I. POLITICAL INDEPENDENCE

1. In your country and legal system, with respect to reducing the influence of politics on the decisions that are made by judges, what guarantees or provisions of law exist to ensure independence of judges in their decision making? NOTE: We list several examples and invite you to add any others that may also apply in your own judicial system:

   a. Is there security for judge's tenure in office? If so, please how this is provided – for example, by constitution, statute, by judicial rules, etc.
   b. Is there legislation that prohibits others in the government from interfering in the judicial decision making process? If so, please describe?
   c. Is there legislation that prohibits others outside the government from attempting to influence improperly a judge's decision? If so, please describe.

   Yes, there is. It is provided by the Constitution of Lithuania. Chapter IX determines that while administering justice, the judge and courts shall be independent and when considering cases, judges shall obey only the law. Constitution also determines that Interference by institutions of State power and governance, Members of the Seimas and other officials, political parties, political and public organisations, or citizens with the activities of a judge or the court shall be prohibited and shall incur liability provided for by law (Article 114).

   It is also provided by the Law on Courts. Article 3 of this Law determines the following:

   1. The guarantees of the independence of judges and the status of judges shall be laid down in the Constitution of the Republic of Lithuania, this Law, other statutes and legal acts.
   2. Administering justice, judges shall act impartially and obey only the law.
   3. Administering justice, judges shall be independent from the parties to the proceedings, the court administration, other judges, government institutions, officials and other persons. Judges may not be exposed to any political, economic, psychological or social pressure or any other unlawful influence which might affect their decisions.
   4. No person shall have the right to demand that a judge gives an account for a decision rendered in a specific case.
   5. Judges shall be provided social guarantees commensurate with their status and ensuring their independence.

   d. Is there a system to provide for a physical security of a judge and the judge's family that may be invoked by the judge? If so, how is this security provided and who provides it?

   No, there is no separate such system for judges. Physical security for judge and his family can be provided on general basis. If there is a reasonable doubt that judge or his family is in danger, court may assign the security of the police.
e. Are there any special provisions to ensure a judge's independence from improper political influence when the judge is deciding a matter involving alleged human rights violation? If so, please describe.

No, there are no special provisions in this case. But as it was mentioned above, guarantees provided by The Constitution of Lithuania and the Law on Courts are applied without exceptions.

f. Please describe any other guarantees or provisions of law that are intended to reduce the influence of politics on a judge's decision making?

II. APPOINTMENT SYSTEM FOR JUDGES/JUSTICES

2. Are the criteria and procedures for judicial selection clearly defined by law in order to ensure transparency in the selection process? Please describe the procedures and criteria that exist.

Yes, there are specific procedures and criteria for judicial selection. It is established in Law on Courts.

Article 51 lists the requirements for a candidate to judicial Office of the District Court. It determines that the post of a district court judge may be filled by a national of the Republic of Lithuania of good repute, having a university degree in law – master in law or the lawyer's professional academic title (one-cycle university education in law) meeting the requirements established by law required for security clearance procedure or work permit or right of access to or exchange in classified information, upon submitting a health certificate, having a record of at least five years of work in the legal profession and passing the examination for candidates to judges. A person having Doctor or Habil. Doctor of Social Sciences (Law) degree, also a person of at least five years standing as a judge, if not more than five years have lapsed since he last held that position, shall be exempt from sitting for the candidate examination.

Procedures for judicial selections are established in Article 56 of Law on Courts. It determines that a judge of a district court shall be appointed by the President of the Republic from the list of candidates to judicial vacancies at a district court. The President of the Republic shall be advised about the appointment of a judge of a district court by the Judicial Council.

3. Is there a separate expert commission or other authority either outside or inside the judiciary which has jurisdiction and competence to participate in judicial selection, including to conduct examinations of prospective judges if such examination are used in the process of judicial selection? If so, please describe.

Yes, there is the Selection commission of Candidates to Judicial Offices. It is composed by the President of the Republic. The Selection Commission shall be composed of seven persons for three years. Three members of Selection Commission shall be judges and four – members of the public. The latter Commissions presents the rated list (based on the pre-established criteria) of candidates to the President of the Republic. The President however can choose anyone from that list and in case the Judicial Council agrees, may appoint to the post of a judge.

III. ADMINISTRATION OF THE JUDICIARY

4. a. How are the salaries of judges set?

Salaries of judges are established in the Law on Judges Salaries.
b. Are those salaries and other allowances paid to the judges adequate to satisfy the reasonable living expenses of judges?

Yes, salaries of judges are adequate to satisfy the reasonable living expenses.

c. Do the judge's compensation adequately reflect the dignity and importance of the judges' position?

In general, yes. The lower court judges remuneration is intended to be increased in the near future.

5. Is the administrative authority of the chief judges/justices used in a way to influence the adjudication of cases and to affect the content of judicial decision making? If so, how?

No, chief judges can not influence the adjudication of cases.

6. To address disciplinary matters involving judges who are accused of violating judicial conduct rules, is there a judicial council or some other body that has the power to:

a. Receive complaint and conduct disciplinary investigations? If so, please describe.

Yes, The Judicial Ethics and Discipline Commission shall be an institution of judicial self-governance deciding the issues of instituting disciplinary actions against judges. The instituted disciplinary action shall be transferred to the Judicial Court of Honour. Refusal to institute a disciplinary action shall be communicated to the party that has made a motion to institute a disciplinary action.

b. Hear evidence, make decisions based on evidence, and, if it finds violation of judicial conduct rules, impose disciplinary measures? If so, please describe.

The Court of Honour may by its judgment suggest the President of the Republic or the Seimas to dismiss the judge from office according to the procedure established by law or suggest to the President of the Republic to apply to the Seimas to institute impeachment proceedings against the judge. It also may impose one of the following disciplinary sanctions:

1) warning;
2) reprimand;
3) severe reprimand.

c. Hear appeals from the decision that have found disciplinary violations and imposed disciplinary measures? If so, please describe.

A decision of the Judicial Court of Honour within ten days after its adoption can be appealed to the Supreme Court.

d. Does the person who has made a complaint about a judge's conduct have an opportunity to participate in whatever process is available for reviewing that conduct? If so, what is the extent of that participation.

No, the person who has made a complaint about judge's conduct can only be heard by the Court of Honour.
IV. INTERNATIONAL HUMAN RIGHTS ISSUES

7. What is the source of the law, if any, that a judge takes into consideration when deciding whether and how to enforce international human rights law? For example: constitution, treaties, laws of the country?

The international treaties ratified by the Parliament are the inconsistent part of national legislation. This is clearly set up in the Constitution. There is a variety of sources of law that can be applied. For example Constitutional Act on Membership of the Republic of Lithuania in The European Union implements that the norms of the European Union law shall be a constituent part of the legal system of the Republic of Lithuania. Where it concerns the founding Treaties of the European Union, the norms of the European Union law shall be applied directly, while in the event of collision of legal norms, they shall have supremacy over the laws and other legal acts of the Republic of Lithuania. The European Convention on Human Rights is frequently applied by national courts etc.

8. Do there exist procedures by which your courts may hear cases involving alleged violations of international human rights law when those alleged violations are separate from and independent of the laws of your country? If yes, please describe these procedures.

There is no such practice yet.

9. If the answer to Question 8 is „No“, are there any types of cases in which a judge may consider and apply principles of international human rights law when making a decision, or is the judge limited to applying fundamental principles of international human rights law in making a decision only if such principles are embodied in the laws of the country?

There is no such practice yet.

10. Are there any persons or groups of people who work for the government in your country who have judicial immunity for their illegal actions?

No, there are not.