

Council of Europe  
Conseil de l'Europe



Strasbourg, 2 November 1992



COE236443

CDL (92) 50

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**DRAFT CONSTITUTION OF THE REPUBLIC OF LITHUANIA  
(13 October 1992)**

**AS PRESENTED FOR REFERENDUM**

**Draft**

**Approved by the Supreme Council  
of the Republic of Lithuania on 13 October 1992  
and Presented for the Referendum**

## **CONSTITUTION OF THE REPUBLIC OF LITHUANIA**

### **THE LITHUANIAN NATION**

- having established the State of Lithuania many centuries ago,
  - having based its legal foundations on the Lithuanian Statutes and the Constitutions of the Republic of Lithuania,
  - having for centuries defended its freedom and independence,
  - having preserved its spirit, native language, writing, and customs,
  - embodying the inborn right of each person and the People to live and create freely in the land of their fathers and forefathers -- in the independent State of Lithuania,
  - fostering national concord in the land of Lithuania,
  - striving for an open, just, and harmonious civil society and law-governed State,
- by the will of the citizens of the reborn State of Lithuania, approves and declares this  
**CONSTITUTION**

## CHAPTER 1

### THE STATE OF LITHUANIA

#### Article 1

The State of Lithuania shall be an independent and democratic republic.

#### Article 2

The State of Lithuania shall be created by the People. Sovereignty shall be vested in the People.

#### Article 3

No one may limit or restrict the sovereignty of the People or make claims to the sovereign powers of the People.

The People and each citizen shall have the right to oppose anyone who encroaches on the independence, territorial integrity, or constitutional order of the State of Lithuania by force.

#### Article 4

The People shall exercise the supreme sovereign power vested in them either directly or through their democratically elected representatives.

#### Article 5

In Lithuania, the powers of the State shall be exercised by the Seimas, the President of the Republic and Government, and the Judiciary.

The scope of powers shall be defined by the Constitution.

Institutions of power shall serve the people.

#### Article 6

The Constitution shall be an integral and directly applicable statute.

Every person may defend his or her rights on the basis of the Constitution.

#### Article 7

Any law or other statute which contradicts the Constitution shall be invalid.

Only laws which are promulgated shall be valid.

Ignorance of the law shall not exempt a person from responsibility.

#### Article 8

The forced seizure of State power or any of its institutions shall be considered an anti-constitutional action, which is illegal and invalid.

#### Article 9

The most significant issues concerning the life of the State and the People shall be decided by referendum.

In the cases established by law, referendums shall be announced by the Seimas.

Referendums shall also be announced if no less than 300,000 of the electorate so request.

The procedure for the announcement and execution of a referendum shall be established by law.

#### Article 10

The territory of the State of Lithuania shall be integral and shall not be divided into any state derivatives.

The State borders may only be realigned by an international treaty of the Republic of Lithuania which has been ratified by four-fifths of all the Seimas members.

#### Article 11

The administrative divisions of the territory of the State of Lithuania and their boundaries shall be determined by law.

**Article 12**

Citizenship of the Republic of Lithuania shall be acquired by birth or on other bases established by law.

With the exception of cases established by law, no person may be a citizen of the Republic of Lithuania and another state at the same time.

The procedure for the acquisition and loss of citizenship of the Republic of Lithuania shall be established by law.

**Article 13**

The State of Lithuania shall protect its citizens abroad.

It shall be prohibited to extradite a citizen of the Republic of Lithuania to another state unless an international agreement whereto the Republic of Lithuania is a party establishes otherwise.

**Article 14**

Lithuanian shall be the State language.

**Article 15**

The colours of the State flag shall be yellow, green, and red.

The State emblem shall be a white Vytis on a red background.

The State flag and emblem and their use shall be established by law.

**Article 16**

The national anthem shall be Vincas Kudirka's "Tautiška Giesmė".

**Article 17**

The capital of the Republic of Lithuania shall be the city of Vilnius, the long-standing historical capital of Lithuania.

**CHAPTER 2****THE INDIVIDUAL AND THE STATE****Article 18**

The rights and freedoms of individuals shall be inborn.

**Article 19**

The right to life of individuals shall be protected by law.

**Article 20**

Personal freedom shall be inviolable.

No person may be arbitrarily arrested or detained. No person may be deprived of freedom except on the bases, and according to the procedures, which have been established in laws.

A person detained *in flagrante delicto* must, within 48 hours, be brought to court for the purpose of determining, in the presence of the detainee, the validity of the detention. In the event that the court does not pass a decision to arrest the person, the detained individual shall be released immediately.

**Article 21**

The person shall be inviolable.

Human dignity shall be protected by law.

It shall be prohibited to torture, injure, degrade, or maltreat a person, as well as to establish such punishments.

No person may be subjected to scientific or medical testing without his or her knowledge thereof and consent thereto.

**Article 22**

The private life of an individual shall be inviolable.

Personal correspondence, telephone conversations, telegraph messages, and other intercommunications shall be inviolable.

Information concerning the private life of an individual may be collected only upon a justified court order and in accordance with the law.

The law and the court shall protect individuals from arbitrary or unlawful interference in their private or family life, and from encroachment upon their honour and dignity.

**Article 23**

Property shall be inviolable.

The rights of ownership shall be protected by law.

Property may only be seized for the needs of society according to the procedure established by law and must be adequately compensated for.

**Article 24**

A person's dwelling place shall be inviolable.

Without the consent of the resident(s), entrance into a dwelling place shall only be permitted upon a corresponding court order, or according to the procedure established by law when the objective of such an action is to protect public order, apprehend a criminal, or save a person's life, health, or property.

**Article 25**

Individuals shall have the right to have their own convictions and freely express them.

Individuals must not be hindered from seeking, obtaining, or disseminating information or ideas.

Freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law, when it is necessary for the safeguard of the health, honour and dignity, private life, or morals of a person, or for the protection of constitutional order.

Freedom to express convictions or impart information shall be incompatible with criminal actions -- the instigation of national, racial, religious, or social hatred, violence, or discrimination, the dissemination of slander, or misinformation.

Citizens shall have the right to obtain any available information which concerns them from State agencies in the manner established by law.

**Article 26**

Freedom of thought, conscience, and religion shall not be restricted.

Every person shall have the right to freely choose any religion or faith and, either individually or with others, in public or in private, to manifest his or her religion or faith in worship, observance, practice or teaching.

No person may coerce another person or be subject to coercion to adopt or profess any religion or faith.

A person's freedom to profess and propagate his or her religion or faith may be subject only to those limitations prescribed by law and only when such restrictions are necessary to protect the safety of society, public order, a person's health or morals, or the fundamental rights and freedoms of others.

Parents and legal guardians shall have the liberty to ensure the religious and moral education of their children in conformity with their own convictions.

**Article 27**

A person's convictions, professed religion or faith may justify neither the commission of a crime nor the violation of law.

**Article 28**

While exercising their rights and freedoms, persons must observe the Constitution and the laws of the Republic of Lithuania, and must not impair the rights and interests of other people.

**Article 29**

All people shall be equal before the law, the court, and other State institutions and officers.

A person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.

**Article 30**

Any person whose constitutional rights or freedoms are violated shall have the right to appeal to court.

The law shall establish the procedure for compensating material and moral damage inflicted on a person.

