



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

List of issues in relation to the report submitted by Lithuania under article 29 (1) of the Convention*

I. General information

1. In relation to paragraph 6 of the State party's report (CED/C/LTU/1), please provide additional information on the participation of non-governmental organizations in the preparation of the report.
2. Please provide information on the progress made to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

II. Definition and criminalization of enforced disappearance (arts. 1-7)

3. With regard to paragraphs 15 and 80 of the State party's report, please describe in detail the restrictions to human rights and freedoms that can be applied during a state of war or a state of emergency and indicate under which circumstances, under which legal provisions and for how long it is permissible to do so (art. 1).
4. While taking note of the information provided in paragraph 31 of the State party's report, the Committee would appreciate receiving information as to whether steps have been taken expressly to incorporate into national law the criminal responsibility of superiors as set out in article 6 (1) (b) of the Convention (art. 6).
5. Please indicate the maximum and the minimum penalties that can be imposed for the commission of an enforced disappearance when mitigating or aggravating circumstances apply (art. 7).

III. Judicial procedure and cooperation in criminal matters (arts. 8-15)

6. Please indicate whether there are any mechanisms in place to exclude a law enforcement or security force, whether civilian or military, from an investigation into an enforced disappearance when one or more of its members are accused of having been involved in the commission of the offence (art. 12).
7. With reference to the Law on the Protection of the Participants of Criminal Proceedings and Criminal Intelligence, Officers of Justice and Law Enforcement

* Adopted by the Committee at its twelfth session (6-17 March 2017).



Institutions against Criminal Influence, referred to in paragraph 64 of the State party's report, please provide information on the grounds for the application, refusal and discontinuation of measures related to protection against criminal influence; the types of measures that can be taken; and the procedures for the application of such measures (art. 12).

8. In relation to paragraphs 66 and 67 of the State party's report, please indicate whether domestic law provides for any restrictions that could be imposed on the authorities in charge of an investigation into an enforced disappearance on gaining access to documentation and other information relevant to their investigation, or on gaining access to any place of detention or any other place where there are reasonable grounds to believe that the disappeared person may be present (art. 12).

IV. Measures to prevent enforced disappearances (arts. 16-23)

9. Please provide detailed information about the mechanisms and criteria applied in the context of procedures of expulsion, return, surrender and extradition to evaluate and verify the risk of a person being subjected to enforced disappearance. Please clarify whether, before carrying out any procedures of expulsion, return, surrender or extradition, a thorough individual assessment is conducted to determine whether the person in question is in danger of being subjected to enforced disappearance, in particular in relation to persons arriving from safe countries of origin or transit (art. 16).

10. In relation to allegations concerning the involvement of officials of the State party in incidents of rendition and the secret detention of terrorism suspects, including the hosting of secret detention facilities, please provide information on any investigations that have been carried out and their results, and the reparation provided to the victims (arts. 1, 17 and 24).

11. With reference to paragraphs 99 and 100 of the State party's report, please clarify the relationship between the register of suspected, accused and convicted persons kept by the Information Technology and Communications Department under the Ministry of the Interior and the information system of the Prison Department under the Ministry of Justice. Please also indicate whether any of these registers contain information on all persons deprived of liberty, regardless of the nature of the place of deprivation of liberty, such as persons held in psychiatric establishments, care homes or the Foreigners' Registration Centre. If that is not the case, please provide information on the content of the records kept in other places of deprivation of liberty. In addition, please provide information on the measures taken to ensure that all records of persons deprived of liberty are filled out and updated immediately, and please include information on monitoring measures (art. 17).

12. Please provide information on the measures taken to guarantee, from the very outset of the deprivation of liberty, that all persons have access to a lawyer and that their family or any other person of their choice are informed of the deprivation of liberty and of the place where the person is being held. In that connection, please indicate whether there have been complaints or allegations regarding failure to observe those rights and, if so, please provide information on the proceedings carried out and their outcome, including any sanctions imposed (art. 17).

13. Please provide information on the existing guarantees in place to ensure that in practice the Seimas Ombudsmen's Office, in its capacity as the national preventive mechanism, has immediate and unrestricted access to all places of deprivation of liberty and indicate whether it has sufficient resources to enable it to carry out its functions effectively (art. 17).

14. Please provide information about legislative or other measures taken to prevent and impose sanctions for the conduct described in article 22 of the Convention (art. 22).

15. While taking note of the information provided in paragraph 115 of the State party's report, the Committee would appreciate receiving information on whether the State party provides, or plans to provide, specific training on the Convention, in the terms set out in article 23 thereof, to all law enforcement personnel, whether civil or military, medical

personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges and other officials responsible for the administration of justice (art. 23).

V. Measures to provide reparation and to protect children against enforced disappearance (arts. 24-25)

16. Please indicate whether, besides compensation, domestic law provides for other forms of reparation in accordance with article 24 (5) of the Convention. Please clarify whether access to reparation is dependent on the adoption of a judgment in criminal proceedings (art. 24).

17. In relation to paragraphs 121-124 of the State party's report, please indicate whether:

(a) The recognition of a person as an absentee or a declaration of death may have an impact on the State party's obligation to continue the investigation into an enforced disappearance until the fate of the disappeared person has been clarified;

(b) It is necessary that the whereabouts of a person be unknown for one year for that person to be declared an absentee, or whether the period can be shorter;

(c) Domestic law addresses matters, other than the administration of property, related to the legal situation of persons recognized as absentees in accordance with article 2.28 (1) of the Civil Code and the legal situation of their relatives, such as issues related to social welfare and family law;

(d) There is a maximum period during which a person can be recognized as an absentee and, if so, what the procedures are to be followed after the expiration of such a period (art. 24).

18. Please provide information on the measures taken to implement the recommendations made by the Committee on the Rights of the Child to end the practice of anonymous abandonment of children and to strengthen and promote alternatives (see CRC/C/LTU/CO/3-4, para. 23) (art. 25).

19. In relation to paragraph 132 of the State party's report, please provide the list of grounds for instituting proceedings de novo contained in article 366 of the Code of Civil Procedure (art. 25).
