

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Lithuania: New move towards penalizing homosexuality**

Amnesty International is seriously concerned by a new legislative initiative aiming at the introduction of administrative sanctions for the “promotion of homosexual relations”. The legislative proposal is blatantly discriminatory, will unlawfully restrict the right to freedom of expression of lesbian, gay, bi-sexual and transgender people, and violate Lithuania’s obligations under international law. Amnesty International is urging members of the Lithuanian parliament to vote against this discriminatory amendment of the Administrative Code.

On 12 November 2010, the Lithuanian parliament (Seimas) adopted in first reading an amendment to the Administrative Code introducing fines of from 2,000 to 10,000 *litas* (approximately €580-2,900) to punish “the public promotion of homosexual relations”. Thirty-one members of parliament voted in favour and seven against the new Article 214 (30), with the remaining lawmakers in the 141-seat parliament abstaining or not voting.

The draft amendment will be considered by the Committee on Legal Affairs and the Committee on Human Rights before being submitted to the Parliament again for the second reading on 16 December.

Should these sanctions be introduced, any public expression or portrayal of, or information about homosexuality would be banned. Such actions would include, but not be limited to, campaigning on human rights issues relating to sexual orientation and gender identity, providing sexual health information to lesbian, gay, bisexual and transgender people or organizing events such as gay film festivals and Pride marches like the one held in Vilnius in May this year.

The explanatory paper accompanying the draft bill reasons that the introduction of sanctions would implement the “Law on the Protection of Minors against the Detrimental Effect of Public Information”. This law, which entered into force in March 2010, bans information accessible to children that “denigrates family values” or “promotes a different concept of marriage and family” than the union of a man and a woman.

On 22 November, the Lithuanian President, Dalia Grybauskaitė, commented on the draft amendment to the Administrative Code stating that such initiatives damaged the Lithuanian image and presented the country as homophobic and aggressive.

Amnesty International is concerned that the draft amendment, if entering into force, could be applied in a way that restricted freedom of expression for lesbian, gay, bisexual and transgender people and advocates for their rights, and that it would further aggravate homophobia in Lithuania.

### Law on Provision of Public Information

Amnesty International is also concerned that Article 39 of the Law on Provision of Public Information, as amended in September 2010, remains in force. The amendment provides that

advertising and audiovisual communication “must not contain any manifestation or promotion of sexual orientation” and was meant to transpose the EU Audiovisual Media Services Directive.

However, contrary to the amended Article 39 of the Law on Provision of Public Information, the EU Audiovisual Media Services Directive, in Article 9, states that “audiovisual commercial communications shall not (i) prejudice respect for human dignity, (ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.”

Lithuanian authorities have maintained that the current formulation of the Law on Provision of Public Information was not intended to prohibit reference to sexual orientation and implied its wording was the result of a “translation mistake” that would be corrected in due course. However, Amnesty International is not aware of any concrete measures being taken to correct the wording to ensure appropriate transposition of the EU directive.

Amnesty International urges relevant authorities to act immediately with a view to ensure compliance with Lithuania’s human rights obligations and to eliminate discriminatory provisions from the law.

Amnesty International publications:

*Lithuania: Amnesty International condemns MPs’ call to use recently adopted homophobic legislation to ban the Baltic Pride*, 18 March 2010 (EUR 53/002/2010)

*Homophobic Law to Enter into Force in Lithuania*, 26 February 2010 (PRE01/070/2010)

*Urgent Action, Lithuania: Parliament moves to criminalize homosexuality*, 7 September 2009 (EUR 53/008/2009)

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