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Public Statement

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Lithuania must respect, protect and fulfil the human rights of lesbian, gay, bisexual and transgender people

Amnesty International is concerned that Lithuania is failing to respect the rights of the lesbian, gay, bisexual and transgender (LGBT) persons to freedom of assembly and freedom of expression. On 24 October, the city council of the capital, Vilnius, refused to grant permission for a 30 metre rainbow flag, a symbol of the LGBT rights movement, to be hoisted on the Town Hall Square. The hoisting of the flag was to be witnessed by an assembly of over 200 LGBT rights activists from around 40 different countries who were in Vilnius for a conference on LGBT rights organized by the International Lesbian and Gay Association (ILGA), as well as several local organizations.

The official reason why the event could not go ahead was that construction works carried out on the Town Hall Square could endanger the safety of those participating in the event. The square was however safe enough to be open to the public at all times, and no alternative venue was offered by the Vilnius City Council.

In May this year, the mayor of Vilnius, Juozas Imbrasas, refused to give permission for an European Union-sponsored anti-discrimination truck tour -- which was visiting 19 member states as part of a 'For Diversity. Against Discrimination' information campaign -- to make its planned stop in Vilnius. The Vilnius City Council also voted unanimously to ban a tolerance campaign rally in support of human rights, including the rights of lesbian, gay, bisexual and transgender persons, due to take place on 25 May, citing "security reasons".

The Lithuanian parliament is currently considering legislation that would ban the "propagation of homosexuality" to children. The legislative change regards an amendment to the existing Law on the Protection of Minors against Detrimental Effect of Public Information. The law currently covers issues such as portrayal of physical or psychological violence or vandalism; display of a dead or cruelly mutilated body of a person and information that arouses fear or horror, encourages self-mutilation or suicide. The proposed amendment would put information about homosexuality on par with these issues. The authors of the proposed amendment have written in an explanatory note that "the propagation of a non-traditional sexual orientation and exposure to information containing positive coverage of homosexual relations may therefore cause negative consequences for the physical, mental and, first and foremost, moral development of minors."

This legislative proposal is similar to the UK's section 28 of the Local Government Act 1988, which the UN Committee on the Rights of the Child recommended be repealed and which was removed in 2003. Lithuania has a legal obligation to act "in the best interests of the child" (Convention on the Rights of the Child, Article 3), which includes respecting the child's right to be free from discrimination, including that based on sexual orientation or gender identity.

The rights to freedom of expression, peaceful assembly and association are recognized in numerous human rights treaties including the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms to which Lithuania is a state party. Although the rights to freedom of expression, peaceful assembly and association are not absolute rights, any interference with these rights has to be prescribed by law, and be necessary and proportionate to meet a legitimate aim under international law. Whilst an event may annoy or give offence to persons opposed to the ideas or claims that it is seeking to promote, the participants must be able to hold the event without having to fear that they will be subjected to physical violence by persons or groups opposed to their ideas.

Amnesty International urges the Lithuanian authorities to respect the right to peaceful freedom of assembly for all, the right not to be discriminated against on the basis of sexual orientation or gender identity, and to actively promote respect for diversity in their country.