**Article 31**

Every person shall be presumed innocent until proven guilty according to the procedure established by law and until declared guilty by an effective court sentence.

Every indicted person shall have the right to a fair and public hearing by an independent and impartial court. Persons cannot be compelled to give evidence against themselves or against their family members or close relatives.

Punishments may only be administered or applied on the basis of law.

No person may be punished for the same offence twice.

From the moment of arrest or first interrogation, persons suspected or accused of a crime shall be guaranteed the right to defence and legal counsel.

**Article 32**

Citizens may move and choose their place of residence in Lithuania freely, and may leave Lithuania at their own will.

This right may not be restricted except as provided by law and if it is necessary for the protection of State security or the health of the people, or to administer justice.

A citizen may not be prohibited from returning to Lithuania.

Every Lithuanian person may settle in Lithuania.

**Article 33**

Citizens shall have the right to participate in the government of their State both directly and through their freely elected representatives, and shall have the equal opportunity to serve in a State office of the Republic of Lithuania.

Each citizen shall be guaranteed the right to criticize the work of State institutions and their officers, and to appeal against their decisions. It shall be prohibited to persecute people for criticism.

Citizens shall be guaranteed the right to petition; the procedure for implementing this right shall be established by law.

**Article 34**

Citizens who, on the day of election, are 18 years of age or over, shall have the right to vote in the election.

The right to be elected shall be established by the Constitution of the Republic of Lithuania and by the election laws.

Citizens who are declared legally incapable by court shall not participate in elections.

**Article 35**

Citizens shall be guaranteed the right to freely form societies, political parties, and associations, provided that the aims and activities thereof do not contradict the Constitution and laws.

No person may be forced to belong to any society, political party, or association.

The founding and functioning of political parties and other political and public organisation shall be regulated by law.

**Article 36**

Citizens may not be prohibited or hindered from assembling in unarmed peaceful meetings.

This right may not be subjected to any restrictions except those which are provided by law and are necessary to protect the security of the State or the community, public order, people's health or morals, or the rights and freedoms of other persons.

**Article 37**

Citizens who belong to ethnic communities shall have the right to foster their language, culture, and customs.

**CHAPTER 3****SOCIETY AND THE STATE****Article 38**

The family shall be the basis of society and the State.

Family, motherhood, fatherhood, and childhood shall be under the care and protection of the State.

Marriage shall be entered into upon the free consent of man and woman.

The State shall register marriages, births, and deaths. The State shall also recognise marriages registered in church.

In the family, spouses shall have equal rights.

The right and duty of parents is to bring up their children to be honest individuals and loyal citizens, as well as to support them until they come of age.

The duty of children is to respect their parents, to care for them in old age, and to preserve their heritage.

**Article 39**

The State shall take care of families bringing up children at home, and shall render them support them in the manner established by law.

The law shall provide for paid maternity leave before and after childbirth, as well as for favourable working conditions and other privileges.

Children who are under age shall be protected by law.

**Article 40**

State and local government establishments of teaching and education shall be secular. At the request of parents, they shall offer classes in religious instruction.

Non-governmental teaching and educational institutions may be established according to the procedure established by law.

Institutions of higher learning shall be granted autonomy.

The State shall supervise the activities of establishments of teaching and education.

**Article 41**

Education shall be compulsory for persons under the age of 16.

Education at State and local government secondary, vocational, and higher schools shall be free of charge.

Everyone shall have an equal opportunity to attain higher education according to their individual abilities. Citizens who demonstrate suitable academic progress shall be guaranteed education at establishments of higher education free of charge.

**Article 42**

Culture, science, research and teaching shall be unrestricted.

The State shall support culture and science, and shall be concerned with the protection of Lithuanian history, art, and other cultural monuments and valuables.

The law shall protect and defend the spiritual and material interests of authors which are related to scientific, technical, cultural, and artistic work.

**Article 43**

The State shall recognise traditional Lithuanian churches and religious organisations, as well as other churches and religious organisations provided that they have a basis in society and their teaching and rituals do not contradict morality or the law.

Churches and religious organisations recognised by the State shall have the rights of legal persons.

Churches and religious organisations shall freely proclaim the teaching of their faith, perform the rituals of their belief, and have houses of prayer, charity institutions, and educational institutions for the training of priests of their faith.

Churches and religious organisations shall function freely according to their canons and statutes.

The status of churches and other religious organisations in the State shall be established by agreement or by law.

The teachings proclaimed by churches and other religious organisations, other religious activities, and houses of prayer may not be used for purposes which contradict the Constitution and the law.

There shall not be a State religion in Lithuania.

#### **Article 44**

Censorship of mass media shall be prohibited.

The State, political parties, political and public organisations, and other institutions or persons may not monopolise means of mass media.

#### **Article 45**

Ethnic communities of citizens shall independently administer the affairs of their ethnic culture, education, organisations, charity, and mutual assistance. The State shall support ethnic communities.

## **CHAPTER 4**

### **NATIONAL ECONOMY AND LABOUR**

#### **Article 46**

Lithuania's economy shall be based on the right to private ownership, freedom of individual economic activity, and initiative.

The State shall support economic efforts and initiative which are useful to the community.

The State shall regulate economic activity so that it serves the general welfare of the people.

The law shall prohibit monopolisation of production and the market, and shall protect freedom of fair competition.

The State shall defend the interests of the consumers.

#### **Article 47**

Land, internal waters, forests, and parks may only belong to the citizens and the State of the Republic of Lithuania by the right of ownership.

Plots of land may belong to a foreign state by the right of ownership for the establishment of its diplomatic and consular missions in accordance with the procedure and conditions established by law.

The right of ownership of entrails of the earth, as well as nationally significant internal waters, forests, parks, roads, and historical, archaeological and cultural facilities shall exclusively belong to the Republic of Lithuania.

The Republic of Lithuania shall have the exclusive ownership right to the air-space over its territory, its continental shelf, and the economic zone in the Baltic Sea.

#### **Article 48**

Every person may freely choose an occupation or business, and shall have the right to adequate, safe and healthy working conditions, adequate compensation for work, and social security in the event of unemployment.

The employment of foreigners in the Republic of Lithuania shall be regulated by law.

Forced labour shall be prohibited.

Military service or alternative service, as well as labour which is executed during war, natural calamity, epidemic, or other urgent circumstances, shall not be deemed as forced labour.

Labour which is performed by convicts in places of confinement and which is regulated by law shall not be deemed as forced labour either.

#### **Article 49**

Every person shall have the right to rest and leisure, as well as to annual paid holidays.



Working hours shall be established by law.

**Article 50**

Trade unions shall be freely established and shall function independently. They shall defend the professional, economic, and social rights and interests of employees.

All trade unions shall have equal rights.

**Article 51**

Employees shall have the right to strike in order to protect their economic and social interests.

The restrictions of this right, and the conditions and procedures for the implementation thereof shall be established by law.

**Article 52**

The State shall guarantee the right of citizens to old age and disability pension, as well as to social assistance in the event of unemployment, sickness, widowhood, loss of breadwinner, and other cases provided by law.

**Article 53**

The State shall take care of people's health and shall guarantee medical aid and services in the event of sickness. The procedure for providing medical aid to citizens free of charge at State medical facilities shall be established by law.

The State shall promote physical culture of the society and shall support sports.

The State and each individual must protect the environment from harmful influences.

