



## Recommendation 1339 (1997)<sup>1</sup>

# Obligations and commitments of Lithuania as a member state

### Parliamentary Assembly

1. The Assembly reaffirms its purpose, through the setting up of a special committee, to strengthen its means of inquiry into the observance by member states of the Council of Europe of "the principles of the rule of law and the enjoyment by all persons within (their) jurisdiction of human rights and fundamental freedoms" (Article 3 of the Statute, Article 1 of the European Convention on Human Rights).
2. Lithuania joined the Council of Europe on 14 May 1993, pursuant to Assembly [Opinion No. 168 \(11 May 1993\)](#) and to Committee of Ministers Resolution (93) 24.
3. In observance of its commitment under paragraph 5 of Assembly [Opinion No. 168](#), Lithuania ratified the European Convention on Human Rights on 20 June 1995, together with Protocols Nos. 2, 3, 4, 5, 7, 8 and 11. It has since ratified Protocol No. 1. Lithuania has also ratified the Council of Europe's conventions on suppression of terrorism and on extradition. With the ratification of these instruments, the legal system of Lithuania is in alignment with international standards.
4. Lithuania has signed Council of Europe conventions for the prevention of torture, for the protection of minorities, on local self-government and on bioethics. The principles are thus established for the alignment of its legislation and policy with international standards in these areas.
5. Lithuania recovered independence and the exercise of national sovereignty in 1990. Changes of government following elections in 1992 and 1996 show the stability of the democratic process.
6. Following were the principal issues for dialogue with the Lithuanian authorities under monitoring procedure pursuant to Order No. 508 (1995) and [Resolution 1115 \(1997\)](#), notably with the Lithuanian parliamentary delegation:
  - 6.1. implementation of local government reform, with a view to establishing units of local self-government having their own financial resources;
  - 6.2. autonomy of the legal profession;
  - 6.3. police training and prison administration;
  - 6.4. repeated prolongation of a temporary law on preventive detention (with a view to fighting crime but in breach of the European Convention on Human Rights);
  - 6.5. incompatibility of certain clauses of the Code of Criminal Procedure with the European Convention on Human Rights, in regard to detention on remand and possibility of appeal;
  - 6.6. absence of a legal basis for the current moratorium on capital punishment;
  - 6.7. position of the ethnic Russian and ethnic Polish minorities (respectively, 8.3% and 7% of the population);
  - 6.8. adequacy of measures to restore property or give compensation to religious communities.

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1. Assembly debate on 22 September 1997 (25th Sitting) (see [Doc. 7896](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mr Gross and Mr Mota Amaral). Text adopted by the Assembly on 22 September 1997 (25th Sitting).



7. The Assembly notes that:
  - 7.1. reforms of local government, of the legal and judicial systems, of police training and prison administration are being pursued within the frame of the Council of Europe's pan-European co-operation and assistance programmes (including the joint programme with the Commission of the European Communities and the Nord-Balt prison project);
  - 7.2. the European Charter of Local Self-Government is expected to be ratified before the end of 1997;
  - 7.3. the temporary law on preventive detention has expired: its purpose is met by a new law on prevention of organised crime;
  - 7.4. draft legislation is being prepared to revise the Code of Criminal Procedure in respect of length of detention on remand and possibility of appeal;
  - 7.5. the Lithuanian Parliament has approved, in principle, a draft resolution on renouncing capital punishment: this provides a legal basis for the current moratorium. A pre-condition has thus been met for ratification of Protocol No. 6 of the European Convention on Human Rights;
  - 7.6. the right to use national minority languages is legally secured, in accordance with the principles of the European Charter for Regional or Minority Languages;
  - 7.7. other minority issues and relations with religious communities are approached in a spirit of mutual accommodation;
  - 7.8. a new law provides for greater self-regulation of the media;
  - 7.9. Lithuania's partnership with the European Union is a factor for stability in the region.
8. The Assembly welcomes the progress which has thus been made by Lithuania to consolidate the rule of law, to promote respect for human rights, to bring both law and policy into line with the principles of the Council of Europe, and to establish good relations with neighbouring countries.
9. The Assembly considers the current monitoring procedure, opened in March 1995 under Order No. 508, as closed. It will pursue its dialogue with the Lithuanian authorities for the new law on prevention of organised crime, or for other issues arising from Lithuania's obligations as a member state, with a view to reopening the monitoring procedure in accordance with its [Resolution 1115](#), if further clarification or enhanced co-operation should seem desirable.
10. The Assembly recommends that the Committee of Ministers:
  - 10.1. maintain the priority areas determined for Lithuania within the frame of the Council of Europe's co-operation and assistance programmes, including the joint programme with the Commission of the European Communities (European Union);
  - 10.2. sustain the present level of resources allocated to these programmes;
  - 10.3. address, under its monitoring procedure, the question of the implementation of Lithuania's new law on prevention of organised crime, having regard to Lithuania's commitment to the protection of human rights.