



International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under the Optional Protocol, concerning communication No. 3591/2019*, **

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| <i>Communication submitted by:</i> | C.N. (not represented by counsel) |
| <i>Alleged victim:</i> | The author |
| <i>State party:</i> | Lithuania |
| <i>Date of communication:</i> | 9 March 2019 (initial submission) |
| <i>Document references:</i> | Decision taken pursuant to rule 97 of the Committee's rules of procedure (now rule 92), not transmitted to the State party |
| <i>Date of adoption of decision:</i> | 25 July 2019 |
| <i>Subject matter:</i> | Denial of registration for presidential candidacy on the basis of foreign residency |
| <i>Procedural issue:</i> | Insufficient substantiation of claims |
| <i>Substantive issues:</i> | Discrimination; voting and elections; fair trial rights |
| <i>Articles of the Covenant:</i> | 14 (1) and 26 |
| <i>Articles of the Optional Protocol:</i> | 2 |

1. The author of the communication is C.N., a national of Lithuania and Germany born in 1946. On 5 July 2018, the author, who lives in Germany, requested the Chief Electoral Commission of Lithuania to register him as a candidate for the upcoming presidential election of 2019. He was informed by the Commission on the same date that registration of candidates would not take place until 2019. He was also informed that the Law on the Presidential Elections of Lithuania stipulates that only citizens who are Lithuanian by birth and who have lived in the country for at least the three previous years can stand for election as president. On 15 February 2019, the author resubmitted his petition to the Commission to register as a candidate for the presidency, claiming that the relevant law on presidential elections was discriminatory and ran counter to article 26 of the Covenant. On 18 February 2019, the author's request was rejected.

2. On 19 February 2019, the author filed a petition with the Administrative Supreme Court challenging the decision of the Chief Electoral Commission. The Administrative Supreme Court, in its decision dated 22 February 2019, stipulated that the petition was

* Adopted by the Committee at its 126th session (1–26 July 2019).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Yadh Ben Achour, Ilze Brands Kehris, Arif Bulkan, Ahmed Amin Fathalla, Furuya Shuichi, Christof Heyns, Bamariam Koita, Duncan Laki Muhumuza, Photini Pazartzis, Hernán Quezada Cabrera, Vasilka Sancin, José Manuel Santos Pais, Yuval Shany, Hélène Tigroudja, Andreas Zimmermann and Gentian Zyberi.



incomplete, and stated that additional information proving that the author had applied to the Commission for registration in accordance with the provision prescribed by the law and that he had received a decision from the Commission refusing his request, should be submitted by 25 February 2019. The Administrative Supreme Court added that if he failed to do so, his petition would be considered as if it had not been filed and would be returned to the author. On 24 February 2019, the author, in his supplementary submission to the Administrative Supreme Court, argued that it was clear from the decision of the Commission that the Presidential Elections Act did not allow the registration of his candidacy, and thus it would not make any sense to travel to Vilnius at high cost merely to take delivery in person of the official rejection of his request for registration. On 25 February 2019, the Administrative Supreme Court returned the case file to the author without specifying additional reasons for its decision, particularly in light of the author's supplementary submission.

3. Relying on article 26 of the Covenant, the author complains about the allegedly discriminatory provisions of the Presidential Elections Act, which precluded his registration as a presidential candidate on the basis of his residency abroad, and thus his standing for the presidential election in Lithuania in May 2019. He further argues that, as a Lithuanian living abroad, he could not collect the minimum 20,000 supporting signatures in Lithuania, nor could he raise and deposit in Lithuania the €6,000 required since he did not have sufficient assets. Consequently, he could not appear in the media as a candidate and could not present his electoral manifesto to the public. Furthermore, under article 14 of the Covenant, he claims that the Administrative Supreme Court decision considering his petition not to have been filed and the return of his case file without specifying the underlying reasons amount to a violation of his right to a fair trial.

4. The Committee takes note of the author's claims that the State party violated his rights under 26 of the Covenant by discriminating against him on the basis of his residence abroad. The Committee also takes note of the author's claims that the Administrative Supreme Court's refusal of his court petition violated his right of access to a court as provided for in article 14 (1) of the Covenant. However, the Committee considers that the author failed to explain how the restrictions put in place by the State party on registering candidates for the presidency on the basis of a candidate's foreign residence, and the request for the collection of a minimum number of supporting signatures, as well as other related limitations, were not justified or otherwise impaired the very essence of the guaranteed right. Therefore, the Committee considers that the author has failed to sufficiently substantiate these claims for the purpose of admissibility.

5. The Committee therefore decides:

- (a) That the communication is inadmissible under article 2 of the Optional Protocol;
- (b) That the present decision shall be communicated to the State party and to the author.