**Article 54**

The State shall concern itself with the protection of the natural environment, its fauna and flora, separate objects of nature and particularly valuable districts, and shall supervise the moderate utilization of natural resources as well as their restoration and augmentation.

The exhaustion of land and entrails of the earth, the pollution of waters and air, the production of radioactive impact, as well as the impoverishment of fauna and flora, shall be prohibited by law.

## CHAPTER 5

### THE SEIMAS

**Article 55**

The Seimas shall consist of representatives of the People -- 141 Seimas members who shall be elected for a four-year term on the basis of universal, equal, and direct suffrage by secret ballot.

The Seimas shall be deemed elected when at least three-fifths of the Seimas members have been elected.

The electoral procedure shall be established by law.

**Article 56**

Any citizen of the Republic of Lithuania who is not bound by an oath or pledge to a foreign state, and who, on the election day, is 25 years of age or over and has permanently been residing in Lithuania, may be elected Seimas member.

Persons who have not served their court-imposed sentence, as well as persons declared legally incapable by court, may not be elected members of the Seimas.

**Article 57**

Regular elections to the Seimas shall be held no earlier than 2 months, and no later than 1 month, prior to the expiration of the powers of the Seimas members.

**Article 58**

Pre-term elections to the Seimas may be held on the decision of the Seimas adopted by three-fifths majority vote of all the Seimas members.

The President of the Republic of Lithuania may also announce pre-term elections to the Seimas:

1) if the Seimas fails to adopt a decision on the new programme of the Government within 30 days of its presentation, or if the Seimas twice in succession disapproves of the Government program within 60 days of its initial presentation; or

2) on the proposal of the Government, if the Seimas expresses direct non-confidence in the Government.

The President of the Republic may not announce pre-term elections to the Seimas if the term of office of the President of the Republic expires within less than six months, or if six months have not passed since the pre-term elections to the Seimas.

The day of elections to the new Seimas shall be specified in the resolution of the Seimas or in the decree of the President of the Republic concerning the pre-term elections to the Seimas. The election to the new Seimas must be organised within three months from the adoption of the decision on the pre-term elections.

#### **Article 59**

The term of office of Seimas members shall commence from the day that the newly-elected Seimas convenes for the first sitting. The powers of the previously elected Seimas members shall expire as from the opening of the sitting.

Newly-elected Seimas members shall acquire all the rights of a People's representative only after swearing in the Seimas to be loyal to the Republic of Lithuania.

Seimas members who either do not take an oath in the manner prescribed by law, or who take a conditional oath, shall lose the mandate of a Seimas member. The Seimas shall adopt a corresponding resolution thereon.

In office, Seimas members shall act in accordance with the Constitution of the Republic of Lithuania, the interests of the State, as well as their own consciences, and may not be restricted by any mandates.

#### **Article 60**

The duties of Seimas members, with the exception of their duties in the Seimas, shall be incompatible with any other duties in State institutions or organisations, as well as with work in trade, commercial and other private institutions or enterprises. For term of office, Seimas members shall be exempt from the duty to perform national defence service.

A Seimas member may be appointed only as Prime Minister or Minister.

The service of a Seimas member shall be remunerated, and all expenses incurred from parliamentary activities shall be reimbursed with funds from the State budget. A Seimas member may not receive any other salary, with the exception of payment for creative activities.

The duties, rights and guarantees of the activities of Seimas members shall be established by law.

#### **Article 61**

Seimas members shall have the right to submit inquiries to the Prime Minister, the individual Ministers, and the heads of other State institutions formed or elected by the Seimas. Said persons or bodies must respond orally or in writing at the Seimas session in the manner established by the Seimas.

At sessions of the Seimas, a group of no less than one-fifth of the Seimas members may interpellate the Prime Minister or a Minister.

Upon considering the response of the Prime Minister or Minister to the interpellation, the Seimas may decide that the response is not satisfactory, and, by a majority vote of half of all the Seimas members, express non-confidence in the Prime Minister or Minister.

The voting procedure shall be established by law.

#### **Article 62**

The person of a Seimas member shall be inviolable.

Seimas members may not be found criminally responsible, may not be arrested, and may not be subjected to any other restriction of personal freedom without the consent of the Seimas.

Seimas members may not be persecuted for voting or speeches in the Seimas. However, legal actions may be instituted against Seimas members according to the general procedure if they are guilty of personal insult or slander.

**Article 63**

The powers of a Seimas member shall be terminated:

- 1) on the expiration of the term of his or her powers, or when the Seimas, elected in pre-term elections, convenes for the first sitting;
- 2) upon his or her death;
- 3) upon his or her resignation;
- 4) when he or she is declared legally incapable by the court;
- 5) when the Seimas revokes his or her mandate in accordance with impeachment proceedings;
- 6) when the election is recognised as invalid, or if the law on election is grossly violated;
- 7) if he or she takes up, or does not resign from, employment which is incompatible with the duties of a Seimas member; and
- 8) if he or she loses citizenship of the Republic of Lithuania.

**Article 64**

Every year, the Seimas shall convene for two regular sessions - one in spring and one in fall. The spring session shall commence on March 10th and shall end on June 30th. The fall session shall commence on September 10th and shall end on December 23rd. The Seimas may resolve to prolong a session.

Extraordinary sessions shall be convened by the Seimas Chairperson upon the proposal of at least one-third of all the Seimas members, and, in cases provided for in the Constitution, by the President of the Republic.

**Article 65**

The President of the Republic shall convene the first sitting of the newly-elected Seimas which must be held within 15 days of the Seimas election. If the President of the Republic fails to convene the sitting of the Seimas, the members of the Seimas shall assemble the day following the expiration of the 15-day period.

**Article 66**

The Chairperson or Assistant Chairperson of the Seimas shall preside over sittings of the Seimas.

The sitting directly following elections of the Seimas shall be opened by the eldest member of the Seimas.

**Article 67**

The Seimas shall:

- 1) consider and enact amendments to the Constitution;
- 2) enact laws;
- 3) adopt resolutions for the organisation of referendums;
- 4) announce presidential elections of the Republic of Lithuania;
- 5) form State institutions provided by law, and shall appoint and dismiss their chief officers;
- 6) approve or reject the candidature of the Prime Minister proposed by the President of the Republic;
- 7) consider the programme of the Government submitted by the Prime Minister, and decide whether to approve it or not;
- 8) upon the recommendation of the Government, establish or abolish ministries of the Republic of Lithuania;
- 9) supervise the activities of the Government, and may express non-confidence in the Prime Minister or individual Ministers;
- 10) appoint judges to, and Chairpersons of, the Constitutional Court and the Supreme Court;
- 11) appoint to, and dismiss from, office the State Controller as well as the Chairperson of the Board of the Bank of Lithuania;
- 12) announce local government Council election;
- 13) form the Central Electoral Committee and change its composition;
- 14) approve the State budget and supervise the implementation thereof;
- 15) establish State taxes and other obligatory payments;
- 16) ratify or denounce international treaties whereto the Republic of Lithuania is a party, and

consider other issues of foreign policy;

- 17) establish administrative divisions of the Republic;
- 18) establish State awards of the Republic of Lithuania;
- 19) issue acts of amnesty; and
- 20) impose direct administration and martial law, declare states of emergency, announce mobilisation, and adopt decisions to use the armed forces.

