373(2001), 1388 (2002) and 1390 (2002)* – imposes sanctions on Osama bin Laden, Taliban and Al Qaeda.
5. *Resolution of the Government of the Republic of Lithuania No 113 of 6 February 2008 on the measures for the implementation of international sanctions listed in EU Council Common Position 2001/930/CFSP on combating terrorism*.
6. *Resolution of the Government of the Republic of Lithuania No 472 of 16 May 2008 on implementation of political sanctions that prohibit persons to arrive to or transit through the territory of the Republic of Lithuania* – establishes a procedure of incorporating the decisions of UN Security Council sanctions committees into national legislation.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

Law on Basics of National Security of 22 April 2003 provides that the State Security Department (SSD) coordinates anti-terrorism activities of the institutions of the Republic of Lithuania. SSD is an intelligence agency implementing terrorism prevention measures and coordinating anti-terrorist measures implemented by other national law enforcement institutions.

The Interdepartmental Coordination Commission against Terrorism (ICCAT), established in 2002, conducts national coordination of terrorism prevention. The main functions of ICCAT include dealing with inter-institutional issues concerning prevention of terrorism.

ICCAT includes representatives from the Office of the Government, Ministries of Justice, Health Care, Foreign Affairs, National Defence, Environment, Transport and Communication, Finance, Interior and Economy, Prosecutor General's Office, the Police Department, the Second Department of Operational Services under the Ministry of National Defence and the State Security Department.

ICCAT is chaired by the Director General of the SSD. Its meetings are held once in three months and its decisions are compulsory for all national authorities involved in combating terrorism.

In order to implement terrorism prevention functions, Counter-terrorism Directorate was established within SSD in 2005. It is responsible for conducting antiterrorist intelligence, collecting information on terrorist financing, radicalization and recruitment processes, operational information concerning terrorism-related organized crime and development of the general terrorism prevention measures.

ICCAT is actively involved in international cooperation on a multilateral and bilateral basis.

The Armed Forces of the Republic of Lithuania are tasked to contribute to the state efforts in preventing and combating terrorism. Lithuanian Armed Forces contribute their counter-terrorist capabilities to anti-terrorism

initiatives by NATO and other organizations.

Current tasks of the Armed Forces contain homeland security against the threat of terrorism within the territory of the state. Armed Forces must be capable of taking all appropriate military actions to prevent or eliminate the danger if the country becomes a source of terrorism, a terrorist target, or a transit country for terrorists or their support elements.

The Armed Forces are tasked to contribute to public safety as needed in support of civil authorities with constantly vigilant, well-trained counter terrorist units with the appropriate capabilities. These units are an active part of the Armed Forces.

The Armed Forces are also contributing to the protection against terrorist attack of such objects as the Nuclear power plant or other critical infrastructure objects.

Lithuanian Armed Forces are taking active part in supporting international anti-terrorist efforts outside Lithuania. From 2002 to 2006 the Armed Forces were involved in anti-terrorist operation "Enduring Freedom" in Afghanistan. Since 2005, as a part of the International Security Assistance Force, Lithuania undertook a lead in Provincial Reconstruction Team in the Afghanistan province of Ghor. Contributing to the global fight against terrorism Lithuania remains involved in NATO Training mission in Iraq.

The interior institutions (the Police Department; the State Border Guard Service; the Fire Prevention and Rescue Department; the Financial Crime Investigation Service; VIP Security Department, etc.) are under the administration of the Ministry of the Interior and perform specific functions of state internal order maintenance. The main tasks of the interior institutions are the following: crime prevention and control; the ensuring of public order; the protections of state border; the managing crisis extreme situations and ensuring of immediate emergency aid in the case of fire, industrial disaster or another accident; VIP protection.

The missions and tasks of the interior institutions ensuring the prevention of terrorism and implementing the combat against terrorism are regulated by the Order of the Minister of Interior on the Implementation of the Republic of Lithuania Programme to combat terrorism adopted to implement the Programme of the Republic of Lithuania to combat terrorism. The interior institutions aim to prevent terrorism work in the following directions: (i) strengthening control of illegal immigration; (ii) control and prevention of organized crime group activities.

- 1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to: financing of terrorism; border controls; travel document security; container and supply chain security; security of radioactive sources; use of the Internet and other information networks for terrorist purposes; legal co-operation including extradition; safe havens and shelter to terrorists and terrorist organizations.

Lithuania is in the final stages of drafting its National Cyber Security Strategy. The Strategy will also include measures to prevent the use of Internet for terrorist purposes.

2. Stationing of armed forces on foreign territory

- 2.1. Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

The Law on the Organisation of the National Defence System and Military Service establishes that the Republic of Lithuania, in recognition of its international obligations, can send its military units to participate in various international military and humanitarian missions abroad.

