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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1362nd meeting (December 2019) (DH)

Communication from the authorities (25/10/2019) in the case of PAKSAS v. Lithuania (Application No. 34932/04)

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1362^e réunion (décembre 2019) (DH)

Communication des autorités (25/10/2019) relative à l'affaire PAKSAS c. Lituanie (requête n° 34932/04)
(anglais uniquement)

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



**AGENT OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
TO THE EUROPEAN COURT OF HUMAN RIGHTS**

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Vilnius, 25 October 2019

Cc: Ms Laima Jurevičienė
Ambassador Extraordinary and Plenipotentiary
Permanent Representation of Lithuania
to the Council of Europe

DGI

25 OCT. 2019

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

BY E-MAIL TRANSMISSION

**UPDATED INFORMATION REGARDING THE ACTION PLAN IN
THE CASE OF PAKSAS v. LITHUANIA**

The Agent of the Government of the Republic of Lithuania to the European Court of Human Rights, provides updated information regarding the execution of the judgment of the Grand Chamber of the European Court of Human Rights (hereafter – the Court) of 6 January 2011 in the case *Paksas v. Lithuania* (application No. 34932/04) (hereafter – the Case).

We have pleasure to inform the Committee of Ministers that the Parliament of the Republic of Lithuania (the Seimas) on 24 September 2019 decided to commence the consideration procedure of a new legislative proposal to amend the Constitution, namely, the draft law No. XIIIIP-3867 in accordance with the procedure for constitutional amendments. The said draft law was submitted at the plenary sitting of the Seimas of **24 September 2019**, 93 members of the Seimas voted in favour of the said draft law. This voting marked the beginning of **the deliberation stage of the said draft law amending the Constitution.**

The draft law provides for the supplementation to Article 74 of the Constitution with a new § 2, which reads as follows:

“A person, who, under the impeachment procedure, has been removed from office or whose mandate of a Member of the Seimas has been revoked by the Seimas for a gross violation of the Constitution or a breach of an oath, may stand for election as a Member of the Seimas no earlier than ten years after the removal from the office or revocation of the mandate of a Member of the Seimas has taken place. Such person may not be elected President of the Republic of

Lithuania and cannot take any office specified in the Constitution at the commencement of which according to the Constitution an oath provided for in the Constitution must be taken."

The said draft law was evaluated by the latest decision of the Committee of Ministers adopted at 1355th meeting (23-25 September 2019) as providing for a viable solution to remedy the violation found in the European Court's judgment both on the individual level by enabling the applicant, Mr Paksas, to stand in future elections to Parliament and on the general level.

It is important to note that under Article 170 § 3 of the Statute of the Seimas draft laws amending the Constitution may not be debated on and adopted according to urgency or special urgency procedure.

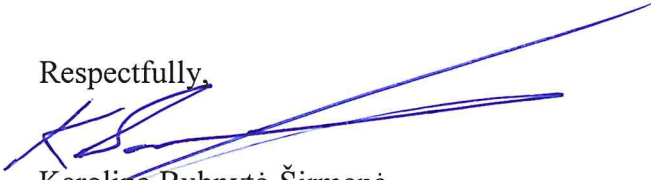
Following the submission of the draft law at the Seimas plenary sitting the draft law was published on the website of the Seimas for public comments, which are to be submitted until 14 November 2019.

Following the submission of the draft law the committees for its consideration were appointed, the Committee on Legal Affairs being the leading committee, also the draft law is to be considered at the Constitutional Commission and by the Human Rights Committee of the Seimas. The conclusions of the said parliamentary bodies shall be submitted no later than 4 December 2019¹.

Upon the approval of the draft law at the leading committee it shall be presented to the Seimas plenary sitting for preliminary approval. Not earlier than ten days after the debate on the draft law at a Seimas plenary sitting the procedure of its adoption shall be commenced².

The Government Agent will keep the Committee of Ministers informed on any further relevant developments in this regard.

Respectfully,



Karolina Bubnyte-Sirmene
Agent of the Government of the
Republic of Lithuania to the
European Court of Human Rights

¹ December 4 is the very last Wednesday when the conclusions of the Constitutional Commission and the Human Rights Committee may be submitted to the Committee on Legal Affairs. It should be explained to this end that in practice parliamentary committees are gathering only on Wednesdays but not each Wednesday. At this point it is important to note that the said conclusions might be submitted on any Wednesday – also before 4 December.

² During the adoption, draft laws amending the Constitution shall be voted on twice at Seimas sittings, with an adjournment of at least three months between the first and the second voting. A draft law amending the Constitution shall be deemed adopted by the Seimas provided that at least two-thirds of all the Members of the Seimas vote in favour thereof during each voting and that the same text of the draft law amending the Constitution is put to the vote each time.