**Article 68**

The right of legislative initiative in the Seimas shall belong to the members of the Seimas, the President of the Republic, and the Government.

Citizens of the Republic of Lithuania shall also have the right of legislative initiative. A draft law may be submitted to the Seimas by 50,000 citizens of the Republic of Lithuania who have the right to vote. The Seimas must consider this draft law.

**Article 69**

Laws shall be enacted in the Seimas in accordance with the procedure established by law.

Laws shall be deemed adopted if the majority of the Seimas members participating in the sitting vote in favour thereof.

Constitutional laws of the Republic of Lithuania shall be deemed adopted if more than half of all the members of the Seimas vote in the affirmative. Constitutional laws shall be amended by at least a three-fifths majority vote of all the Seimas members. The Seimas shall establish a list of constitutional laws by a three-fifths majority vote of the Seimas members.

Provisions of the laws of the Republic of Lithuania may also be adopted by referendum.

**Article 70**

The laws enacted by the Seimas shall be enforced after the signing and official promulgation thereof by the President of the Republic, unless the laws themselves establish a later enforcement date.

Other acts adopted by the Seimas and the Statute of the Seimas shall be signed by the Chairperson of the Seimas. Said acts shall become effective the day following the promulgation thereof, unless the acts themselves provide for another procedure of enforcement.

**Article 71**

Within ten days of receiving a law passed by the Seimas, the President of the Republic shall either sign and officially promulgate said law, or shall refer it back to the Seimas together with relevant reasons for reconsideration.

In the event that the law enacted by the Seimas is not referred back or signed by the President of the Republic within the established period, the law shall become effective upon the signing and official promulgation thereof by the Chairperson of the Seimas.

The President of the Republic must, within five days, sign and officially promulgate laws and other acts adopted by referendum.

In the event that the President of the Republic does not sign and promulgate such laws within the established period, said laws shall become effective upon being signed and officially promulgated by the Chairperson of the Seimas.

**Article 72**

The Seimas may reconsider and enact laws which have been referred back by the President of the Republic.

After reconsideration by the Seimas, a law shall be deemed enacted if the amendments and supplements submitted by the President of the Republic were adopted, or if more than half of all the Seimas members vote in the affirmative, and if it is a constitutional law - if at least three-fifths of all the Seimas members vote in the affirmative.

The President of the Republic must, within three days, sign and forthwith officially promulgate laws re-enacted by the Seimas.

**Article 73**

Seimas controllers shall examine complaints of citizens concerning the abuse of powers by, and

bureaucracy of, State and local government officers (with the exception of judges). Controllers shall have the right to submit proposals to the court to dismiss guilty officers from their posts.

The powers of the Seimas controllers shall be established by law.

As necessary, the Seimas shall also establish other institutions of control. The system and powers of said institutions shall be established by law.

**Article 74**

For gross violation of the Constitution, breach of oath, or upon the disclosure of the commitment of felony, the Seimas may, by three-fifths majority vote of all the Seimas members, remove from office the President of the Republic, the Chairperson and judges of the Constitutional Court, the Chairperson and judges of the Supreme Court, the Chairperson and judges of the Court of Appeals, as well as Seimas members, or may revoke their mandate of Seimas member. Such actions shall be carried out in accordance with impeachment proceedings which shall be established by the Statute of the Seimas.

**Article 75**

Officers appointed or chosen by the Seimas (with the exception of persons specified in Article 74) shall be removed from office when the Seimas, by majority vote of all the members, expresses non-confidence in the officer in question.

**Article 76**

The structure and procedure of activities of the Seimas shall be determined by the Statute of the Seimas. The Statute of the Seimas shall have the power of law.

## CHAPTER 6

### THE PRESIDENT OF THE REPUBLIC

**Article 77**

The President of the Republic is the head of State.

The President shall represent the State of Lithuania and shall perform all the duties which he or she is charged with by the Constitution and laws.

**Article 78**

Any person who is a citizen of the Republic of Lithuania by birth, who has lived in Lithuania for at least the past three years, who has reached the age of 40 prior to the election day, and who is eligible for election to Seimas member may be elected President of the Republic.

The President of the Republic shall be elected by the citizens of the Republic of Lithuania on the basis of universal, equal, and direct suffrage by secret ballot for a term of five years.

The same person may not be elected President of the Republic of Lithuania for more than two consecutive terms.

**Article 79**

Any citizen who meets the requirements set forth in Part 1 of Article 78 and has collected the signatures of at least 20,000 voters shall be registered as a presidential candidate.

The number of presidential candidates shall not be limited.

**Article 80**

Regular presidential elections shall be held on the last Sunday two months before the expiration of the term of office of the President of the Republic.

**Article 81**

The candidate for the post of President of the Republic who, during the first election round in which at least a half of the voters participate, receives the votes of more than half of all the voters who voted in the election, shall be deemed the elected candidate. If less than a half of the registered voters participate in the election, the candidate who receives the greatest number of votes, but no less than one-third of votes of all the voters, shall be deemed the elected candidate.

If, during the first election round, no single candidate gets the requisite number of votes, a repeat

election shall be organised after two weeks between the two candidates who received the greatest number of votes. The candidate who receives more votes thereafter shall be deemed elected.

If no more than two candidates take part in the first election round, and not one of them receives the requisite number of votes, a repeat election shall be held.

#### **Article 82**

The elected President of the Republic shall begin his duties on the day following the expiration of the term of office of the President of the Republic, after, in Vilnius and in the presence of the representatives of the People - members of the Seimas, taking an oath to the People, swearing to be loyal to the Republic of Lithuania and the Constitution, to conscientiously fulfill the duties of President, and to be equally just to all. The President of the Republic, upon being re-elected, shall take the oath as well.

The act of oath of the President of the Republic shall be signed by the President and by the Chairperson of the Constitutional Court, or, in the absence of the Chairperson, by a judge of the Constitutional Court.

#### **Article 83**

The President of the Republic may not be a member of the Seimas or hold any other office, and may not receive any remuneration other than the salary established for the President as well as compensation for creative activities.

A person elected President of the Republic must suspend his or her activities in political parties and political organisations until a new presidential election campaign begins.

#### **Article 84**

The President of the Republic shall:

- 1) settle basic foreign policy issues and, together with the Government, implement foreign policy;
- 2) sign international treaties of the Republic of Lithuania and submit them to the Seimas for ratification;
- 3) appoint or recall, upon the recommendation of the Government, diplomatic representatives of the Republic of Lithuania in foreign states and international organisations; receive letters of credence and recall of diplomatic representatives of foreign states; confer highest diplomatic ranks and special titles;
- 4) appoint, upon approval of the Seimas, the Prime Minister, charge him or her to form the Government, and approve its composition;
- 5) remove, upon approval of the Seimas, the Prime Minister from office;
- 6) accept the powers returned by the Government upon the election of a new Seimas, and charge it to continue exercising its functions until a new Government is formed;
- 7) accept resignations of the Government and, as necessary, charge it to continue exercising its functions or charge one of the Ministers to exercise the functions of the Prime Minister until a new Government is formed; accept resignations of individual Ministers and commission them to continue in office until a new Minister is appointed;
- 8) submit to the Seimas, upon the resignation of the Government or after it returns its powers and no later than within 15 days, the candidature of a new Prime Minister for consideration;
- 9) appoint or dismiss individual Ministers upon the recommendation of the Prime Minister;
- 10) appoint or dismiss, according to the established procedure, state officers provided by law;
- 11) propose Supreme Court judge candidates to the Seimas, and, upon the appointment of all the Supreme Court judges, recommend from among them a Supreme Court Chairperson to the Seimas; appoint, with the approval of the Seimas, Court of Appeal judges, and from among them -- the Court of Appeal Chairperson; appoint judges and chairpersons of district and local district courts, and change their places of office; in cases provided by law, propose the dismissal of judges to the Seimas;
- 12) propose to the Seimas the candidatures of three Constitutional Court judges, and, upon appointing all the judges of the Constitutional Court, propose, from among them, a candidate for Constitutional Court Chairperson to the Seimas;
- 13) propose to the Seimas candidates for State Controller and Chairperson of the Board of the Bank of Lithuania; if necessary, propose to the Seimas to express non-confidence in said officials;
- 14) appoint or dismiss, upon the approval of the Seimas, the Chief Commander of the Army and the head of the Security Service;

