

GENEVA – Lithuania violated the political rights of ex-president Rolandas Paksas when it introduced a rule to ban anyone who had been impeached from running for or holding high office just weeks after the former leader had himself been removed from his post for abuse of power, the UN Human Rights Committee has found.

The Committee, after considering a complaint brought by Mr Paksas, said on Wednesday that the ex-leader could not have foreseen the ban, which was not in force when he was impeached. Lithuania should therefore overturn his lifelong disqualification on being a candidate in presidential elections and holding the office of prime minister or minister.

The Lithuanian parliament, the Seimas, removed Mr Paksas from office in April 2004, after the country's constitutional court found that he had unlawfully arranged Lithuanian citizenship for a Russian-born businessman. In May that year, the Seimas amended the electoral legislation to introduce the lifelong ban.

Mr Paksas argued that the amendment was introduced to target him and had been applied retroactively. He said his lifelong ban was unreasonable and disproportionate, and that the Constitutional Court, which upheld the disqualification, was biased.

The Lithuanian State said that the constitutional restrictions on Mr Paksas were proportionate given the “gravity of the related breaches”.

The Human Rights Committee, in its conclusion\*, wrote that when the Seimas decided to remove Mr Paksas from office, “no legal provision expressly stated that he could be barred from standing for election as a result.”

The Committee considered that “the lifelong disqualification to be a candidate in presidential elections, or to be prime minister or minister, were imposed on Mr Paksas following a rule-making process highly linked in time and substance to the impeachment proceedings initiated against him”.

The lifelong disqualifications imposed on him could not have been foreseen and lacked objectivity, and therefore amounted to an unreasonable restriction under article 25 (b) and (c) of the International Covenant on Civil and Political Rights, the Committee found.

Article 25 states that: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

The Human Rights Committee monitors implementation of the ICCPR by States parties. It considered this case under the First Optional Protocol to the Covenant which gives the Committee competence to examine individual complaints.

ENDS

\*The Committee adopted its views on 25 March 2014 and published them on 9 April 2014, Communication No. 2155/2012:

<http://www.ohchr.org/EN/HRBodies/CCPR/Pages/Jurisprudence.aspx>

The International Covenant on Civil and Political Rights (ICCPR):

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

To learn more about the Human Rights Committee visit:

<http://www2.ohchr.org/english/bodies/hrc/index.htm>

Human Rights Committee individual complaints procedure:

<http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>

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