

Report on the status of the Additional Protocols to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level.

(According to the Resolution adopted by the General Assembly 73/204 20 December 2018 „Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts”)

1. Legal background

The Republic of Lithuania has adopted monistic approach towards the implementation of international conventions in national legal system. Article 135 of the Constitution of the Republic of Lithuania provides that Lithuania in implementing its foreign policy shall follow the universally recognised principles and norms of international law. In accordance with the Article 138 of the Constitution, international treaties ratified by Seimas of the Republic of Lithuania shall be constituent part of the national legal system.

The commitment to abide by the treaties that have entered into force is reinforced in the Law on Treaties.

Moreover, the Law on Treaties establishes the prevailing character of ratified international treaties over the national laws in case of inconsistency.

These provisions ensure the most favourable conditions for the implementation of the international humanitarian law and international human rights law.

The Republic of Lithuania is a State Party to all major instruments of the international human rights law and international humanitarian law, including all four Geneva Conventions and the 1977 and 2005 Additional Protocols to the Conventions (ratified accordingly in 2000 and 2007). Also the Republic of Lithuania is a State Party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (ratified in 2003) as well as International Convention for the Protection of All Persons from Enforced Disappearance.

1.1. Other international commitments

➤ UN Resolution 1325

Lithuanian National Action Plan (NAP) for the Implementation of UN Security Council Resolution 1325 was adopted in December 2011. The NAP echoes the objectives outlined in the UNSC Resolution 1325 and foresees specific activities to be implemented in this regard. The NAP is an important tool in raising awareness among the general public on the equal opportunities for women to take part in the prevention of conflicts and rebuilding peace, to involve women in decision-making at all levels, as well as in peacekeeping operations and missions both in the civilian and military fields. The NAP also provides for the training of the experts taking part in the operations and missions on women's rights and other matters related to the UN Security Council Resolution 1325. A number of state institutions are involved in the implementation of the NAP, namely the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of the Interior, the Ministry of Social Security and Labour, the Ministry of Health, and the Police Department under the Ministry of the Interior. The Ministry of Foreign Affairs is in charge of coordinating the implementation of the NAP. Currently the consultations with relevant state institutions have been conducted with a view of updating and improving the NAP.

In order to implement the National Programme on Equal Opportunities for Women and Men 2015–2021 approved by the Government of the Republic of Lithuania, the Action Plan 2015–2017 for the Implementation of the National Programme on Equal Opportunities for Women and Men 2015–2021 (hereinafter referred to as the “Plan”) was drawn up by the Minister of National Defence.

I. Prevention

Subject of gender equality (including the United Nations Security Council Resolution No 1325 (2000) on Women, Peace and Security (hereinafter referred to as “the UNSC Resolution No 1325 (2000)”) is incorporated into the education programmes of all levels of military personnel (the General Jonas Žemaitis Military Academy of Lithuania, the Division General Stasys Raštikis Lithuanian Armed Forces School and the General Adolfas Ramanauskas Warfare Training Centre).

In 2019 representatives of the Defence Staff of the Lithuanian Armed Forces have delivered 11 lectures (1 hour each) on the UNSC Resolution No. 1325 (2000) and on the requirements of other related resolutions and implementation measures to the soldiers on official missions/international operations in the General Adolfas Ramanauskas Warfare Training Centre of the Lithuanian Armed Forces. During the lectures, the main differences in cultural, social and economic requirements for women and men as well as for boys and girls, possible outcomes of different situations were discussed. The participants were familiarised with the importance of gender aspects in international operations, the main terms and definitions, the situation of women and children in the area of military conflicts and in the district of a specific operation, the activities of peacekeepers, which could change the situation. The key topic on Gender aspects is extended with The Vancouver Principles on peacekeeping and the prevention of the recruitment and use of child soldiers, and with Kigali principles on the protection of civilians. Lectures were given to servicemen preparing for international operations (missions) in Afghanistan, Iraq, Mali, Somalia, Kosovo, Turkey, and the Mediterranean Region. The total number of attendees in the lectures amounted to around 152 soldiers (12 women and 140 men);

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The curricula of the General Jonas Žemaitis Military Academy of Lithuania (MAL) include the subject-matters of gender equality in different study programmes as follows:

- The Basic Officer Training Course for the 3rd year cadets includes a Peace and Crisis Management Operations subject. Cadets are introduced to the structure, activities, main documents of the United Nations Organization, with a special focus on the Resolution 1325 (2000) on Women, Peace, and Security. Part of the subject is delivered by visiting lecturers who have exceptional expertise on gender relations in armed conflicts. In 2019 Assoc. Prof. Dr. Heidi Riley of the University College Dublin (Ireland) lectured at the MAL.
- All cadets have the Ethic and Etiquette subject at the Basic Officer Training Course to develop professional officer ethic competence, including the responsibility and ability to respect equal gender rights principles in their work.
- Lecturers of foreign languages teach cadets gender-neutral terminology of the English language in BA studies.