- 15) confer highest military ranks;
- 16) adopt, 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, and mobilisation, and submit these decisions to the next sitting of the Seimas for approval;
- 17) declare states of emergency according to the procedures and situations established by law, and submit these decisions to the next sitting of the Seimas for approval;
- 18) make annual reports in the Seimas about the situation in Lithuania and the domestic and foreign policies of the Republic of Lithuania;
- 19) call, in cases provided in the Constitution, extraordinary sessions of the Seimas;
- 20) announce regular elections to the Seimas, and, in cases set forth in part 2 of Article 58 of the Constitution, announce pre-term elections to the Seimas;
- 21) grant citizenship of the Republic of Lithuania according to the procedure established by law;
- 22) confer State awards;
- 23) grant pardons to sentenced persons; and
- 24) sign and promulgate laws enacted by the Seimas or refer them back to the Seimas according to the procedure provided for in Article 71 of the Constitution.

#### **Article 85**

The President of the Republic, implementing the powers vested in him or her, shall issue acts-decrees. Decrees of the President, specified in items 3, 15, 17, and 21 of Article 84 of the Constitution, shall be valid only if they bear the signature of the Prime Minister or an appropriate Minister. Responsibility for such decrees shall lie with the Prime Minister or Minister who signed it.

#### **Article 86**

The person of the President of the Republic shall be inviolable: while in office, the President may neither be arrested nor charged with criminal or administrative proceedings.

The President of the Republic may be prematurely removed from office only for gross violation of the Constitution, breach of the oath of office, or conviction of an offence. The Seimas shall resolve issues concerning the dismissal of the President of the Republic from office according to impeachment proceedings.

#### **Article 87**

When, in cases specified in part 2 of Article 58 of the Constitution, the President of the Republic announces pre-term elections to the Seimas, the newly-elected Seimas may, by three-fifths majority vote of all the Seimas members and within 30 days of the first sitting, announce a pre-term election of the President of the Republic.

If the President of the Republic wishes to compete in the election, he or she shall immediately be registered as a candidate.

If the President of the Republic is re-elected in such an election, he or she shall be deemed elected for a second term, provided that more than three years of the first term had expired prior to the election. If the expired period of the first term is less than three years, the President of the Republic shall only be elected for the remainder of the first term, which shall not be considered a second term.

If a pre-term election for the President of the Republic is announced during the President's second term, the current President of the Republic may only be elected for the remainder of the second term.

#### **Article 88**

The powers of the President of the Republic shall be terminated:

- 1) upon the expiration of the term of office;
- 2) upon holding a pre-term presidential election;
- 3) upon resignation from office;
- 4) upon the death of the President of the Republic;
- 5) when the Seimas removes the President from office according to impeachment proceedings; and

6) when the Seimas, taking into consideration the conclusion of the Constitutional Court and by three-fifths majority vote of all the Seimas members, adopts a resolution stating that the President of the Republic is unable to fulfill the duties of office for reasons of health.

**Article 89**

In the event that the President dies or is removed from office according to impeachment proceedings, or if the Seimas resolves that the President of the Republic is unable to fulfill the duties of office for reasons of health, the duties of President shall temporarily be passed over to the Seimas Chairperson. In such a case, the Chairperson of the Seimas shall lose his or her powers in the Seimas, and at the behest of the Seimas, the duties of Chairperson shall temporarily be carried out by the Assistant Chairperson. In said cases, the Seimas shall announce, within 10 days, an election for the President of the Republic which must be held within two months. If the Seimas cannot convene and announce the election for the President of the Republic, the election shall be announced by the Government.

The Chairperson of the Seimas shall act for the the President of the Republic when the President is temporarily absent beyond the boundaries of the country or has fallen ill and by reason thereof is temporarily unable to fulfill the duties of office.

While temporarily acting for the President of the Republic, the Chairperson of the Seimas may neither announce pre-term elections of the Seimas nor dismiss or appoint Ministers without the agreement of the Seimas. During the said period, the Seimas may not consider the issue of lack of confidence in the Chairperson of the Seimas.

The powers of the President of the Republic may not be executed in any other cases, or by any other persons or institutions.

**Article 90**

The President of the Republic shall have residence. The financing of the President of the Republic and of the President's residence shall be established by law.

## CHAPTER 7

### THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

**Article 91**

The Government of the Republic of Lithuania shall consist of the Prime Minister and Ministers.

**Article 92**

The Prime Minister shall, with the approval of the Seimas, be appointed or dismissed by the President of the Republic.

The Ministers shall be appointed by the President of the Republic on the nomination of the Prime Minister.

The Prime Minister, within 15 days of being appointed, shall present the Government which he or she has formed and which has been approved by the President of the Republic to the Seimas and shall submit the programme of its activities to the Seimas for consideration.

The Government shall return its powers to the President of the Republic after the Seimas elections or upon electing the President of the Republic.

A new Government shall be empowered to act after the Seimas approves its programme by majority vote of the Seimas members participating in the sitting.

**Article 93**

On entering upon their duties, the Prime Minister and the individual Ministers shall, in the Seimas, take an oath to be loyal to the Republic of Lithuania and to observe the Constitution and laws. The text of the oath shall be established by the Law on the Government.

**Article 94**

The Government of the Republic of Lithuania shall:

1) administer the affairs of the country, protect the inviolability of the territory of the Republic of Lithuania, and ensure State security and public order;



- 2) implement laws and resolutions of the Seimas concerning the implementation of laws, as well as the decrees of the President;
- 3) coordinate the activities of the ministries and other governmental institutions;
- 4) prepare the draft budget of the State and submit it to the Seimas; execute the State Budget and report on the fulfillment of the budget to the Seimas;
- 5) draft bills and submit them to the Seimas for consideration;
- 6) establish diplomatic relations and maintain relations with foreign countries and international organisations; and
- 7) discharge other duties prescribed to the Government by the Constitution and other laws.

#### **Article 95**

The Government of the Republic of Lithuania shall resolve the affairs of State administration at its sittings by issuing directives which must be passed by a majority vote of all members of the Government. The State Controller may also participate in the sittings of the Government.

Government directives shall be signed by the Prime Minister and the appropriate Minister.

#### **Article 96**

The Government of the Republic of Lithuania shall be jointly responsible to the Seimas for the general activities of the Government.

