

PUBLIC

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UA 162/09 Discrimination / Legal concern

LITHUANIA Possible adoption of homophobic legislation

On 16 June, the Lithuanian parliament (The Seimas) passed a law which includes an amendment which institutionalizes homophobia, violates the right to freedom of expression and the right to be free from discrimination. The President has ten days to decide whether or not to veto the law. Should he decide to sign the "Law on the Protection of Minors against the Detrimental Effect of Public information", an alarming national legal precedent will be set.

This law prohibits material "that agitate (sic) for homosexual, bisexual and polygamous relations" on the basis that it causes "detrimental effect to the development of minors". It classes homosexuality alongside issues such as the portrayal of physical or psychological violence, the display of a dead or cruelly mutilated body of a person, and information that arouses fear or horror, or encourages self-mutilation or suicide. This effectively institutionalizes homophobia and violates the right to freedom of expression and the right to be free from discrimination. Amnesty International is also concerned that this amendment could be used to restrict the work of human rights defenders working on issues of human rights, sexual orientation and gender identity.

In spite of this homophobic clause, the law does specify that information having a detrimental effect on the development of children includes mocking people's nationality, race, sex, origins, disability, sexual orientation, social status, language, religion, beliefs and attitudes. There were three votes on the proposal to remove sexual orientation from this list, but the amendment was finally rejected.

The new law is part of a growing climate of intimidation and discrimination in Lithuania against lesbians, gays bisexual and transgender people. Of 74 parliamentarians that checked in for voting to amend the law on 16 June, 67 voted in favour of the legislation. The law violates Lithuania's obligations under international and European law and contradicts the joint statement that Lithuania signed at the UN General Assembly in December 2008, which reaffirmed that human rights apply equally to every human being regardless of sexual orientation or gender identity.

In 2002, the UN Committee on the Rights of the Child expressed concern about similar legislation in the UK, which was introduced in 1988 and finally taken off the statute book in September 2003.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the President of Lithuanian not to sign the "Law on the Protection of Minors against the Detrimental Effect of Public Information", as it would reinforce discrimination based on a person's sexual orientation, deny the right to freedom of expression and deprive children of access to the support and protection they may need;
- calling on the President to ensure that any legislation protects all persons in Lithuania, (including children), fully enjoy the right to freedom of expression – including the right to seek, receive and impart information, without discrimination of any kind;
- asking him to ensure that any discrimination is prohibited and guarantee to all persons equal and effective protection against discrimination, including discrimination based on sexual orientation or gender identity;

APPEALS TO:

Valdas Adamkus
President of the Republic of Lithuania
Simono Daukanto a. 3
LT 01021
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Salutation: Dear President

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 July 2009.