- 3rd year cadets of BA study programmes have an International Humanitarian Law subject that addresses a wide spectrum of gender-related legal issues, including effects of modern combat methods, responsibilities of officers to civilian population of occupied territories and to civilians in internment and prisoners of war.
- Public Security and Political Science studies programmes (BA) comprise public security subjects that thoroughly investigate the gender relations dimension in international relations and in formation and implementation of security and defence policy.

The institutions of the National Defence System and their units take part in different international seminars, conferences and other events related to the application of the provisions of the UNSC Resolution No. 1325 (2000) and the implementation of the measures specified in the National Programme on Equal Opportunities for Women and Men 2015–2021.

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

Since 2010, gender perspective was integrated into military planning processes at tactical and operational levels, as well as in all exercises conducted by the Lithuanian Armed Forces.

II. Participation

The legislation of the Republic of Lithuania in relation to national defence provides for gender equality in the national defence system. There are no gender-based limitations with respect to military service, as both women and men have equal rights to serve in all services and can occupy any position in the Lithuanian Armed Forces. Furthermore, 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.

According to the Law on Compulsory Military Service, women are subject to military duty only if they wish to become military draftees and (or) have a higher education degree in medicine, nursing or midwifery study programmes. Exemption of women's duty for conscription is traditionally based on biological and physical differences between men and women; therefore, different physical readiness and other requirements have been established by laws in order to preserve women's health. In this regard, not only women's exemption from compulsory military service but also less stringent requirements for physical readiness test as well as other guarantees (e. g., women are granted pregnancy and delivery leave;

in the event of war, state of emergency or mobilisation pregnant women cannot be called up for service, and the like) have been established in the Lithuanian national defence system.

Men and women serving in the Lithuanian Armed Forces receive equal pay and have equal social guarantees. Promotion opportunities are the same for both women and men. Promotion regulating rules are based on seniority and professional qualification. There are no legitimate leadership restrictions for female officers. As mentioned above the factors that make the difference between men and women in the national defence system are based on biological and physical differences only. In 2019, women accounted for 11.5% of the Lithuanian military personnel. More specifically, women accounted for 12.3 % of all persons serving in the professional military service, 13.7 % – of all persons in the volunteer service, 3.9 % – of the permanent compulsory basic military service recruits, and 14.3 % – of the total number of persons admitted to the General Jonas Žemaitis Military Academy of Lithuania.

In 2019, 33.3 % of female military officers and 11.8 % of female civil servants occupied decision-making positions in the Ministry of National Defence, and 7.5 % – in the Lithuanian Armed Forces.

It should be noted that gender-based statistics (the proportion of females serving in different branches and on different levels of military service (according to military ranks and positions occupied) as well as other gender-based aspects are analysed and reported to different institutions on an annual basis.

Under the Statute of Military Discipline, sexual harassment is considered gross violation of military discipline and disciplinary measures are applied as a means of punishment.

In 2019, 12 women were deployed in international operations.

Referring to the need of the current international operations to deploy gender Advisors to the theatre, The Lithuanian Armed Forces have the persons trained for Gender Equality issues (Gender Adviser – GENAD). Before the closure of Provincial Reconstruction Team (PRT) in September 2013, each rotation civilian and military cooperation officer (women) was certified to work in Female Engagement area. After closure of PRT, the GENAD positions in international operations are filled by the personnel of the Lead Nation.

Currently, there are three persons in the National Defence System who have received specific gender-related training. Two of them have completed the Gender Advisor Course at the Swedish Armed Forces' International Centre (SWEDINT) and one person has undergone the Gender Training of Trainers Course at the Nordic Centre for Gender in Military Operations (NCGMO). In the period from 2017 to the present day, one Civil-Military Co-operation officer (CIMIC) (female) on rotational basis participating in MINUSMA international operation (Mali), who is actively involved in project development. One of the

key prerequisites for the projects is gender equality promotion and female empowerment. At the same time, this particular female officer carrying out supplementary tasks as a gender focal point.

