



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

SUMMARY RECORD OF THE 1259th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday 18 September 2007, at 3 p.m.

Chairperson: Mr. ZERMATTEN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Lithuania under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/LTU/1; CRC/C/OPAC/LTU/Q/1; CRC/C/OPAC/LTU/Q/1/Add.1; HRI/CORE/1/Add.97)

1. At the invitation of the Chairperson, the members of the delegation of Lithuania took places at the Committee table.
2. Ms. MURAUSKAITĖ (Lithuania) said that in Lithuania mandatory military service began at the age of 19, and the minimum age for voluntary military service was 18 years. The new Criminal Code criminalized the recruitment of children aged under 18 into armed groups and the use of children in hostilities. Lithuania was a crossing point between Eastern and Western Europe, and received many asylum-seekers. The majority of unaccompanied asylum-seeking children were between the ages of 14 and 18 years, and came from Chechnya. All unaccompanied minor asylum-seekers were placed in a refugee reception centre in Rukla, where they received accommodation, food, medical treatment, education and psychological assistance free of charge. Her Government was determined to continue working towards full implementation of the provisions of the Convention on the Rights of the Child and the Optional Protocol.
3. Mr. SIDDIQUI, Country Rapporteur, said that the State party had informed the Committee that persons under the age of 18 were not allowed to serve in the military; the Criminal Code criminalized the use of children in armed hostilities; all international treaties ratified by the State party became a constituent part of the national legal system; and psychological and social support was provided by the State for children arriving in Lithuania from countries affected by armed conflict. He asked what measures had been taken to disseminate the content of the Optional Protocol. He wished to know whether Lithuania had any plans to establish extra-territorial jurisdiction over war crimes that involved the use of children in armed forces or armed hostilities perpetrated by or against Lithuanian nationals abroad. He wondered whether the State party was participating in any international efforts to prevent the involvement of Lithuanian children in armed conflict outside Lithuanian territory. He also wished to know why the Child's Rights Protection Ombudsman's Office was not responsible for monitoring the implementation of the Optional Protocol.
4. Mr. FILALI said that although the State party had reported that the use of children in armed conflicts and hostilities had been criminalized, pursuant to the Constitution all citizens were obliged to defend the territory in the event of a threat from abroad. He wished to know whether children under the age of 18 could therefore be recruited to defend the territory against an armed threat from abroad. He wished to know what national institution was responsible for overseeing the implementation of the Optional Protocol.

5. Ms. AIDOO asked whether non-governmental organizations (NGOs) and civil society had participated in the drafting of Lithuania's initial report under the Optional Protocol on the involvement of children in armed conflict. She also asked whether there was a training institution for volunteers to be educated in military practices, such as use of rifles, and if so, whether children under the age of 18 were admitted to that institution.
6. Ms. KHATTAB said that according to paragraph 7 of the State party report, male children, upon reaching the age of 16, were registered at their local territorial military office and were issued a draftee's certificate. She wished to know what happened to draftees between that time and their reaching 19 years of age, when military service began.
7. Ms. SMITH asked whether Lithuania had any extraterritorial jurisdiction and if so, how it was administered.
8. Mr. CITARELLA asked whether Lithuania had any experience of foreign children entering Lithuanian territory after being involved in armed conflicts or hostilities abroad, and if so, what mechanisms were in place in the administrative structure of the State to support those children.
9. Mr. KOTRANE said he wished to know whether there had been any specific cases in which war crimes committed against children abroad had been tried in Lithuania, if the accused was resident in Lithuania, and if not, whether the necessary procedures were in place to allow such trials.
10. Mr. KRAPPMANN asked whether peace education was included in school curricula and teacher training programmes. He also asked whether any youth exchanges were encouraged with neighbouring countries, as a means of promoting understanding.
11. Ms. ORTIZ asked whether minors under 18 years of age had access to weapons and could learn how to use them. She wished to know what training on the content of the Optional Protocol was given to members of the armed forces and those working with children and the migrant populations, including medical staff, social workers and police. She asked whether training on the rights of the child was provided systematically or through occasional workshops. She wondered how the Government cooperated with the media on the issue of children's rights and the dissemination of the content of the Optional Protocol.
12. Mr. PARFITT asked whether the Child's Rights Protection Ombudsman's Office had jurisdiction over the military in order to monitor the implementation of the Optional Protocol, and whether it had overall responsibility for monitoring the implementation of the Convention on the Rights of the Child and its Optional Protocols. He asked what status was held by international treaties to which Lithuania was party in relation to domestic law, and whether they could be invoked in legal proceedings. Turning to the issue of small arms and light weapons, he asked what controls were in place regarding the export of those weapons and whether a system was in place to ensure that they were not exported to countries where children were known to be involved in armed conflict.

