

ANSWERS OF THE REPUBLIC OF LITHUANIA ON BEST PRACTICES, EXPERIENCES AND CHALLENGES AND WAYS TO OVERCOME THEM WITH REGARD TO THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE RIGHT TO PARTICIPATE IN PUBLIC AFFAIRS IN THE CONTEXT OF THE EXISTING HUMAN RIGHTS LAW (RESOLUTION 27/24 OF THE HUMAN RIGHTS COUNCIL)

Participation in the conduct of public affairs

1-2. The principal provisions of Constitution of the Republic of Lithuania which provide all citizens with the right to political and public participation are:

- a) Citizens shall have the right to participate in the governance of their State both directly and through their democratically elected representatives as well as the right to enter on equal terms in the State service of the Republic of Lithuania. Citizens shall be guaranteed the right to criticize the work of State institutions or their officials and to appeal against their decisions. Persecution for criticism shall be prohibited. Citizens shall be guaranteed the right of petition [...] (Article 33);
- b) Citizens shall be guaranteed the right to freely form societies, political parties and associations, provided that the aims and activities thereof are not contrary to the Constitution and laws. No one may be compelled to belong to any society, political party, or association [...] (Article 35).
- c) Citizens may not be prohibited or hindered from assembling unarmed in peaceful meetings. This right may not be limited otherwise than by law and only when it is necessary to protect the security of the State or society, public order, people's health or morals, or the rights and freedoms of other persons (Article 36).

4. The Rules of Procedure of the Government (new version approved by the Government by its Resolution No 337 of 17 May 2013) and the Law on the Fundamentals of Legislation lay down the main principles of consulting with the society. The society and its groups (non-governmental organizations that protect human rights) are consulted in order to find out the society's opinions about specific problems and ways to solve them, to better assess the positive and negative outcomes of the proposed legal regulation and the cost of its implementation, to secure its transparency and to provide the society with the opportunity to influence the content of a particular decision.

The Rules of Procedure of the Government also stipulate that draft legal acts (except those that cannot be published under the laws of the Republic of Lithuania) are posted on a website (a subsystem for the registration of draft legislation on the Parliament's Legislative Information System for the publication of draft legislation) to receive feedback. Not only does this system provide the public with access to legislative proposals but also enables people to submit their comments and suggestions concerning legislative initiatives, draft legislation as well as monitored legal regulation.

Right to vote and to be elected

6. Universal suffrage is guaranteed by the Constitution of the Republic of Lithuania, which stipulates that "citizens who, on the day of election, have reached 18 years of age, shall have the electoral right. The right to stand for election shall be established by the Constitution of the Republic of Lithuania and by the election laws. Citizens who are recognized incapable by court

shall not participate in elections.” The electoral right is guaranteed and elaborated in the Law on Elections to the Seimas (Parliament), Law on Presidential Elections, Law on Elections to the European Parliament, and Law on Elections to Municipal Councils. These legal acts also establishes equal suffrage, i.e. that every citizen who has the right to vote has one vote and that all votes have the same value.

Therefore Lithuanian legislation do not provide for any restrictions on grounds of race, skin color, nationality or ethnicity when voting or standing for elections.

8. The Lithuanian language is the State language, in accordance with the Lithuanian Constitution. Therefore, official documents and electoral bulletins are written in the State language (Lithuanian). Also we would like to note, that the Central Election Commission has enabled visually impaired persons to print voter card online.

9. All citizens of the Republic of Lithuania who have the right to vote are entered on the electoral roll of the Republic of Lithuania according to the data of issuance of the document (passport or identity card) certifying citizenship, and according to the population register of the Republic of Lithuania.

The electoral roll of a polling district are drawn up by the constituency electoral committee according to the electoral roll of the constituency and the place of residence indicated therein, and are delivered to the polling district committee at least 26 days prior to the election. Also a list of citizens whose place of residence is not specifically known is compiled. Voters, ship crew members and passengers who are unable to return to Lithuania during the period of voting by post or on the election day, are entered on the electoral roll of the polling district in the territory where the ship’s registration harbour or the administration of the ship’s owner is located.

The electoral roll of the Republic of Lithuania and electoral rolls of single-member constituencies are not publicly available, however, the information about the entry of a voter on the electoral roll may be provided to the voter by telephone. The business hours of electoral committee members as well as the telephone numbers for electors to make inquiries about whether they are entered on the electoral roll must be on display at the entrance to the premises of the electoral committee.

11. The right to stand for election is established for all:

- citizens of the Republic of Lithuania (when standing for elections to the Parliament, for Presidential elections or for Mayor elections); the citizens of foreign state have a right to stand for elections to Municipal Councils;
- permanent residents of the Republic of Lithuania (in case of elections to Municipal Councils – a permanent residents of respective municipality);
- persons who reached a certain minimum age (25 years in case of elections to the Parliament, 40 years in case of Presidential elections and 20 years in case of elections to Municipal Councils).

There are restrictions established to stand for elections for persons who:

- with 65 days remaining before elections, have not yet served their sentence imposed by the court;
- have been declared legally incompetent and incapable by the court;
- are appointed as judges during their term of office;

- on the election day are in the active or alternative military service;
- are servicemen of professional military service who, with 65 days remaining before elections, have not retired from the service, or officials of statutory institutions and establishments;
- may not participate in activities of political parties according to special laws or statutes.

Any other direct or indirect abridgements of suffrage on the grounds of origin, political convictions, social or property status, nationality, sex, education, language, religion, or the type or character of their occupation is prohibited.

Equal access to public service

15. Legal acts regulating the exercise of the right of citizens to take part in the Government and in the conduct of public affairs at any level, and equal access to public service do not impose any restrictions on grounds of race, skin color, nationality or ethnicity.

Other

17. Please see the answers to Question 11 and Question 15.

18. The main principle on prohibition of censorship is enshrined in the Constitution of the Republic of Lithuania. The constitutional provisions also establishes, that the State, political parties, political and public organizations, and other institutions or persons may not monopolize the mass media.

All the citizens are guaranteed by the Constitution the right to freely form societies, political parties and associations, provided that the aims and activities thereof are not contrary to the Constitution and laws. The right to join any association or political party is foreseen to all competent natural persons who have reached 18 years of age. The minimum number of members to form an association is three and In order to establish a political party it is necessary that the political party would have not less than two thousand founders in the Republic of Lithuania.

Some additional conditions are provided for persons under 18 years of age, who may only be members of associations whose activities are related to needs of children and youth.

19. In accordance with the Law on the Fundamentals of Legislation, all national legislation are posted on a website (a subsystem for the registration of draft legislation on the Parliament's Legislative Information System for the publication of draft legislation) and is freely available to everybody.

The preparation of an Action Plan on Public Legal Education for 2015-2016 is underway at the moment. This Plan aims at common and consistent development of public legal education system, while taking into account the interests of different social groups. The established measures focuses on the provision aimed to educate and inform the Lithuanian society about the legal system, legal consultations, and training to enable to protect one's rights and freedoms.

Also we would like to mention the inter-institutional memorandum, adopted in December, 2014, foreseeing, among other measures for increase of the legal education, a commitment to renew the

program on legal education in secondary schools and the basic civics program for vocational training.

The annual Constitution exam should be mentioned as one of the best practices for the promotion of legal literacy in society. This public exam encourages members of society to deepen their knowledge on legal basis of the State and the protection of their rights and freedoms provided in the Constitution and thus increases the overall legal literacy (30 298 participants partook in the Constitution exam in 2014). In 2014 the Constitution exam was held for the 8th time.