According to the *Law on the International Treaties*, international agreements regulating the stationing and the status of the Armed Forces on the territory of a foreign state and the law on international operations, military exercises and other military events are subject to parliamentary approval.

In 2010, Lithuania continues its military contribution to the international operations on an annual basis. In total, 520 servicemen participated in international operations during 2010. Lithuania has contributed with 512 personnel to NATO International Security Assistance Force in Afghanistan (ISAF), including a Provincial Reconstruction Team, and 8 personnel to EU led international operation in the Balkans and mission in Iraq.

| Land Force | | |
|--|-----------------|----------------------|
| Mission/operation | Period (2010) | Number of servicemen |
| Afghanistan: NATO led ISAF operation | 2010 01-2010 12 | 512 |
| EU-led military operation in Bosnia and Herzegovina "ALTHEA" | 2010 01-2010 12 | 2 |
| Iraq: NATO led training mission (NTM-I) | 2010 01-2010 12 | 6 |

3. Implementation of other international commitments related to the Code of Conduct

- 3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

According to Article 7 of the *Law on Control of Weapons and Ammunition*, all weapons, weapon accessories and ammunition which are prohibited by international agreements of the Republic of Lithuania shall be prohibited in the Republic of Lithuania.

The following provisions of the *Criminal Code of the Republic of Lithuania* criminalize activities that are contrary to Lithuania's commitments in the field of arms control and disarmament:

Article 112. Use of Prohibited Means of Warfare

A person who, in violation of treaties to which the Republic of Lithuania is party or universally accepted international practices regarding means of warfare or methods of warfare, orders the use of or uses in hostilities prohibited means of warfare or methods of warfare

shall be punished by imprisonment for a term of three up to ten years.

Article 199. Smuggling

<...> 2. A person who, without going through the customs control or otherwise avoiding it or without an authorisation, transports across the state border of the Republic of Lithuania firearms, ammunition, explosives, explosive, radioactive materials or other strategic goods, toxic, highly active, narcotic or psychotropic substances or precursors of narcotic or psychotropic substances

shall be punished by imprisonment for a term of three up to ten years.

Article 253. Unauthorised Possession of Firearms, Ammunition, Explosives or Explosive Materials

1. A person who, without an authorisation, acquires, stores, carries, transports or handles a firearm, ammunition, explosives or explosive materials

shall be punished by arrest or by imprisonment for a term of up to five years.

2. A person who, without an authorisation, produces, acquires, stores, carries, transports or handles at least three firearms, the ammunition, explosives or explosive materials of a large explosive power or in a large quantity

shall be punished by imprisonment for a term of four up to eight years.

Article 253(1). Unauthorised Intermediation in the Transfer of Military Equipment

1. A person who, without an authorisation, acts as an intermediary in transferring military equipment to a state non-Member State of the European Union

shall be punished by deprivation of the right to be employed in a certain position or to engage in a certain type of activities or by a fine or by arrest or by imprisonment for a term of up to three years.

2. A legal entity shall also be held liable for an act provided for in this Article.

Article 257(1). Production of Installations for the Production of Explosive Materials, Explosives or Radioactive Materials or Development or Distribution of Production Technologies or Specifications Thereof

1. A person who unlawfully produces, stores, transports, transfers or handles machinery or other installations directly intended or adapted for the production of explosive materials, explosives or radioactive materials or unlawfully develops or distributes technologies or specifications of the production of explosive materials, explosives or radioactive materials

shall be punished by a fine or by arrest or by imprisonment for a term of up to four years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

3.2. Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

a) Implementation of CSBMs

In the process of implementation of Section IX of the 1999 *Vienna document (VD99)*, Lithuania executed specified area inspection to the Republic of Belarus (together with guest inspectors from Finland and Spain). Lithuania received specified area inspections from the Russian Federation and the Republic of Belarus as well as an evaluation visit from the Russian Federation.

According to Section X (regional measures) of the VD99 Lithuania observed a military exercise in Latvia. The visits to air base or military facilities in Estonia, Sweden, Denmark and Poland have also been carried out.

According to *bilateral agreements* on confidence and security building measures, Lithuania executed evaluation visits to the Russian Federation and the Republic of Belarus, as well as received evaluation visits from the Russian Federation and the Republic of Belarus.

As a State Party to the *Treaty on Open Skies*, Lithuania received an observation flight of the Republic of Belarus and the Russian Federation.

b) Participation in military exercises

In the first half-year of 2010, the trilateral Baltic Battalion (BALTBAT), manned by Lithuania, Latvia and Estonia troops conducted their duty in the Land component of 14 rotation of the NATO Response Force (NRF-14). Also in the first half-year of 2010 Lithuanian troops conducted a six-month standby in the European Union rapid reaction battle group (EUBG), led by Poland. Troops were not activated during the duty period.