In 2019 an officer (female) from the Lithuanian Land Forces attended 2019 Class of the Halifax Peace with Women Fellowship. (executive programme for senior active-duty female military officers, organized by Halifax International Security Forum).

In 2018, 58 persons were seconded to the international institutions and deployed to civilian missions, of whom 26 were women (45% of all deployed personnel in 2018). Lithuania also deployed 52 observers to the election observation missions of the European Union and the OSCE. 54% of the observers were women (28).

As of 31 December 2018, there were 4791 women and 5501 men serving in the Lithuanian police.

III. Protection

There were no cases of exploitation and abuse perpetrated by Lithuanian peacekeepers in 2019.

1.2. New political commitments

- On November 15, 2017 the Minister of National Defence of the Republic of Lithuania has signed the Vancouver principles on peacekeeping and the prevention of the recruitment and use of child soldiers. These principles take a more assertive stance on preventing child recruitment in the context of peacekeeping operations, specifically with regard to early warning and the active prevention of recruitment. In addition, the Vancouver Principles affirm commitments by member states to the training, planning, and conduct of their own forces in relation to engaging with the use of children as child soldiers. The overall aim of the principles is to improve the situation of children in armed conflict settings by prioritizing the protection of children within peace operations as central to the overall mandate of all United Nations Peacekeeping Missions.

- Lithuania is also supportive of the Kigali Principles on the Protection of Civilians that are a non-binding set of eighteen pledges for the effective and thorough implementation of the protection of civilians in UN peacekeeping. The Kigali Principles address the most relevant aspects of peacekeeping, including assessment and planning, force generation, training and equipping personnel, performance and accountability. While they are framed around the protection of civilians, the responsible implementation of the principles would address much broader deficiencies that undermine the effectiveness of peacekeeping operations conducted in volatile situations, including peacekeeper abuse.

- On September 9, 2017 the Government of the Republic of Lithuania and the Secretary General of the United Nations have also signed the Commitment to eliminate sexual exploitation and abuse voluntary compact. This Compact was proposed by the Secretary-General to all Member States that support UN operations on the ground, whether their contribution is in the peacekeeping, humanitarian or development context or otherwise, and whether it consists of uniformed or civilian personnel or those working directly within the United Nations system. The Compact is a demonstration of the political will to prevent sexual exploitation and abuse, demand accountability and provide meaningful support to victims. It sets out a statement of commitment based on shared values, as well as specific commitments on the part of both the United Nations and signatory Member States.

2. International Fact-Finding Commission

By ratifying the Geneva Conventions and their Additional Protocols the Republic of Lithuania declared that it recognises *ipso facto* and without special agreement the competence of the International Fact-Finding Commission according to Article 90 of the I Additional Protocol to the Geneva Conventions.

In 2012 at the meeting of the High Contracting Parties the Lithuanian representative –dr. Justinas Žilinskas, law professor of the Mykolas Romeris University – was elected and currently serving for the 2nd term as a member of the International Fact-Finding Commission.

3. Lithuanian National Commission on the Implementation of the International Humanitarian Law

The Ministry of National Defence is responsible for the coordination of the implementation of the international humanitarian law within the State.

The Commission on the Implementation of the International Humanitarian Law (hereinafter — the Commission) was established in 2001 as an advisory body to the Minister of National Defence. According to the Regulation of the Commission, its principal task is to provide assistance in performing the said function of the Ministry with regard to coordination of the national implementation of the international humanitarian law. Despite the fact that the Commission functions under the auspices of the Ministry of National Defence Republic of Lithuania (MoD), it is the inter-ministerial coordinating body composed of representatives from the National Defence System, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Culture, the Ministry of Education and Science, the Ministry of Interior, the European Law Department under the Ministry of Justice, Lithuanian Red Cross Society, Lithuanian National UNESCO Commission and leading universities.