The Ministers, in directing the spheres of administration entrusted to them, shall be responsible to the Seimas, the President of the Republic, and directly subordinate to the Prime Minister.

#### **Article 97**

The Prime Minister shall represent the Government of the Republic of Lithuania and shall direct its activities.

In the absence of the Prime Minister, or when the Prime Minister is unable to fulfill his or her duties, the President of the Republic of Lithuania, upon the recommendation of the Prime Minister, shall charge one of the Ministers to substitute for the Prime Minister during a period not exceeding 60 days; when there is no recommendation, the President of the Republic shall charge one of the Ministers to substitute for the Prime Minister.

#### **Article 98**

Ministers shall head their respective ministries, shall resolve issues assigned to the competence of their ministries, and shall also discharge other functions prescribed by laws.

A Minister may be temporarily substituted only by another member of the Government appointed by the Prime Minister.

#### **Article 99**

The Prime Minister and Ministers may not hold any other office subject to nomination or election, may not be employed in business, commercial or other private institutions or companies, and may not receive any remuneration other than the salary established for their respective Government offices and compensation for creative activities.

#### **Article 100**

The Prime Minister and Ministers may not be prosecuted, arrested or have their freedoms restricted in any other way without the preliminary consent of the Seimas, or, if the Seimas is not in session, of the President of the Republic.

#### **Article 101**

Upon the request of the Seimas, the Government or individual Ministers must give an account of their activities to the Seimas.

When more than half of the Ministers are changed, the Government must be re-invested with authority by the Seimas. Otherwise, the Government must resign.

The Government must also resign if:

- 1) the Seimas disapproves two times in succession of the programme of the newly-formed

Government;

2) the majority of all the Seimas deputies express a lack of confidence in the Government or in the Prime Minister in a secret ballot vote;

3) the Prime Minister resigns or dies; or

4) after Seimas elections, when a new Government is formed.

A Minister must resign if more than a half of all the Seimas members express, in a secret ballot vote, a lack of confidence in him or her.

The President of the Republic shall accept resignations of the Government or individual Ministers.

## CHAPTER 8

### THE CONSTITUTIONAL COURT

#### Article 102

The Constitutional Court shall decide whether the laws and other legal acts adopted by the Seimas are in conformity with the Constitution and legal acts adopted by the President and the Government, do not violate the Constitution or laws.

The status of the Constitutional Court and the procedure for the execution of powers thereof shall be established by the Law on the Constitutional Court of the Republic of Lithuania.

#### Article 103

The Constitutional Court shall consist of 9 judges appointed for an unrenewable term of 9 years. Every three years, one-third of the Constitutional Court shall be reconstituted. The Seimas shall choose 3 candidates for Constitutional Court judges from the candidates nominated by the President of the Republic of Lithuania, 3 candidates from those nominated by the Chairperson of the Seimas, and 3 candidates from those nominated by the Chairperson of the Supreme Court; the Seimas shall appoint the candidates that they choose as judges.

The Seimas shall appoint the Chairperson of the Constitutional Court from among the judges thereof and on the nomination of the President of the Republic of Lithuania.

Citizens of the Republic of Lithuania who have an impeccable reputation, who are trained in law, and who have served, for at least 10 years, in the legal profession or in an area of education related to his or her qualifications as a lawyer, shall be eligible for appointment as judges of the Constitutional Court.

#### Article 104

In fulfilling their duties, judges of the Constitutional Court shall act independently of any other State institution, person or organisation, and shall observe only the Constitution of the Republic of Lithuania.

Before entering office, judges of the Constitutional Court shall, in the Seimas, swear to be faithful to the Republic of Lithuania and the Constitution.

The restrictions on work and political activities which are imposed on court judges shall also apply to judges of the Constitutional Court.

Judges of the Constitutional Court shall have the same rights concerning the inviolability of their person as shall members of the Seimas.

#### Article 105

The Constitutional Court shall consider and adopt decisions concerning the conformity of laws of the Republic of Lithuania and legal acts adopted by the Seimas with the Constitution of the Republic of Lithuania.

The Constitutional Court shall also consider the conformity with the Constitution of:

1) legal acts of the President; and

2) legal acts of the Government.

The Constitutional Court shall present conclusions concerning:

1) the violation of election laws during presidential elections or elections to the Seimas;

2) whether the President of the Republic of Lithuania's health is not limiting his or her capacity to

continue in office;

3) the conformity of international agreements of the Republic of Lithuania with the Constitution; and

4) the compliance with the Constitution of concrete actions of Seimas members or other State officers against whom impeachment proceedings have been instituted.

#### **Article 106**

The Government, no less than 1/5 of the members of the Seimas, and the courts shall have the right to address the Constitutional Court concerning legal acts specified in part 1 of Article 105.

No less than 1/5 of the members of the Seimas and the courts shall have the right to address the Constitutional Court concerning the conformity of acts of the President with the Constitution and the laws.

No less than 1/5 of the members of the Seimas, the courts, and the President of the Republic of Lithuania shall have the right to address the Constitutional Court concerning the conformity of an act of the Government with the Constitution and the laws.

Upon the proposal of the President or the decision of the Seimas to investigate the conformity of an act with the Constitution, the applicability of the act shall be suspended.

The Seimas may request a conclusion from the Constitutional Court, and in cases concerning Seimas elections and international agreements, the President of the Republic of Lithuania may also request a conclusion.

The Constitutional Court shall have the right to refuse to accept cases for investigation or to prepare conclusions if the appeal is not based on legal motives.

#### **Article 107**

Laws (or parts thereof) of the Republic of Lithuania or any other acts (or parts thereof) of the Seimas, acts of the President of the Republic of Lithuania, and acts (or parts thereof) of the Government may not be applied from the day of official promulgation of the decision of the Constitutional Court that the act in question (or part thereof) is inconsistent with the Constitution of the Republic of Lithuania.

The decisions of the Constitutional Court on issues assigned to its jurisdiction by the Constitution shall be final and may not be appealed.

On the basis of the conclusions of the Constitutional Court, the Seimas shall have a final decision on the issues set forth in part 3 of Article 105 of the Constitution.

#### **Article 108**

The powers of a judge of the Constitutional Court shall be terminated:

- 1) on the expiration of the term of office;
- 2) upon the death of the judge;
- 3) upon voluntary resignation;
- 4) when the judge is incapable to fulfill his or her duties for health reasons; and
- 5) upon being removed from office by the Seimas according to the impeachment proceedings.

## **CHAPTER 9**

### **THE COURT**

#### **Article 109**

In the Republic of Lithuania, the courts shall have the exclusive right to administer justice.

While administering justice, judges and courts shall be independent.

While investigating cases, judges shall obey only the law.

The court shall adopt decisions on behalf of the Republic of Lithuania.

#### **Article 110**

Judges may not apply laws which contradict the Constitution.

In cases when there are grounds to believe that the law or other legal act applicable in a certain case contradicts the Constitution, the judge shall suspend the investigation and shall appeal to the Constitutional Court to decide whether the law or other legal act in question complies with the Constitution.

**Article 111**

The court system of the Republic of Lithuania shall consist of the Supreme Court, the Court of Appeal, district courts, and local courts.

For the investigation of administrative, labour, family and other litigations, specialised courts may be established pursuant to law.