13. The CHAIRPERSON said that he had been informed that the Lithuanian Riflemen's Union prepared 12 to 18-year-olds for military service through military, sports and educational activities. He requested further information on the activities of that Union, particularly since the Government had informed the Committee that there were no military schools.

14. Mr. FILALI asked whether children undergoing training in the Riflemen's Union were liable to be placed under military command in the event of an aggression against Lithuanian territory by foreign forces.

The meeting was suspended at 3.35 p.m. and resumed at 4 p.m.

15. Mr. MICKEVIČIUS (Lithuania) said that Lithuania had a monistic approach to the status of international conventions and their provisions were therefore applied directly, except for those that required criminalization of certain acts, which were incorporated into the Criminal Code. The Constitution provided that all international treaties to which Lithuania was party were a constituent part of national legislation. National legislation on the status of international treaties provided that all international treaties ratified must be enforced. In the event of any contradiction between a provision of domestic law and international law, the international provision took precedence. The parties to legal proceedings could substantiate their arguments on the basis of the provisions of international treaties to which Lithuania was party. There had been at least 169 instances - in criminal, administrative and civil cases - in which the highest courts of Lithuania had based their decisions on the legal provisions of the Convention on the Rights of the Child. No data were available on the use of the Optional Protocol to substantiate court decisions.

16. The CHAIRPERSON asked whether judges received specific training in children's rights.

17. Mr. KOTRANE, noting that the Protocol called on States parties to criminalize practices involving the recruitment or use of children in armed hostilities, said that its provisions could not be properly applied by Lithuania if the latter's criminal law failed to establish specific penalties corresponding to the acts so proscribed.

18. Ms. SMITH asked whether, in the 169 cases mentioned, the provisions of the Convention had been invoked by lawyers, or had been cited in final judgments.

19. Mr. MICKEVIČIUS (Lithuania) said that, in at least 169 cases, either the Convention on the Rights of the Child or some of its provisions had been cited by both judges and lawyers in court decisions. With regard to the application of the provisions of the Convention under the Lithuanian Criminal Code, even with a monistic approach certain provisions could not be applied directly without incorporation in national law. However, a number of articles of the Lithuanian Criminal Code incorporated provisions of the Convention and the Optional Protocol on the involvement of children in armed conflict. Articles 7 and 99-113 of the Code provided for extraterritorial jurisdiction and listed offences where Lithuania assumed universal jurisdiction. In particular, article 105 stipulated criminal liability for conscripting or enlisting children under 18 years of age into the armed forces.