From July 2010 the Explosive Ordnance Disposal (EOD) platoon of Land Forces Juozas Vitkus Engineer Battalion conducted a six-month duty in the 15 rotation of the NATO Response Force (NRF-15). The Lithuanian EOD platoon was a part of the Polish EOD company.

From May 31 to June 4, the Baltic States military exercise “Baltic Host 2010” took place simultaneously in the capitals of the Baltic States – Riga, Tallinn and Vilnius. Latvia, Lithuania, Estonia, U.S. European and Naval Striking and Support Force NATO, as well as for the first time – Denmark, Poland, Norway and Germany, participated in the exercise.

More than 100 Lithuanian military participated in a multinational military exercise “Sabre Strike 2011”, which took place in Adazi, Latvia.

c) Participation in international missions – see Section I para. 2.1.

d) Provision of international support and assistance

| Activity, funding and/or in-kind contributions in 2010 | Implementing organisation or agency | Date | Contribution |
|---|---|---------------|------------------------------|
| De-mining and Unexploded Ordnance UXO clearance, province of Ghor, Afghanistan | Lithuanian led Provincial Reconstruction Team | 2010 | In kind (approx. 65 000 EUR) |
| Support to the activities related to implementation of the Mine Ban Treaty | Geneva International Centre for Humanitarian Demining | December 2010 | 15 000 LTL (3 000 EUR) |
| Explosive remnants of war clearance and medical rehabilitation support to Georgia project (Georgia III) | NATO / NAMSA | December 2010 | 30 015 LTL (8 700 EUR) |

Section II: Intra-State elements

1. National planning and decision-making process

1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The Constitution of the Republic of Lithuania, the National Security Strategy (NSS) and the Law on the Fundamentals of National Security constitute the foundations of the Lithuanian defence system. Together with the Military Strategy (MS), the Defence Planning Assumptions (DPA) and the Programme of Lithuanian National Defence System Development (PNDS), these documents form the top hierarchy of the national defence planning system. The aim of DPA is to provide planning, programming, and budgeting directions for the implementation of domestic and international commitments. The PNDS sets the directions for the development of the national defence system and its key priorities.

The *Ministry of Defence* has a central role in the defence policy-making and defence management. The Minister of Defence issues Guidelines, which represent a mid-term (six-year) planning document. It is drafted with regard to the NATO Prague Capabilities Commitments, the NATO Strategic Concept, ministerial guidelines and the NATO Force Goals as well as NSS, MS and DPA. The purpose of the Guidelines is to define the main goals of development of the Armed Forces in six years period. It also lays down the transformation priorities for the Armed Forces in ensuring a reliable deterrence and defence posture. The Guidelines establish the main requirements for the Armed Forces, the national level of objectives and National Defence System development priorities. They also contain guiding principles on implementation of Lithuania’s international commitments

The Ministry of National Defence submits the project of its budget for the forthcoming fiscal year to the Government in the middle of each year. The budget of the Ministry of National Defence is approved by the Parliament as part of the State Budget.

Total defence expenditure of Lithuania in 2010 constituted 849.2 Mil. LTL (325.4 Mil. USD¹) or 0.918 % GDP. Defence expenditure of Lithuania's MoND amounted to 845.4 Mil. LTL (323.9 Mil. USD) or 0.914 % GDP.

1.2. How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

See Section I para. 3.2 and Section II para 1.1.

2. Existing structures and processes

2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

According to the Constitution, the main issues of national defence are considered and co-ordinated by the *State Defence Council*, which is chaired by the President of the Republic of Lithuania and also includes the Prime Minister, the Speaker of the Parliament, the Minister of National Defence and the Commander of the Armed Forces.

The *Seimas* (the Parliament):

- considers the programme of the Government, including security and defence issues, presented by the Prime Minister and decides whether to give assent to it;
- supervises the activities of the Government, and may express no-confidence in individual Ministers;
- approves the State budget and supervises the implementation thereof;
- imposes direct administration and martial law, declares state of emergency, announces mobilisation, and adopts decisions to use the Armed Forces.
- adopts a law establishing the structure of national defence;
- adopts programmes for national security measures submitted by the Government;
- establishes by law the overall annual numbers of the regular armed forces and active reserves;
- adopts laws that approve the disciplinary statutes of the armed forces;
- approves National Security Strategy and the Long-term State Programmes for the Strengthening of Security;
- determines the organisation, development, needs for the provision with weapons of and assignments to the Armed Forces;
- annually passes the law establishing the principal structure of the military forces: the general limits on the number of professional military service, compulsory initial military service and active reserve servicemen in the system of national defence, statutory servants of the system of national defence, number of senior officers of each rank, generals and admirals, and number of permanent combined units, units and the military elements equivalent thereto