The mandate of the Commission is quite extensive. The objectives of the Commission are as follows:

- ✓ To carry analysis of the situation regarding the implementation of the international humanitarian law in Lithuania, including Lithuania's participation in multilateral international agreements — joining the agreements, implementation of the provisions of these agreements, dissemination of the documents on international humanitarian law, teaching international humanitarian law within military and civil training institutions and investigation of the violations and their prevention issues;
- ✓ To submit proposals on the implementation of the international humanitarian law to the leadership of the MoD and the Armed Forces and to other institutions which do not belong to the National Defence System;
- ✓ To disseminate information on the international humanitarian law within militaries and society by initiating translations of the international humanitarian law documents into the Lithuanian language and publishing them or placing in the website of the MoD;
- ✓ To initiate or provide assistance in arranging courses, workshops, seminars or conferences on issues regarding the implementation of the international humanitarian law.

4. Implementation measures

The set of implementation measures was taken after accession to the international instruments of the international humanitarian law *inter alia* implementation measures of the Additional Protocols relating to the protection of victims of armed conflicts.

Methods and means of warfare.

The Republic of Lithuania recognises and respects the basic rules enshrined in Art. 35 of the I Additional Protocol and the general principle that in any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

The Republic of Lithuania is a State party to the Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons, which may be deemed to be excessively injurious or to have indiscriminate Effect (CCW) as well as to all its Protocols and Amended Article 1.

The Republic of Lithuania has long been active in promoting development, implementation and universalisation of CCW. From 2006 till 2015 it chaired several CCW meetings and served as a Coordinator for different programmes. Seeking to implement provisions of the Protocol V of CCW, a Programme for the Clearance and Prevention of Explosive Remnants of War was approved by the Government in 2007 for the years 2007-2020 (in 2013 it was amended assigning more functions to the Fire and Rescue Department under the Ministry of Interior). Lithuania is a mine free country and no specific mine clearance programmes are required, however there is a certain degree of contamination by explosive remnants of war (ERW) left from the First and the Second World Wars as well as Soviet occupation. Marking and clearance activities started in summer 2008.

In 2019 was checked and cleaned about 20 ha of polluted territories and found 4275 pieces of different explosive ordnance. From 2008 till the end of 2019 Lithuanian Armed Forces EOD company checked and cleaned over 873 ha of polluted territories and found over 24 775 pieces of different explosive ordnance (anti-vehicle and anti-personnel mines, mortar, shells, grenades, cluster munitions, aviation bombs).

Measures to protect the distinctive emblems.

In 2007 Parliament of the Republic of Lithuania ratified the III Additional Protocol to the Geneva Conventions. Subsequently all necessary amendments of related national legislation were adopted in order to fully implement III Additional Protocol (amendments to the Criminal Code of the Republic of Lithuania, Code of Administrative Offences of the Republic of Lithuania and Law on the Lithuanian Red Cross Society, the emblem and designation of the Red Cross, Red Crescent and Red Crystal).

The legislation protects all three distinctive emblems, regulates the protective use and the indicative use of the distinctive emblems as well as provides sanctions in case of violation.

In 2011 the Criminal Code of the Republic of Lithuania was amended in order to delimit and distinguish between international humanitarian law protected emblems and names from other universally recognized emblems and names that may be of a commercial or industrial purpose.

Also, practical measures to protect the emblems are taken by the Lithuanian Red Cross Society. Violators are addressed and informed about the provisions of the laws and the sanctions. Law enforcement institutions are also informed about the gravest trespassers. In case it proves to be inefficient, the cases are referred to the police for legal procedure. During 2014 – 2015 4 private entities were addressed and informed about the provisions of the laws and the sanctions regarding the use of emblem and were warned about to the protection of the illegal use of the Red Cross emblem. All these cases were solved by peaceful agreements without taking police procedures.

The Lithuanian Red Cross Society also continues to spread information about the functions and proper use of the distinctive signs (lectures and information campaigns for medical personnel, journalists, students etc.).

Protection of cultural objects.

The Republic of Lithuania is a State Party to the 1954 Hague Convention for the protection of Cultural Property in the Event of Armed Conflict and its Protocols. From 2005 till 2011 the Republic of Lithuania was a member of the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

On the initiative of the Commission on Implementation of the International Humanitarian Law, in 2004 a position of a Desk officer for the protection of cultural heritage was established in the Lithuanian Armed Forces. The main task for this Specialist is to coordinate and ensure implementation of the Convention in the National Defence System.

19 immovable cultural heritage objects – buildings in Lithuania are marked with a distinctive emblem of the 1954 Hague Convention (according to Chapter V (the Distinctive Emblem) of the 1954 Hague Convention).

In December 2011 at the meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict the enhanced protection was granted for Kernavė Archaeological site (Cultural Reserve of Kernavė) in Lithuania.