20. With respect to the training of judges, the study of international law and European Union law formed part of both law degrees and judges' training courses. Furthermore, more than 100 judges currently specialized in child and family law, including criminal cases, and many judges had undergone additional training in children's rights, child psychology and other child-related issues.
21. Ms. MIKALAUSKAITĖ (Lithuania) said that, as the Lithuanian children's ombudsman was appointed by the Lithuanian parliament, which was responsible for drafting laws, he/she was directly involved in monitoring the implementation of all legislation, including the Convention and the Optional Protocol.
22. At government level, the Minister of Social Security and Labour was responsible for drafting a children's rights policy and chairing a committee involving various ministries with the aim of exchanging views and following up on the status of children's rights.
23. With regard to monitoring tools, Lithuania collected government-approved data on refugee children and asylum-seeker minors, categorized by age, gender and place of residence. The data were compiled from information from various institutions and could be found on the Ministry's website and in its annual reports on the status of children's rights.
24. Mr. CITARELLA sought clarification on the ombudsman's exact mandate and on whether it was in accordance with his/her sphere of competence to review issues raised by children and to accept and take action on individual claims submitted by children.
25. Ms. MIKALAUSKAITĖ (Lithuania) replied that the ombudsman was responsible for monitoring, investigating and submitting cases brought by children. He could also order measures to be taken by central and local government.
26. Ms. BERNADIŠIŪTĖ (Lithuania) said that international humanitarian law, including the Convention and the Optional Protocol, formed an integral part of the courses of study organized by the Lithuanian armed forces and police, which regularly held seminars and workshops for its instructors and officers. International humanitarian law also featured in the curricula of the Military Academy of Lithuania and the School for Non-Commissioned Officers. Moreover, international humanitarian lawyers taught Ministry of National Defence civil servants.
27. As to the dissemination of information in the armed forces, the Ministry of National Defence's website contained a section on international humanitarian law and there was also a committee on the implementation of international humanitarian law, which coordinated the dissemination of information.
28. Ms. MURAUSKAITĖ (Lithuania) said that the Lithuanian Immigration Department regularly organized advanced training courses and seminars for immigration officers in the police force and the Immigration Department. The aim of such courses was to acquaint officers with asylum procedure and to train them to work with vulnerable groups, including children and unaccompanied minor asylum-seekers.

29. In addition, in 2006 the Immigration Department had taken part in and implemented the European Refugee Fund programme, which had led to improvements in asylum procedure, reception conditions and how asylum-seekers were informed of their rights, obligations and social welfare entitlements in Lithuania. During the implementation period, five training seminars had been held, focusing on communicating with children who had experienced psychological and physical trauma during armed conflict.

30. To disseminate information on the asylum procedure and activities of the European Refugee Fund, posters and brochures had been prepared and sent to all institutions involved in asylum applications and reception centres.

31. The CHAIRPERSON asked whether asylum-seekers, particularly those from regions involved in armed conflict such as Chechnya or the Russian Federation, lived in or had access to the Rukla refugee reception centre and whether it accommodated children, or was merely an information centre offering access to a range of services. He also asked whether it was a closed institution.

32. Ms. ORTIZ requested clarification on whether seminars and workshops formed part of the normal curriculum or if they were simply one-off short courses and on whether information on children's rights was also disseminated solely through seminars or if there was an ongoing training programme. With regard to the training of the armed forces, while it had been stated that international humanitarian law formed part of the curriculum, no information had been given on training on children's rights, in particular in relation to the Optional Protocol.

33. Ms. AIDOO asked whether seminars and training were restricted to the military and the police or whether they were available to the general public, thereby ensuring that everyone was fully aware of the requirements of the Convention and the Optional Protocol.

34. Mr. ŠIMAITIS (Lithuania) said that peace education and awareness were included in the Lithuanian school curriculum in both formal and informal education. He added that teacher training programmes, delivered at both national and regional levels, included coverage of the provisions of the Convention. Lithuania also participated actively in the Council of Europe's Global Education Week and UNESCO's Global Action Week.

35. Ms. BERNADIŠIŪTĖ (Lithuania) said that training programmes for the armed forces were organized only for military personnel and Ministry of National Defence civil servants. The Convention and the Optional Protocol formed part of training in the defence system and were included in the international humanitarian law curricula of both the Military Academy and the School for Non-Commissioned Officers.

36. Ms. MURAUSKAITĖ (Lithuania) said that the Rukla refugee reception centre was not a closed camp but an open institution where all unaccompanied minor asylum-seekers lived. Lithuanian law acknowledged that children, especially unaccompanied minors, were the most vulnerable group of refugees or asylum-seekers, and they were thus accommodated in the refugee reception centre, which provided all the services they required for their age and particular needs. All children participated in community life, attended mainstream secondary schools in the town and were fully integrated into Lithuanian society.