The Parliamentary *Committee on National Security and Defence* deals with national security and defence matters. Together with the Foreign Affairs Committee, it holds regular hearings on Lithuania's participation in

¹ Official exchange rate of USD for 31 December 2010 is 1 USD=2.6099LTL. GDP=92450.2 Mil. LTL.

international operations. The Committee also discusses proposals and presents conclusions on the appointment of a military attachés and representatives in the military missions of the Republic of Lithuania to foreign states.

National Security and Defence Committee's *Sub-Committee on Security* executes parliamentary control of the State Security Department and Intelligence Services. The members of this Sub-Committee are granted with clearance to work with the classified information up to "Top secret" level. T

The Parliament has established the *Commission for Parliamentary Scrutiny of Intelligence Operations*. It is a permanent commission responsible for execution of the parliamentary control over intelligence operations. The main tasks of the commission are:

- exercising control over the protection of the constitutional rights and freedoms while executing intelligence operations;
- supervision that the activities of the subjects of intelligence correspond to the Constitution and legal acts of the Republic of Lithuania;
- analysis of the practice of implementation of laws regulating intelligence activities.

According to the Constitution, the *President* is the Commander-in-Chief of the Armed Forces of the State and has the following powers:

- appoints and dismisses, upon the assent of the Parliament, the Commander of the Armed Forces and the Head of the Security Service;
- confers the highest military ranks;
- adopts, in the event of an armed attack which threatens State sovereignty or territorial integrity, decisions concerning defence against such armed aggression, the imposition of martial law as well as mobilisation, and submit these decisions to the next sitting of the Parliament for approval;
- declares a state of emergency according to the procedure and in cases established by law, and present this decision to the next sitting of the Parliament for approval;

Under the Law on the Organisation of the National Defence System and Military Service, the President and the Parliament issue resolutions on mobilisation, declaring a state of war, deploying Armed Forces and defence against armed aggression in accordance with procedure established by the Constitution and the Law on Basics of National Security. The President of the Republic of Lithuania approves deployment areas of the Armed Forces in the peacetime, the territorial boundaries of their manoeuvring activities and the resolutions on transferring military units to another deployment area.

According to the Constitution, the *Government* of the Republic of Lithuania:

- protects the inviolability of the territory of the Republic of Lithuania;
- prepares a draft State Budget and submits it to the Parliament; executes the State Budget and submits to the Parliament a report on the execution of the budget.

Under the relevant legislation the Government or its authorised institution issues resolutions on acquisition of armaments, and development of supply support within the National Defence System. Under the Constitution, the Government, the Minister of National Defence and the Commander of the Armed Forces is accountable to the Parliament for the command and management of the Armed Forces.

Democratic civilian control of the *Armed Forces* is established by the Constitution, the Law on the Organisation of the National Defence System and Military Service as well as other legal documents. The Parliament regulates the development of the Armed Forces. The Parliament exercises parliamentary control over the National Defence System in accordance with procedures established by law. All senior MoD officials – the Minister, the Vice-ministers and the Chancellor of the Ministry must be civilians. The President of the Republic of Lithuania appoints and dismisses the Commander of the Lithuanian Armed Forces upon the approval of the Parliament.

Persons performing actual military service or alternative service, as well as officers of the national defence system, the police and the interior, non-commissioned officers, re-enlistees, and other paid officials of paramilitary and security services who have not retired to the reserve may not be Members of the Parliament or members of municipal councils. They may not hold elected or appointed office in the State civil service, nor may they take part in the activities of political parties and organisations.

The Commander of the *Lithuanian Riflemen's Union* – civilian, voluntary paramilitary organization – is appointed by the General Meeting of Union's regiments upon the recommendation of the Minister of National Defence. The recommendation must be co-ordinated with the Parliamentary Committee on National Security and Defence. The Commander submits annual reports on the activity of the Union to the Parliamentary National Security and Defence Committee. Minister of National Defence has the right to suspend or recall the Commander of the Union. The limitations on the membership in political parties or any other kind of active participation in political activities do not apply to members of the Riflemen's Union due to the status of the Union as voluntary organisation whose members are not active servicemen.

The *Minister of Interior* is appointed by the President of the Republic of Lithuania upon the proposal of the Prime Minister. The Minister of Interior is accountable to the Parliament, the President and is directly subordinate to the Prime Minister. The activities of the Ministry of the Interior are organised on the basis of the strategic plans of activities, approved by the Government and accorded to the program of the Government, which is approved by the Parliament. The Minister of Interior is authorized to exercise control over police activities. According to the Internal Service Statute, the officers of the interior institutions are not allowed to be members of political parties or to participate in any other political activity. Officers cannot take duties/position as political appointees.

The Police Commissioner General has established the Procedure of internal control of police bodies. The Police Commissioner General is appointed for the term of five years and can be removed from office by the President. The Police Commissioner General is directly subordinated to the Minister of Interior and is accountable to the President. According to the Internal Service Statute, the police officers are not allowed to be members of political parties or to participate in any other political activity.

The Law on State Security Department stipulates that the *State Security Department* is accountable to the Parliament and the President. The President with the approval of the Parliament appoints and dismisses the General Director of the State Security Department.

The *Second Investigations Department* under the Ministry of National Defence – body responsible for intelligence and counter-intelligence activities – is subordinated to the Minister of National Defence and accountable to the Parliament, the Government and the President of the Republic of Lithuania.

2.2. How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The *Prosecutor's Office of the Republic of Lithuania* supervises the legality of activities by all government officials. *Administrative courts* are established to protect the rights of individuals against unauthorised actions of public bodies and officials.

The *Seimas Ombudsmen* investigate complaints concerning the abuse of office of government officials and has a right to apply to court regarding their dismissal.

2.3. What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

According to, the National Defence System must be developed in accordance with the regulations of the Constitution and the Law on Basics of National Security.

The *Land Forces* are responsible for military protection of the State territory and the defence of the State. The *Air Forces* control Lithuanian air space and organise its protection and defence as well as provide support to the Land Forces and the Naval Forces in time of military conflict. The Air Forces also exercise search, rescue and special operations. The *Naval Forces* control, protect and defend the territorial waters and the exclusive economic zone, protect the coast and navigation activities, perform convoying, evacuations, implementation of search and rescue missions and special missions.

The Commander of the Armed Forces determines the specific functions and missions for separate regular force branches, combined units and independent units, in line with defence plans and needs.

With regard to mechanisms to assure that military, paramilitary and security forces act solely within the constitutional framework – see Section II para. 2.1.

3. Procedures related to different forces personnel

3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

a) Military recruitment

The Constitution stipulates that 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. Citizens of the Republic of Lithuania must perform military or alternative national defence service according to the procedure established by law.

According to the Law on the Organisation of the National Defence System and Military Service, a citizen of the Republic of Lithuania who on a voluntary basis and subject to selection procedures meets the educational, physical training, health and moral requirements established for the professional military service and upon completion of the mandatory military service, the basic serviceman training course, or having obtained a military education equivalent to the basic training course, may be accepted to Professional Military Service on the basis of volunteering and selection.

Individuals who have not completed mandatory military service or a basic military training course, or have not obtained the necessary military education in some other manner, if they meet the other conditions specified above, are not older than 32 years of age, have got higher or secondary education, and meet the requirements for specialists needed by the Armed Forces, may be accepted into professional military service and sent to complete basic military training. Upon completion of basic military training, they may conclude a professional military service contract.

In 2008, the Seimas of the Republic of Lithuania adopted Resolution on the Principles of Organization of the Lithuanian Armed Forces endorsing transition to the Armed Forces based on professional military service and volunteer military service, while order of September 15 of the Minister of National Defence suspended but not abolished the conscription. However, in case of necessity, conscription may be re-activated by the decision of the Parliament as it annually decides on the personnel numbers of the National Defence System, including the primary mandatory military service and conscript numbers.

On 16 November 2009, the organisation of the basic voluntary training course, giving the opportunity to citizens to acquire primary military training and pursue professional career in the Lithuanian Armed Forces began. Citizens of age between 18 and 35 who have not undergone primary mandatory military service or have not acquired basic military training in any other ways are called in for the basic training course on a voluntary basis. In case participants successfully finish the basic training course and wish to become professional soldiers, they are considered to have undergone primary mandatory military service and are invited to sign the contract for the professional military service.

The Minister of National Defence, after the approval of an appropriate country, has the right to employ an officer or a reserve officer from a NATO member state as a military adviser or expert under a fixed-term contract.

The membership in the Lithuanian Riflemen's Union is based on voluntary principle. Members of the Union are divided into combat riflemen and young riflemen from 11 to 18 years. The latter have no right to carry or use a weapon. Combat riflemen, who are fit for military service and are included into active military reserve, form combat units of the Union, and participate in national defence activities in coordination and cooperation with the Armed Forces.

b) Recruitment for internal service

The procedures of recruitment to Internal Service are laid down in the Statute of Internal Service. An applicant to the internal service has to be a citizen of the Republic of Lithuania and have a good command of the Lithuanian language; to have an unblemished reputation, not younger than 18 years old and not older than 30 (a person having university education or higher non-university education - not older than 35 years); an applicant's state of health should allow to work in internal service; the physical readiness should also allow to work in internal service; must be graduated from professional education establishment of the interior or other educational establishment or introductory training courses of the professional education establishment of the interior.