Dissemination.

The Commission on the Implementation of the International Humanitarian Law collects information regarding education and advises on inclusion of international humanitarian law subjects into educational programmes. The subject of international humanitarian law is included in education programmes of all levels of military personnel, also in the curriculum of education of police personnel, secondary schools etc.

The Ministry of National Defence and Lithuanian Armed Forces provide international humanitarian law and international human rights law training to their military personnel assigned to participate in international operations. The subject of international humanitarian law is also included in curriculum of the Military Academy of Lithuania, Division General Stasys Raštikis Lithuanian Armed Forces School and General Adolfas Ramanauskas Combat Training Centre. The training of personnel is done through the career courses, seminars and workshops of international law and international humanitarian law.

Lithuania takes part in the process of standardisation of training of the law of armed conflict for military personnel of the NATO countries – in 2013 it approved and implemented NATO standardisation agreement STANAG 2449 (ed.2) (NATO allied training publication ATrainP-2 (Edition A Version 1) “Training in the law of armed conflict”).

Lithuania also sends its military and civilian personnel to the international courses on international humanitarian law.

International humanitarian law is compulsory and optional course in the Law faculties of the leading universities as well as in the Institute of International Relations and Political Science.

From March 2016, new distance-learning military training course for soldiers is available – Law of Armed Conflict, which can be accessed by accessing to the course system (adl.kam.lt).

The Commission on the Implementation of the International Humanitarian Law has its website page within the website of the Ministry of National Defence (www.kam.lt) where it publishes information about the Commission’s activities and also texts of all the international humanitarian law treaties to which the Republic of Lithuania is a State Party (in Lithuanian). Moreover, various issues concerning international cooperation in this field are presented and described.

In 2010, a Handbook for Commanders on Principles and Rules of International Humanitarian Law was approved and published.

The Lithuanian Red Cross Society (hereinafter — the Society) is actively involved in dissemination of IHL within local population. The Society continually introduces fundamental principles of the International Red Cross and Red Crescent Movement to the public, disseminates international humanitarian law, encourages humanitarian initiatives and protects the three emblems of the Movement. During 2014 – 2015 two training sessions were organized involving the Lithuanian Red Cross lecturers and representatives of the CIMIC. The training focused on the use of emblem and the basic rules of the IHL. 5 seminars were organized in the Lithuanian universities in Kaunas, Vilnius, Klaipėda and Šiauliai focusing on the humanitarian RC principles as well as the use of emblem in the times of war and peace. To mark 150th anniversary of the Red Cross Movement the Society introduced to the public the book about Lithuanian Red Cross activities from the Society's establishment in 1919 up to 1989. The Lithuanian post published a special envelope with a stamp on this occasion.

Repression of breaches of the international humanitarian law.

Criminal Code of the Republic of Lithuania, Administrative Offences Code of the Republic of Lithuania, Statute on Military Discipline encompass the provision, which imposes respectively the criminal, administrative or disciplinary liability for the breach of the rules of the international humanitarian law, particularly grave breaches of the Geneva Conventions as well as other customary war crimes.

Military commanders are obliged to abide by the rules of international humanitarian law as well as to ensure compliance of the members of the Armed Forces under their command and other persons under their control.

In 2003, after ratification of Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict the Criminal Code of the Republic of Lithuania was amended accordingly to the convention (the censes for child participation hostilities was limited to 18 years old).

The implementation of the Rome Statute of the International Criminal Court has been fully completed after the ratification of the Rome Statute in 2003 and the Agreement on the Privileges and Immunities of the International Criminal Court in 2004.

In 2011, the Criminal Code of the Republic of Lithuania was amended in order to harmonize it with Rome Statute and Geneva conventions and protocols. The amendment filled identified legal gaps, for example set a legal basis to prosecute for criminal offences committed during non – international armed conflict, defined the responsibility of commander for the criminal offences committed by its subordinates, etc. In 2014, the Criminal Code was amended in order to implement the provisions of UN International

Convention for the Protection of All Persons from Enforced Disappearance signed on 6 February 2007 in Paris.

In 2017, the Ministry of National Defence of the Republic of Lithuania has approved the initiative of Belgium Kingdom to expand the scope of International Criminal Court (Article 8), to include the responsibility for weapons, which use microbial or other biological agents, or toxins, whatever their origin or method of production, weapons the primary effect of which is to injure by fragments which in the human body escape detection by X-rays and laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices.