

FORUM ON MINORITY ISSUES
Minorities in the criminal justice system
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Item 2 - Legal framework and key concepts
Statement by the Permanent Representative of Lithuania, Ambassador Rytis Paulauskas

Mr. President,

Lithuania is a multicultural country. For centuries, it has been home to various nationalities, cultures, and religions. The existence of a historical multicultural tradition is an invaluable foundation for the promotion of tolerance in today's Lithuania.

Non-discrimination on the grounds of race and nationality is a constitutional principle in Lithuania and the state is firmly determined to implement it. In November 2014, following the implementation of the Government's programme and commitments vis-a-vis national minorities, the Department of National Minorities under the Government of the Republic of Lithuania was established. The Department started its activities as of 1 July 2015 and is responsible for the analysis of ethno-politics and development of strategy, programmes and projects. The establishment of the Department will undoubtedly help to better satisfy the needs of national minorities and support the preservation of their national identity.

When it comes to the rights of persons belonging to minorities in the criminal justice system, procedural rights are guaranteed to the victims of racial discrimination and xenophobia in all cases without exception in accordance with the main provisions of the Constitution, the Convention on the Elimination of Racial Discrimination and the European Convention on Human Rights. The procedural status of the victim in pre-trial investigations and criminal proceedings

is governed by the Code of Criminal Procedure. Persons belonging to national minorities, likewise all other persons, are entitled to the right to give evidence, to submit applications, to challenge judges; to have access to the case during the pretrial investigation and the trial, to participate in the trial proceedings before the court, to appeal against the actions of the pre-trial investigation officer, prosecutor, the judge of pre-trial investigation and the court, as well as to appeal against the judgement or ruling, and to deliver the final speech before the court.

The victim in a criminal case concerning offences against equality or freedom of conscience is entitled to State-guaranteed secondary legal aid. Secondary legal aid involves State-guaranteed assistance by an advocate in court, which includes drafting of documents, defence and case representation in court, including the process of execution. In exceptional cases, where the victim of racial discrimination and xenophobia offences faces real danger to life, he/she may be granted State protection.

Mr. President,

Draft recommendation No. 13 emphasizes that international law requires states to ensure that all individuals within their jurisdiction benefit from fundamental rights throughout the judicial process. This includes the right to a fair trial, the right to legal aid, the right to liberty and security of person and the protection against torture and cruel, inhuman or degrading treatment. In which ways could the international community support States in ensuring that all these rights are granted to the persons belonging to national minorities?

