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## **Lithuania: Parliament moves to criminalize homosexuality**

Any move by the Lithuanian parliament to criminalize the promotion of homosexuality would violate the country's international obligations to uphold freedom of expression and fight discrimination, Amnesty International warned today.

This warning comes as the Lithuanian parliament prepares to debate during its autumn session legislative amendments which would criminalise the "promotion of homosexual relations in public places".

"These proposals are a new low in Lithuania's slide to state-sponsored homophobia," said Nicola Duckworth, Europe and Central Asia Programme Director.

If adopted, they would permit the prosecution of an extremely wide variety of activities, including campaigning on human rights issues relating to sexual orientation and gender identity, providing sexual health information to lesbian, gay, bisexual or transgender (LGBT) people or the organization of gay film festivals, or Pride events.

"Anyone detained under the proposed amendment to the Penal Code would be considered by Amnesty International to be a prisoner of conscience," said Nicola Duckworth.

The proposed amendments follow the adoption in July this year of the discriminatory "Law on the Protection of Minors against the Detrimental Effect of Public Information". This law bans materials that "agitate for homosexual, bisexual and polygamous relations" from schools or public places and media where they could be viewed by children. The new amendments go even further as they would potentially criminalise almost any public expression or portrayal of, or information about, homosexuality.

The amendments would effectively prevent LGBT people from accessing the appropriate information, support and protection to enable them to live their sexual orientation and gender identity. They are also likely to lead to increased discrimination and other human rights abuses, in a range of areas, including employment and the access to goods and services.

"Twenty years after the fall of the Berlin wall the Lithuanian parliament is turning the clock back by imposing draconian limitations on the flow of information and the freedom of expression and stigmatising part of the population," Nicola Duckworth said.

"It is hard to believe that a member of the European Union should even be considering the adoption of such legislation."

"Parliamentarians, as the elected representatives of the people, should be the leading force in safeguarding

the rights of all and respecting the country's international obligations.”

## **Background**

The two legislative amendments are currently being considered are:

- A new Article 310 in the Penal Code entitled “Promotion of homosexual relations in public places” stating that “a person promoting homosexual relations in public places is committing a criminal offence which is punishable with community work or a fine or imprisonment.” The offence can also be committed by legal persons.
- A new Article 214 in the Administrative Code, entitled “Promotion of homosexual relations or financing of promotion in public places” stating that “the promotion of homosexual relations or financing of the promotion in public places is to be punished by a fine from one thousand to five thousand litas.”

Lithuania is a party to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), both of which guarantee the freedom of expression. Restrictions on the freedom of expression must be necessary to achieve a permitted aim and be clearly prescribed by law. The proposed amendments do not satisfy either of these criteria.

The ICCPR and ECHR, as well as several other international human rights instruments, prohibit discrimination on the basis of sexual orientation. In so far as the proposed amendments restrict the enjoyment of a wide range of rights on this basis without any objective or reasonable justification, they would clearly violate Lithuania's non-discrimination obligations.