The Minister of Interior or the authorized heads of the central interior bodies may set supplementary requirements for persons applying to particular subdivisions of the interior bodies. Supplementary requirements pertain to intellectual, physical, and practical abilities, state of health, moral and psychological suitability to serve in particular subdivisions.

The head of the interior institution, taking into account the needs of the interior institution and upon the approval of the Minister, has the mandate to recruit persons to the internal service if their age does not exceed the age limit set in the Statute.

There may be supplementary requirements, namely, a person cannot be recruited to the internal service when there is a negative conclusion of the Central Medicine Expertise Commission concerning the suitability of a person for specific position; if a person was convicted for a crime irrespective of whether conviction for the commission of previous crime has expired, also if a person is convicted for a negligent crime or misdemeanour and the previous conviction has not expired; if a person already served as a statutory officer, judge, notary, prosecutor, barrister, or served within the system of national defence and was dismissed for actions compromising the rank of the officer; for the activity compromising the rank of the judge; for the breach of professional and ethical rules of notaries, for the compromising of the rank of prosecutor, for the breach of professional and ethical rules of barrister, for the legal breaches compromising the rank of soldier or the national defence institutions; if a person was dismissed from the civil service for professional misdemeanour and 5 years have not passed since the day of his dismissal; if a person is appointed to the position in the interior institution where his/her spouse, partner, close relative or a spouse's relative, according to the functions would be related by direct subordination; if a person is a member of the organization forbidden by the laws.

It is forbidden to employ a person to the internal service if any certified compromising data is available. The decision upon the suitability of a person to the service is made by the head of the central interior institution.

3.2. What kind of exemptions or alternatives to military service does your State have?

According to the Constitution, citizens can apply for an alternative national defence service.

The Law on the Basics of National Security stipulates that the alternative national defence service is an alternative to general military service as an auxiliary service for those, who's religious or pacifist convictions do not allow them to serve bearing arms. The purpose of this service is to develop citizens and provide them with an opportunity to contribute, in alternative ways, to national defence and enhancing of national security. This service is organised by the Ministry of National Defence for the purposes of national protection and defence.

According to the Law on Compulsory Military Service, citizens of the Republic of Lithuania are exempted from the compulsory military service if they:

- 1) are ineligible for military service because of state of health according to the list of illnesses, approved by the Ministry of Health Care in co-ordination with the Ministry of National Defence and the Ministry of the Interior;
- 2) are sentenced to imprisonment (citizens sentenced to imprisonment because of negligently committed crimes can address the Supreme Conscription Committee for permission to carry out compulsory military service);
- 3) refuse to serve with arms out of religious or pacifistic beliefs (a corresponding written declaration required) and wish to perform alternative national defence/military service; the Law stipulates that 19 – 27 years old citizens (conscripts) who on the basis of their beliefs cannot serve in national defence system can perform alternative service;
- 4) graduated from military studies;
- 5) are priests of traditional religious communities of Lithuania recognised by the State.

3.3. What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

A serviceman, whose guaranteed rights have been violated, may seek redress from his immediate superior or the Inspector General of the Armed Forces. The aforementioned persons must immediately investigate the facts

and take actions necessary to eliminate the violations.

The Service Statute provides that if a serviceman gets an order, by implementing which he would break an oath or make a clear criminal act, he shall not carry out the order and shall urgently address the immediate superior. If the immediate superior issued this order, the serviceman shall address the next standing senior superior.

According to the Criminal Code of the Republic of Lithuania, a serviceman who unlawfully demands that another serviceman behave according to his instruction or who humiliates another serviceman by using mental coercion shall be punished by arrest or by imprisonment for a term of up to two years. A serviceman who humiliates or terrorises another serviceman by using physical violence or a weapon shall be punished by imprisonment for a term of up to five years. A serviceman who commits the abovementioned acts, where this causes serious consequences, shall be punished by imprisonment for a term of four up to eight years.

Further, a serviceman who issues a clearly unlawful order or forces another serviceman to execute such an order, also a serviceman who executes a clearly unlawful order, where this causes serious consequences, shall be punished by imprisonment for a term of two up to eight years.

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1. How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

Lithuania has ratified all major international humanitarian law (IHL) instruments. Since 2000, the Ministry of National Defence coordinates implementation of the IHL. The Commission on the Implementation of International Humanitarian Law established in 2001 as an advisory body to the Minister of National Defence, coordinates dissemination of international humanitarian law and related topics.

