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**Committee on Enforced Disappearances
Thirteenth Session**



**Opening Address by
Mr. Paulius Griciūnas
Vice-Minister of Justice of Lithuania**

Geneva, 4 September 2017

Good afternoon Mr. Chairman,

Good afternoon distinguished Members of the Committee,

Ladies and Gentlemen,

On behalf of the Republic of Lithuania, I would like to begin by expressing my sincere gratitude to the distinguished Committee for the invitation extended to the Lithuanian Government to present its initial report of Lithuania on its implementation of the provisions of the International Convention on the Protection of all Persons from Enforced Disappearance during the 13th session, nearly right after the commemoration of the International Day of the Victims of Enforced Disappearance.

I have an honor of presenting on behalf of my Government the Report, which was the result of widespread participatory consultations. This process involved many government and state institutions and bodies, which as a whole objectively assessed the application and fulfillment of the Convention. Following the procedure prescribed in the legal acts, the society and non-governmental organisations have been consulted on the draft Report on the Convention by making the draft publicly available in the Draft Registration System of the Parliament. Please note that the non-governmental organisations chose to not put forward any remarks or proposals on the draft Report. Our best intentions were to maintain the high standard of honest and open communication and public consultations we have achieved in Universal Periodic Review.

The Republic of Lithuania ratified the Convention on 23rd April 2013.

The Convention entered into force in respect of the Republic of Lithuania on 13th September 2013.

Lithuania also recognised the competence of the Committee following the Articles 31 and 32 of the Convention to receive and consider individual and inter-State complaints.

These decisions demonstrate Lithuania's full commitments to prevent enforced disappearance worldwide, to establish the truth when this crime occurs, to find disappeared persons and to bring perpetrators to justice.

By ratifying the Convention, Lithuania committed itself to conduct investigations, to prosecute those responsible and to ensure reparations for the victims and their families. Even though the Republic of Lithuania has not yet experienced, has not any present case and we do sincerely hope will not experience any case of enforced disappearance in the future, the Convention remains important for all countries to protect human rights and prevent torture and other heinous crimes. This landmark international human rights instrument complements and strengthens national legal protection from enforced disappearance and other forms of deprivation of liberty.

Therefore, we are very thankful for this opportunity to have an open and constructive dialogue with the distinguished Committee, share our information and also acknowledge the remarks and opinion of the Committee. This exercise is invaluable input to strengthen further the protection of human dignity as there are no limits for the perfection in this field.

Ladies and Gentlemen,

The Criminal Code of Lithuania transposed the essential provisions of the Convention, including the definition of Enforced Disappearance and Separation of Children as autonomous crimes.

Article 100¹ of the Criminal Code provides that the responsibility for the enforced disappearance lies with the person, acting as a state agent, or a person or a group of persons who, acting with the authorisation, support or acquiescence of the state, detained, abducted or otherwise deprived another person of his liberty while refusing to acknowledge the detention, abduction or deprivation of liberty, or concealed the disappeared person's fate or whereabouts.

Article 100² of the Criminal Code defines unlawful Separation of Children knowing that such children, their parents or guardians were victims of the enforced disappearance as criminal act. Enforced Disappearance appeared in the Criminal Code as a crime against humanity and has no statute of limitations due to the dangerousness in relation to the society. The concept of Enforced Disappearance, established in the Criminal Code, fundamentally corresponds with the one in the Convention.

It is to be noted that the Republic of Lithuania has chosen not to take any special additional measures relating to the inclusion of the responsibility of a higher-ranking officer in the national law as set out in Article 6 of the Convention.

It is understood that the existing regulation of the Criminal Code, which establishes the commander's responsibility for negligent performance of the commander's duties and the institute of complicity applicable in the event of determination of any elements characteristic to the intentional fault in the actions of the suspect or the accused guilt correspond to the requirements for the responsibility of a superior

provided for in the Convention. However we maintain an approach of openness regarding any recommendations, suggestion or remarks by the distinguished Committee.

In the context of the international obligations set forth in Article 24 of the Convention, to ensure the rights of the victims of enforced disappearance, it is important to note that, following the amendments of Article 28 of the Code of Criminal Procedure, which came into force on 1st March 2016, not only a natural person to whom the criminal act has caused physical, pecuniary or non-pecuniary damage, but also a family member or close relative of the person who has died as a result of the crime and who has suffered physical, pecuniary or non-pecuniary damage as a result of death of such person shall be recognised as a victim. The legal acts of the Republic of Lithuania provide for the forms of compensation of damage specified in the Report.

I am delighted to share with you very positive results of the international conference “Application of Convention on Enforced Disappearance” organised in our capital city Vilnius by the Prosecutor General’s Office in November 2016, to which representatives from different institutions, non-governmental organisations were invited and took part. A key presentation “International Convention for the Protection of All Persons from Enforced Disappearance and Activities of the Committee on Enforced Disappearances” was delivered by Mr. Matias Pellado, a member of the Secretariat of the Committee on Enforced Disappearances. We believe that the Conference as a specific training provided a good opportunity to ensure better understanding of the Convention's principles and provisions among the participants,

including law enforcement personnel, public officials, judges and other officials involved in the custody of persons deprived of liberty.

Distinguished Committee members, I am pleased to inform you that the Ombudsmen's Office has recently become an accredited National Human Rights Institution meeting the Paris Principles with "A" status. The Ombudsmen's Office is becoming the main voice of the human rights in Lithuania that will be heard on various questions concerning human rights and serves as a bridge between national and international human rights instruments as well as between the civil society and the State.

To conclude, I would like to thank you in advance for the opportunity to have this dialogue that will help us to maintain and reinforce our efforts towards full implementation of international obligations arising from the Convention as well as to address remaining challenges. All representatives of our delegation from different professional backgrounds come ready to entrance an open, objective and transparent dialogue.

Thank you Mr. Chairman