37. The CHAIRPERSON asked how many children lived in the centre and whether their stay there was long enough to implement the necessary rehabilitation services.
38. Ms. ORTIZ asked which body was responsible for monitoring the situation of children at the centre and how often such monitoring was carried out. She wished to know whether there was an alternative to the centre, which might better suit the children's needs. She requested information on the number of children that had been repatriated to their countries of origin and asked how the Lithuanian authorities worked with the other country in such cases, since sending a child back to a country of armed conflict might put his/her life in danger.
39. Mrs. GERIKIENĖ (Lithuania) said that the reception centre accommodated both adults who had been granted asylum in Lithuania and unaccompanied minors, who lived there until they reached the age of 18. As far as she knew, no child had been repatriated but no data were available on what happened once they reached the age of 18. She added that Lithuania worked with NGOs and other bodies to search for the parents of unaccompanied minors.
40. Ms. MURAUSKAITĖ (Lithuania) said that currently only seven unaccompanied minors lived in the centre and 16 children lived with families. The children left the centre after a three-year integration programme, or even earlier if they found accommodation and work, but they were entitled to stay until the age of 18. However, some children had been placed in foster families at an early stage.
41. Ms. BERNADIŠIŪTĖ (Lithuania) said that the Riflemen's Union was a voluntary organization which strengthened the State's defence capabilities, raised the sense of citizenship and national consciousness and developed defence educational activities. There were three categories of membership. The first was for 19 to 45-year-olds, who were combat riflemen supporting the regular and reserve forces and were included in the active military reserve and fit for military service. They formed combat units of the Union and participated in joint military training exercises within the armed forces. The second was for non-combat riflemen aged over 45. The third comprised young riflemen between the ages of 12 and 18 years, who did not have the right to carry or use weapons and, in the event of armed aggression or war, had no function since it was a punishable offence under Lithuanian law to involve children under 18 in hostilities.
42. Ms. AIDOO asked whether young riflemen were trained in the use of rifles and other weapons and were allowed to carry such weapons. She wished to know if the voluntary training of 12 to 18-year-olds made them more accepting of military service and asked if statistics were available on how many children eventually joined the regular armed forces.
43. Mr. CITARELLA asked whether the Riflemen's Union training for 12 to 18-year-olds applied to both boys and girls.
44. Ms. BERNADIŠIŪTĖ (Lithuania) said that under Lithuanian law, children could not carry or use weapons but that military camps and educational programmes acquainted them with military service. Both boys and girls were members of the Riflemen's Union.

45. Mr. BORISOVAS (Lithuania) said that he wished to provide an overview of Lithuania's current legislation on the manufacture and export of small arms, as well as the regulations and administrative procedures for the exercise of effective control over the production, export, import, transit and retransfer of small arms and light weapons. The Law on the Control of Arms and Ammunition required arms and ammunition manufacturers to identify ammunition with the manufacturer's marks. It prohibited the use of firearms with rifled and smooth-bore barrels of categories A, B and C that did not possess identification numbers and the import of unmarked or inadequately marked arms. It also regulated the licensing of brokering activities in Lithuania: brokers were required to obtain a licence from the Ministry of Economy for transactions involving items from the Common List of Military Equipment. The resolutions of the Government of Lithuania on the registration of arms brokers and on the adoption of the Common Military List were further relevant examples of current small arms control measures.

46. In keeping with the Law on the Implementation of Economic and Other International Sanctions, Lithuania complied with all United Nations Security Council and European Union decisions to impose sanctions on countries that failed to comply with the relevant international regulations. Prohibitions on the export and transit of arms to certain countries under arms embargoes imposed by the United Nations Security Council, the European Union or the Organization for Security and Cooperation in Europe were approved by government resolution and published in the Official Gazette. Export control licensing depended on the type of arms concerned. A licence issued by the Ministry of Economy was required to export and import goods included in the Common List of Military Equipment; however, exceptions were made for the Ministry of National Defence and the Weaponry Fund if those bodies imported goods for their own purposes. Various national institutions, such as the Ministry of National Defence, the Ministry of Foreign Affairs and the State Security Department, took part in decisions relating to export, import, transit and brokering licence applications. The procedure for obtaining export licences applied equally to transit licences. All brokering violations were subject to administrative penalties and imprisonment.