Among other activities, the Commission also organises national and international seminars, courses and workshops on international humanitarian law and related topics for militaries and civil servants.

During pre-mission training these topics are also introduced to the militaries selected for international peace operations and missions. The Military Academy has number of training programmes on officers' professional ethic, international law, international humanitarian law and other international rules governing the armed conflict. The subject of international humanitarian law is also included in curriculum of the Non-commissioned Officers School, all levels of police personnel; it is also an optional course in the Law faculties of the leading universities as well as in the Institute of International Relations and Political Science.

National Society of the Red Cross (RC) provides courses on the International Red Cross and Red Crescent movement, International Committee of the Red Cross, RC Emblem and the Lithuanian RC to the militaries leaving for international peace missions and operations. The Society also participates in providing information and organising courses, seminars and workshops on international humanitarian law to the representatives of the armed forces and general public.

Together with other relevant information of International Humanitarian Law, texts of international instruments of international humanitarian law are available in the libraries of military and civil establishments.

All information related to implementation of the international humanitarian law in Lithuania is placed on the website of the responsible authority – the Ministry of National Defence (*www.kam.lt*). The texts of international humanitarian law documents ratified by the Republic of Lithuania, can also be accessed at the Seimas (Parliament) website: (*http://www3.lrs.lt/dokpaiseska/forma_1.htm*).

4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The Law on the Organisation of the National Defence System and Military Service stipulates that "Nobody shall give a serviceman or any element of the Armed Forces the order which breaks an oath, which is clearly unlawful, or which violates all generally accepted principles and standards of international law. A superior

officer who issues such an order shall be prosecuted under the law". It also states that if a clearly unlawful order is issued, under the law a serviceman shall not follow the order and shall report it to the superior officer to the leader who has issued the unlawful order.

In the Criminal Code of the Republic of Lithuania, a separate chapter is dedicated to crimes against humanity and war crimes. The person would be criminally liable for genocide (Article 99), treatment of persons prohibited under International Law (Article 100), killing of persons protected under International Law (Article 101), deportation of civilians of an occupied state or transfer of the civilian population of an occupying State (Article 102), causing bodily harm to, torture or other inhuman treatment of persons protected under International Humanitarian Law (Article 103), violation of norms of international humanitarian law concerning protection of civilians and their property in time of war (Article 104), forcible use of civilians or prisoners of war in the armed forces of the enemy (Article 105), destruction of protected objects or plunder of national valuable properties (Article 106), delay in repatriation of prisoners of war (Article 107), delay in release of interned civilians or impeding repatriation of other civilians (Article 108), unlawful use of the emblem of the Red Cross, Red Crescent, Red Crystal and the United Nations Organization or another universally recognised emblem (sign) or designation (Article 109), aggression (Article 110), prohibited military attack (Article 111), use of prohibited means of warfare (Article 112) and marauding (Article 113).

For criminal responsibility related to executing an order – see Section II para. 3.3.

4.3. How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

See above.

4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

The Law on the Organisation of the National Defence System and Military Service regulates that Institutions of the National Defence Services must act in accordance with the Constitution, laws and other legal acts, including international agreements Lithuania is a party to.

Servicemen exercise their human rights and freedoms guaranteed by the Constitution of the Republic of Lithuania. A serviceman's civil and political rights – the protection of private life, guarantee to the place of service, freedom to participate in associations, choice of residence and free movement, inviolability of the official (service) place of residence, freedom of assembly, group petitions, dissemination of information and expression of the opinion – are limited by the laws and the approved statutes to the extent necessary for the conduct of the servicemen duties, and to ensure military discipline and objectives of the service. Freedom of thought, religion and conscience shall be guaranteed for a serviceman and cannot be restricted. The human dignity of every serviceman must be respected. Any person serving in the Armed Forces cannot be compelled to serve any other person or a group of persons other than those conducting his/her official duties.

Active service servicemen are prohibited from participating in political activities including:

- 1) membership in a political party or a political organisation;
- 2) active participation of the servicemen in the meetings or other public actions organised by political parties and political organisations and expressing political convictions or political demands or directly supporting a political party or a political organisation;
- 3) servicemen's political statements, articles or speeches publicly voicing disagreement with the policy declared and implemented by a democratically elected government of the State (the Seimas, the President of the Republic, the Government) or publicly raising political demands to the government of the State. A serviceman shall terminate his membership and activity in a political party or a political organisation upon commencing to initial mandatory or professional military service for the duration of the service.