Courts with special powers may not be established in the Republic of Lithuania in times of peace.

The formation and competence of courts shall be determined by the Law on Courts of the Republic of Lithuania.

**Article 112**

In Lithuania, only citizens of the Republic of Lithuania may be judges.

Supreme Court judges, as well as the Chairperson of the Supreme Court, who shall be chosen from among them, shall be appointed and dismissed by the Seimas upon the recommendation of the President of the Republic of Lithuania.

Judges of the Court of Appeals, as well as the Chairperson, who shall be chosen from among them, shall be appointed by the President of the Republic of Lithuania upon the approval of the Seimas.

Judges and chairpersons of district courts, local courts, and other specialised courts shall be appointed, and if necessary, transferred to other places of office, by the President of the Republic of Lithuania.

A special institution of judges provided by law shall submit recommendations to the President concerning the appointment of judges, as well as their promotion, transference, or dismissal from office.

A person appointed as judge shall swear, according to the procedure established by law, to be faithful to the Republic of Lithuania and to administer justice only pursuant to law.

**Article 113**

Judges may not hold any other elected or appointed posts, and may not be employed in any business, commercial, or other private institution or company. They are also not permitted to receive any remuneration other than the salary established for judges as well as payments for educational, scientific, or creative activities.

Judges may not participate in the activities of political parties and other political organisations.

**Article 114**

Institutions of State power and administration, members of the Seimas and other officers, political parties, public organizations, and citizens shall be prohibited from interfering with the activities of a judge or the court, and violation of this shall incur liability.

Judges may not have legal actions instituted against them, nor may they be arrested or restricted of personal freedom without the consent of the Seimas, or in the period between sessions of the Seimas, of the President of the Republic of Lithuania.

**Article 115**

Court judges of the Republic of Lithuania shall be dismissed from office according to the procedure established by law in the following cases:

- 1) at their own will;
- 2) upon expiration of their powers or upon reaching pensionable age as determined by law;
- 3) for reasons of health;
- 4) upon appointment to another office or upon voluntary transference to another place of office;
- 5) if their behaviour discredits their position as judge; and
- 6) when judgment imposed on them by court comes into force.

**Article 116**

If the Chairperson or judges of the Supreme Court or of the Court of Appeals grossly violate the Constitution, break their oath, or are found guilty of an offence, the Seimas may remove them from office according to impeachment proceedings.

**Article 117**

In all courts, the investigation of cases shall be open to the public. Closed court sittings may be held

in order to protect the secrecy of a citizen's or the citizen's family's private life, or to prevent the disclosure of State, professional, or commercial secrets.

In the Republic of Lithuania, court trials shall be conducted in the State language.

Persons who do not speak Lithuanian shall be guaranteed the right to participate in investigation and court proceedings through an interpreter.

**Article 118**

Public prosecutors shall prosecute criminal cases on behalf of the State, shall carry out criminal prosecutions, and shall supervise the activities of the interrogative bodies.

Pretrial interrogation shall be carried out by investigators.

The procedure for the appointment of public prosecutors and their status shall be established by law.

## CHAPTER 10

### LOCAL GOVERNMENTS AND ADMINISTRATION

**Article 119**

Administrative units provided by law on State territory shall be entitled to the right of self-government. This right shall be implemented through local government Councils.

Members of local government Councils shall be elected for a two-year term on the basis of universal, equal and direct suffrage by secret ballot by the residents of their administrative unit who are citizens of the Republic of Lithuania.

The procedure for the organisation and activities of self-government institutions shall be established by law.

Local government Councils shall form executive bodies which are accountable to them for the direct implementation of the laws of the Republic of Lithuania and the decisions of the Government and the local government Council.

**Article 120**

The State shall support local governments.

Local governments shall act freely and independently within the limits of their competence which shall be established by the Constitution and laws.

**Article 121**

Local governments shall draft and approve their own budget.

Local government Councils shall have the right within the established limits and according to the procedure provided by law to establish local dues, and to provide for the leverage of taxes and duties at the expense of their own budget.

**Article 122**

Local government Councils shall have the right to appeal to court regarding the violation of their rights.

**Article 123**

In higher level administrative units, the administration shall be organised by the Government according to the procedure established by law.

Representatives shall be appointed by the Government to supervise that the Constitution and the laws are observed, and that the decisions of the Government are implemented.

The powers of Government representatives and the procedures of their implementation shall be established by law.

In cases and according to procedures provided by law, the Seimas may introduce direct admi-

nistration on local government territory.

**Article 124**

Deeds and actions of local government Councils as well as of their executive bodies and officers which violate the rights of citizens and organisations may be appealed against in court.

## CHAPTER 11

### FINANCES, THE STATE BUDGET

**Article 125**

In the Republic of Lithuania, the central bank shall be the Bank of Lithuania, which is owned by the State.

The Bank of Lithuania shall have the exclusive right to issue bank notes.

The procedures for the organisation and activities of the Bank of Lithuania as well as its powers shall be established by law.

**Article 126**

The Bank of Lithuania shall be directed by the Bank Board, which shall consist of the Board Chairperson, the deputies to the Chairperson, and the Board members.

The Board Chairperson of the Bank of Lithuania shall be appointed for a five-year term by the Seimas on the nomination of the President of the Republic of Lithuania.

**Article 127**

The budgetary system of the Republic of Lithuania shall consist of the independent State budget of the Republic of Lithuania and the independent local governments budgets.

State budget revenues shall be accrued from taxes, compulsory payments, dues, receipts from State property, and other income.

Taxes, other budgetary payments, and dues shall be established by the laws of the Republic of Lithuania.

**Article 128**

Decisions concerning State loans and other basic property liabilities of the State shall be adopted by the Seimas on the recommendation of the Government.

Procedures concerning the management, utilisation, and disposal of State property shall be established by law.

**Article 129**

The budget year shall begin on the first of January and shall end on the thirty-first of December.

**Article 130**

The Government of the Republic of Lithuania shall prepare a draft budget of the State, and shall submit it to the Seimas no later than 75 days before the end of the budget year.

**Article 131**

The draft budget of the State shall be considered by the Seimas, and shall be approved by law by the beginning of the new budget year.

Upon considering the draft budget, the Seimas may only increase expenditures upon specifying financial sources for said expenditures. Expenditures established by law may not be reduced as long as said laws are not amended.

**Article 132**

If the State Budget is not approved by the prescribed date, monthly budget expenditures at the beginning of the budget year may not exceed one-twelfth of the State Budget expenditures of the previous budget year.

During the budget year the Seimas may change the budget. It shall be changed according to the same

procedure by which it was drafted, adopted and approved. As necessary, the Seimas may approve an additional budget.

## CHAPTER 12 CONTROL OF THE STATE

### Article 133

The system and powers of State Control shall be established by law.

State control shall be directed by the State Controller who shall be appointed for a five-year term by the Seimas upon the nomination of the President of the Republic of Lithuania.

Before taking office, the State Controller shall take an oath. The oath shall be established by law.

### Article 134

State control shall supervise the legality of the management and utilisation of State property and the realisation of the State budget.

The State Controller shall give an account to the Seimas on the annual execution of the State budget.