47. The CHAIRPERSON asked whether children under 18 had access to light weapons.

48. Mr. MICKEVIČIUS (Lithuania) said that, according to article 13 of the Law on the Control of Arms and Ammunition, the age requirements for purchasing and possessing weapons depended on the purpose for which they were to be used. Weapons could be used for hunting as of age 21, with an exception for certain guns, where 18 was the limit, and for self-defence as of age 23. As of age 16, young people were entitled to use a weapon only as members of a sports club during authorized sports events.

49. Ms. MURAUŠKAITĖ (Lithuania) said that it was illegal for children to buy weapons and that no such cases had been reported in her country.

50. Ms. MIKALAUSKAITĖ (Lithuania) said that two major NGOs were involved in the promotion of children's rights in Lithuania, Save the Children and the Confederation for Children, which participated in a children's rights committee within the Ministry of Social Security and Labour. A report in relation to the Optional Protocol to the Convention on the

Rights of the Child on the involvement of children in armed conflict had been posted on the Internet with a view to eliciting a response from civil society. However, no input had been forthcoming because there were no specific problems relating to the Protocol's implementation. According to Lithuanian law, youth were defined as individuals between the ages of 14 and 29. As for peace education, young people took part in student exchange programmes, school twinning programmes with neighbouring countries such as Belarus and Poland, cultural summer camps, the Lithuanian section of the Youth in Action programme, involving visits to other countries, and volunteer work in Lithuania and abroad.

51. Mr. MICKEVIČIUS (Lithuania), responding to a question regarding war crimes committed against children, said that the Government had ratified all relevant international treaties, including the Rome Statute of the International Criminal Court. In Lithuania, war crimes were subject to extraterritorial jurisdiction. Several war crimes cases had been tried or were pending in relation to genocide and the killing of persons under the protection of international humanitarian law during and after the Second World War. The provisions of the Optional Protocol were reflected in article 105 of the Criminal Code of Lithuania. He did not know of any such cases involving children, in particular with regard to the aforementioned article. It was compulsory to initiate legal proceedings if evidence of war crimes against children was provided.

52. Article 139 of the Lithuanian Constitution stated that it was the right and duty of all citizens of Lithuania to defend their country against foreign aggression. Nevertheless, armed resistance was regulated by law, and in particular by article 135 of the Constitution, which bound the Government to abide by international principles, laws and conventions, including the Optional Protocol. The Law on Wartime Status and the Law on the Fundamentals of National Security allowed groups such as border police and combat units of the Riflemen's Union to serve the armed forces during armed conflict. Under the Law on the Fundamentals of National Security, children, like all Lithuanian citizens, had a right to resist acts of foreign aggression, including by non-violent means, but could not join the armed forces of the State or of non-State organizations.

53. Mr. FILALI was concerned that children involved in civil defence might be considered political targets and lacked the necessary protection.

54. Ms. ORTIZ wished to know whether children, in particular street children, in Lithuania were recruited by armed groups or gangs.

55. Mr. MICKEVIČIUS (Lithuania) said that he was unable to provide an answer at that time, but would provide a written response in due course. Defending one's country against foreign aggression was a moral duty. Although there were no binding provisions regarding the use of children in armed conflict, children should not take part or collaborate in foreign aggression. He was not aware of any cases in which young people's criminal groups used arms or in which such groups recruited children.

56. Mr. SIDDIQUI, Country Rapporteur, commended Lithuania on the substantial progress it had made in implementing the Optional Protocol, although there was room for improvement in certain areas.

57. Ms. MURAUSKAITĖ (Lithuania) said that her Government would strive to improve the protection of children's rights in Lithuania.

58. The CHAIRPERSON emphasized that it was important for the authorities to gain awareness of the issues discussed during the meetings and to disseminate their findings widely in a child-friendly report.

The meeting rose at 5.25 p.m.