Servicemen may participate in the activities of associations and other non-political alliances, also in other non-

political activities aiming to foster moral, national, patriotic and civic democratic values, provided that participation in such activities does not interfere with performance of direct duties of a serviceman.

4.5. How does your State ensure that its defence policy and doctrine are consistent with international law?

The Constitution stipulates that international treaties ratified by the Parliament are a constituent part of the legal system of the Republic of Lithuania. It also states that in implementing its foreign policy, the Republic of Lithuania shall follow the universally recognised principles and norms of international law.

The Constitution, the National Security Strategy, the Law on the Fundamentals of National Security and other legal acts, which form a basis of the Lithuanian defence system and defence policy, ensure the respect of the provisions and spirit of the international law.

Section III: Public access

1. Public access

1.1. How is the public informed about the provisions of the Code of Conduct?

There are no specific measures on the information about the Code of Conduct, but the public is being informed about implementation national measures related to provisions of the Code.

1.2. What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

All information provided in this report is available from unclassified sources.

1.3. How does your State ensure public access to information related to your State's armed forces?

Public access to information is embedded in the Constitution as well as in the Law on Provision of Information to the Public and other legal documents.

The public access to information on security and defence cannot be barred except in cases where information is qualified as a state secret. Public information on national defence issues is disseminated by various media means as well as by state institutions.

The Ministry of National Defence of Lithuania releases and updates the defence policy and Armed Forces related information on its Internet site (www.kam.lt).

The texts of all laws related to the national defence policy and Armed Forces can be accessed at the Seimas (Parliament) website without charge: (http://www3.lrs.lt/dokpaieska/forma_1.htm).

According to the Law on the Basics of National Security, the Government is obliged to submit an annual report to the Parliament on the developments of the National Security System. The Parliament holds a debate on the Report of the Government and adopts a resolution thereof. The National Defence policy and assignments approved by the Parliament must be put on the public record.

Section IV: Information on women, peace and security

Following the adoption of the Technical update of the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security (FSC.DEC/2/09 1 April 2009), the delegations of Denmark, Germany, Canada, Estonia, Finland, the United Kingdom, Ireland, Iceland, Latvia, Lithuania, Norway, the Netherlands, Portugal, Slovakia, Sweden, Switzerland and the Czech Republic issued the Interpretative Statement under Paragraph IV.1(A)6 of the Rules of Procedure of the OSCE (FSC.DEC/2/09 1 April 2009, Attachment 1). In this statement, they expressed intent to expand the scope of their replies to the Questionnaire to include information on women, peace and security. Lithuania is glad to provide this information for the second consecutive year.

1. Operational planning and operations

In 2010, 10,8 % of the Lithuanian military personnel were women. The proportion of women in the decision making positions is still relatively low (16 % out of all serving women against 28,5 % of all serving men).

The legislation of the Republic of Lithuania in the field of national defence provides for gender equality in the Lithuanian Armed Forces. There are no gender-based limitations with respect to military service as both women and men have a right to serve in all services and positions in the armed forces. Further, there are no admission quotas with respect to the type of service or military training and studies. In the process of selection of military personnel for deployment to international operations no gender based criteria are applied.

Women are involved in the process of operation planning and decision making. Servicewomen are assigned to positions where they need to directly communicate with the local population. This provides an opportunity to

take into account concerns and problems encountered both by male and female population. Furthermore, in the area of operations Lithuanian military and civilian personnel established contacts and co-operation with various governmental and non-governmental organizations that deal with gender-related topics.

Under the Statute of Military Discipline, sexual harassment is considered a gross violation of military discipline and is punished by disciplinary measures.

2. Social protection and care

As the part of implementation of the Governmental programme of equal opportunities for men and women for period of 2005-2009, the Law on Organisation of the National Defence System and Military Service was amended in 2005 by prolonging maternity leave for military servicewomen and discarding the provision that following such leave, in case there is no appropriate position available, the person is sent into retirement. In 2006, paternity leave was extended to military servicemen.

The Ministry of National Defence is implementing the program “Let’s be together”, which provides an opportunity for the families of the military personnel to meet, participate in social activities, and consult the officials of the national defence system. If needed, meetings with psychologists or military chaplains are held.

3. Education and training

The cadets of the Military Academy of Lithuania are taught the fundamentals in the field of gender equality.

Gender issues are included into the pre-mission training. Military personnel are informed about the traditions and customs in the area of operation. In particular, for servicemen and women awareness is raised about status of women and local customs in the host nation. In the course of preparation, the military personnel are also instructed on the provisions of international humanitarian law related to the special protection of women in the armed conflict.

Physical preparation and training is differentiated between genders accordingly.

Contact information

Provide information on the national point of contact for the implementation of the Code of Conduct.

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