## CHAPTER 13 FOREIGN POLICY AND NATIONAL DEFENCE

### Article 135

In conducting foreign policy, the Republic of Lithuania shall pursue the universally recognized principles and norms of international law, shall strive to safeguard national security and independence as well as the basic rights, freedoms and welfare of its citizens, and shall take part in the creation of sound international order based on law and justice.

In the Republic of Lithuania, war propaganda shall be prohibited.

### Article 136

The Republic of Lithuania shall participate in international organizations provided that they do not contradict the interests and independence of the State.

### Article 137

Weapons of mass destruction and foreign military bases may not be stationed on the territory of the Republic of Lithuania.

### Article 138

The Seimas shall either ratify or denounce international treaties of the Republic of Lithuania which concern:

- 1) the realignment of the State borders of the Republic of Lithuania;
- 2) political cooperation with foreign countries, mutual assistance, or treaties related to national defence;
- 3) the renunciation of the utilisation of, or threatening by, force, as well as peace treaties;
- 4) the stationing and status of the armed forces of the Republic of Lithuania on the territory of a foreign state;
- 5) the participation of Lithuania in universal or regional international organisations; and
- 6) multilateral or long term economic agreements.

Laws and international treaties may provide for other cases in which the Seimas shall ratify international treaties of the Republic of Lithuania.

International agreements which are ratified by the Seimas of the Republic of Lithuania shall be the constituent part of the legal system of the Republic of Lithuania.

### Article 139

The defence of the state of Lithuania from foreign armed attack shall be the right and duty of every citizen of the Republic of Lithuania.

Citizens of the Republic of Lithuania are obliged to serve in the national defence service or to

perform alternative service in the manner established by law.

The organisation of national defence shall be established by laws.

**Article 140**

The main issues of national defence shall be considered and coordinated by the State Defence Council which consists of the President of the Republic of Lithuania, the Prime Minister, the Seimas Chairperson, the Minister of National Defence, and the Chief Commander of the Army. The State Defence Council shall be headed by the President of the Republic of Lithuania. Procedures for its formation, activities and powers shall be established by law.

The Chief Commander of the armed forces shall be the President of the Republic of Lithuania.

The Government, the Minister of National Defence, and the Chief Commander of the Army shall be responsible to the Seimas for the provision and command of State armed forces. The Minister of National Defence may not be a serviceman who has not yet retired from active service.

**Article 141**

Soldiers in active military service or alternative service, officers of the national defence, the police and the internal service, non-commissioned officers, re-enlistees who have not retired from service, and other paid officers of military and security services may not be members of the Seimas or of local government Councils. They may not hold elected or appointed posts in State civil service, and may not take part in the activities of political parties and political organisations.

**Article 142**

The Seimas shall impose martial law, shall announce mobilisation or demobilisation, and shall adopt decisions to use the armed forces in defence of the homeland or for the fulfillment of the international obligations of Lithuania.

In the event of an armed attack which threatens the sovereignty of the State or territorial integrity, the President of the Republic of Lithuania shall immediately pass a decision concerning defence against such armed aggression, shall impose martial law throughout the country or in separate parts thereof, shall declare mobilisation, and shall submit these decision to the next sitting of the Seimas; in the period between sessions, the President shall immediately convene an unscheduled session of the Seimas. The Seimas shall approve or abolish the decision of the President of the Republic of Lithuania.

**Article 143**

In the event that a regular election must be held in time of military actions, either the Seimas or the President shall adopt a decision to extend the terms of the Seimas, the President, and local government Councils. In such cases, elections must be held within three months of the end of the war.

**Article 144**

In the event that the constitutional system or public order of the State is threatened, the Seimas may declare a state of emergency throughout the country, or in separate parts thereof, for a period not exceeding six months.

In the event of emergency, and if the Seimas is not in session, the President of the Republic shall have the right to pass such a decision, and shall, at the same time, convene an unscheduled session of the Seimas for the consideration of this issue. The Seimas shall approve or abolish the decision of the President of the Republic of Lithuania.

States of emergency shall be regulated by law.

**Article 145**

During martial law or a state of emergency, the rights and freedoms specified in Articles 22, 24, 25, 32, 35, and 36 of the Constitution may be temporarily restricted.

**Article 146**

The State shall provide and care for soldiers whose health is damaged during military service, as well as for the families of soldiers who lose their lives during military service.

The State shall also provide for citizens whose health is damaged while defending the homeland, and for the families of citizens who lose their lives in defence of the State.



## CHAPTER 14

### AMENDING THE CONSTITUTION

#### Article 147

In order to amend or append the Constitution of the Republic of Lithuania, a proposal must be submitted to the Seimas by either no less than one-fourth of the members of the Seimas, or by at least 300,000 voters.

During a state of emergency or martial law, amendments to the Constitution may not be made.

#### Article 148

The provision of Article 1 of the Constitution that the State of Lithuania is an independent democratic republic may only be amended by a referendum in which at least three-fourths of the electorate of Lithuania vote in favour thereof.

The provisions of Chapter 1 ("The State of Lithuania") and Chapter 14 ("Amending the Constitution") may be amended only by referendum.

Amendments of other chapters of the Constitution must be considered and voted upon in the Seimas twice. There must be a lapse of at least three months between each vote. Bills for constitutional amendments shall be deemed adopted by the Seimas if, in each of the votes, at least two-thirds of all the members of the Seimas vote in favour of the enactment.

An amendment to the Constitution which is rejected by the Seimas may not be submitted to the Seimas for reconsideration for the period of one year.

#### Article 149

The adopted law on an amendment to the Constitution shall be signed by the President of the Republic of Lithuania and officially promulgated within 5 days.

If the President of the Republic of Lithuania does not sign and promulgate such a law in due time, this law shall become effective when the Chairperson of the Seimas signs and promulgates it.

The law on an amendment to the Constitution shall become effective no earlier than one month after the adoption thereof.

### FINAL PROVISIONS

#### Article 150

The constituent parts of the Constitution of the Republic of Lithuania shall be:

The 11 February 1991 Constitutional Law "On the State of Lithuania";

The 8 June 1992 Constitutional Act "On the Non-Alignment of the Republic of Lithuania with Post-Soviet Eastern Alliances".

#### Article 151

This Constitution of the Republic of Lithuania shall become effective the day following the official promulgation of the results of the Referendum, provided that in the Referendum more than half of the electorate of Lithuania voted in favour thereof.

#### Article 152

The procedure for the enforcement of this Constitution and separate provisions thereof shall be regulated by Law of the Republic of Lithuania "On the Procedure for the Enforcement of the Constitution of the Republic of Lithuania", which, together with this Constitution of the Republic of Lithuania, shall be adopted by referendum.

#### Article 153

Upon the adoption of this Constitution in the Referendum, the Seimas of the Republic of Lithuania may, by 25 October 1993, amend by three-fifths majority vote of all the Seimas members the provisions of the Constitution of the Republic of Lithuania set forth in Articles 47, 55, 56, in item 2 of the second part of Article 58, 65, 68, 69, in items 11 and 12 of Article 84, in the first part of Article 87, 96, 103, 118, and in the fourth part of Article 119.

**Article 154**

Upon their adoption by referendum, the Constitution of the Republic of Lithuania and the Law of the Republic of Lithuania "On the Procedure for the Enforcement of the Constitution of the Republic of Lithuania" shall be signed and promulgated within 15 days by the President of the Supreme Council of the Republic of Lithuania: