ACTION PLAN ON NON-DISCRIMINATION OF LGBT* PEOPLE 2015 – 2020, LITHUANIA
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The publication includes a brief situational overview and recommendations. A comprehensive publication by LGL is available on the website at www.lgl.lt.

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GLOSSARY

**GENDER IDENTITY** refers to a person’s deeply felt individual experience of gender, which may or may not correspond with the sex assigned at birth, and includes the personal sense of the body and other expressions of gender (that is, “gender expression”) such as dress, speech and mannerisms. The sex of a person is usually assigned at birth and becomes a social and legal fact from there on. However, some people experience problems identifying with the sex assigned at birth – these persons are referred to as “transgender” persons. Gender identity is not the same as sexual orientation, and transgender persons may identify as heterosexual, bisexual or homosexual.

**HATE CRIMES** against LGBT* persons refer to criminal acts with a bias motivated by prejudice. Hate crimes include intimidation, threats, property damage, assault, murder or any other criminal offence where the victim, premises or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support or membership of an LGBT group. There should be a reasonable suspicion that the perpetrator’s motive is the sexual orientation or gender identity of the victim.

**HATE SPEECH** against LGBT* people refers to public expressions which spread, incite, promote or justify hatred, discrimination or hostility towards LGBT* people – for example, statements made by political and religious leaders or other public figures circulated by the press or the internet which aim to incite hatred.

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**HOMOPHOBIA** is defined as an irrational fear of, and aversion to, homosexuality and to lesbian, gay, bisexual and transgender persons based on prejudice.

**INTERSEX PEOPLE** are persons who are born with chromosomal, hormonal levels or genital characteristics which do not correspond to the given standard of “male” or “female” categories of sexual or reproductive anatomy. This word has replaced the term “hermaphrodite,” which was extensively used by medical practitioners during the 18th and 19th centuries. Intersexuality may take different forms and includes a wide range of conditions.

**LGBT* PEOPLE OR LGBT* PERSONS** is an umbrella term used to encompass lesbian, gay, bisexual, and transgender persons. It is a heterogeneous group that is often bundled together under the LGBT* heading in social and political arenas. Sometimes LGBT* is extended to include intersex and queer persons (LGBTIQ).

**SEXUAL ORIENTATION** refers to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender (heterosexual) or the same gender (homosexual, lesbian, gay) or more than one gender (bisexual).

**TRANSGENDER PERSONS** include individuals who have a gender identity that differs from the gender assigned to them at birth and those who wish to portray their gender identity in a different way from the gender assigned at birth. It includes people who feel that they have to, prefer to, or choose to present themselves differently from the expectations of the gender role assigned to them at birth, whether by clothing, accessories, mannerisms, speech patterns, cosmetics or bodily modifications. This includes, among many others, people who do not identify with the labels “male” or “female,” transsexuals, transvestites and crossdressers.

**TRANSGENDERISM** refers to the fact of possessing a transgender identity or expression. A transgender man is a person who was assigned “female” at birth but has a gender identity which is “male” or within the spectrum of the masculine gender. A transgender woman is a person who was assigned
“male” at birth but has a gender identity which is female or within the spectrum of the female gender. Analogous labels for sexual orientation of transgender people are used according to their gender identity rather than the gender assigned to them at birth. A heterosexual transgender man, for example, is a transgender man who is attracted to female partners. A lesbian transgender woman, on the other hand, is attracted to female partners.

**TRANSPHOBIA** is a phenomenon similar to homophobia, but specifically refers to the fear of, and aversion to, transgender persons or gender non-conformity. Manifestations of homophobia and transphobia include discrimination, criminalisation, marginalisation, social exclusion and violence on grounds of sexual orientation or gender identity.
Lesbian, gay, bisexual and transgender (LGBT*) people remain one of the most vulnerable groups in Lithuanian society, as evidenced by dominant societal attitudes, survey responses from local LGBT* people, statistical data on hate crimes and bullying, public information put forth by the media, and known cases of discrimination.

The complex legal situation of LGBT* people demands that special attention be paid to the resolution of this societal group’s problems. In Lithuania, there is a notable lack of political will with respect to the acceptance of basic LGBT* rights and the implementation of policy measures designed for the improvement of their rights. According to the 2013 observations and conclusions reported in the Council of Europe’s Committee of Ministers Recommendation CM/Rec (2010)5, the state fails to take positive actions aimed at broadening the rights and social inclusion of LGBT* people in Lithuania.

The attention to discrimination on the grounds of sexual orientation and gender identity paid in the Inter-institutional Non-discrimination action plan for 2015-2020 is not sufficient to resolve the complex issues of LGBT* human rights protection and the promotion of their social inclusion. The plan only includes one provision specifically designated for the protection of transgender people’s rights, namely, the survey regarding the state of transgender individuals living in Lithuania.

Thus, the primary aims of this publication are to call attention to the current situation of LGBT* people, and to provide recommendations to ensure against discrimination and social exclusion of LGBT* people in Lithuania. The publication was created by consulting with representatives from the
LGBT* community and legal, socio-political and human rights experts, by sending questionnaires to public and state institutions responsible for policy implementation, and by using the best practices established by foreign actors involved in the protection of LGBT* rights.

The plan consists of two parts: PART A, the “Situational Overview,” briefly describes the non-discrimination policies in Lithuania and discusses the main problems currently faced by LGBT* people in the country; PART B, the “Action Plan for 2015-2020 on Non-discrimination of LGBT* People” provides a list of recommended measures aimed at better assuring non-discrimination against LGBT* individuals in Lithuania.

The recommended measures put forth in this publication were selected by considering the Council of Europe’s Committee of Ministers Recommendation CM/Rec (2010)5 for Member States fighting discrimination based on sexual orientation and gender identity (published on the 31st of March 2010), by referencing the best practices of European nations, and by taking Lithuania’s legal and social context and current problems regarding the protection of LGBT* rights into account.

This publication aims to draw the attention of policy-making and implementing state institutions to the problems faced by LGBT* people, and to encourage the consistent creation and implementation of strategies for non-discrimination by these actors.
A comprehensive publication, which presents the principles of non-discrimination and equal opportunities, international liabilities, the best practices of foreign states, the primary policy-making and implementing Lithuanian institutions, establishments and organizations, and a review of LGL’s 2014 survey completed by state institutions, can be found on LGL’s website at:

www.lgl.lt/lgl/veikla/publikacijos/lietuviu-k/2015-m/ (only in Lithuanian)
PART A –
SITUATIONAL OVERVIEW
I. THE FORMATION OF NON-DISCRIMINATION POLICIES IN LITHUANIA

In accordance with the principle of non-discrimination found in the Constitution of the Republic of Lithuania, the Law of the Republic of Lithuania on Equal Opportunities, the Labour Code of the Republic of Lithuania and the Criminal Code of the Republic of Lithuania, alongside the international responsibility to protect human rights and dignity, the Government of the Republic of Lithuania (hereafter referred to as the Government) is forming and implementing policies for non-discrimination. The principle of non-discrimination has been included in the strategic documents of the Government and its institutions, and comprehensive Inter-Institutional Action Plans promoting non-discrimination are being affirmed.

The Government’s 2012-2016 program (accepted in 2012, and hereafter referred to as the Government programme), clearly establishes the principles of equal opportunity and respect for human privacy. Article 6 of the Government program states that “the equal rights of all peoples of Lithuania, the assurance of equal rights, and the fight against all forms of discrimination is the duty of the state, and a necessary condition for the welfare of the state. Because each person is valuable, he must feel like a fully-fledged member of our society, regardless of his gender, age, disability, nationality and sexual orientation.” Furthermore, Article 133 of the Government program establishes that, “we will not promote ideologies of ‘cultural warfare’ directed against children and families who do not meet the traditional conceptualizations of family,” and Article 149 states that the Government “will preserve
the privacy of family life, so the aim of the state will not be to specify a model of family life for people to choose, but to regulate familial relations so that regardless of the model of life chosen, it would be ensured that the responsibilities of people living together be equally guaranteed, their duties appropriately carried out, their financial interests protected, and in the case that they have children, that their children’s wellbeing and rights be protected.”

In 2015, the Government confirmed its third action plan for promoting inter-institutional non-discrimination, which aims to improve the situation of vulnerable social groups and to heighten society’s tolerance and awareness of these issues. The State’s plans for non-discrimination are based on the Law of the Republic of Lithuania on Equal Opportunities and include all of the grounds for non-discrimination found in that law, including sexual orientation. In the non-discrimination plans and related measures between all grounds, relevant measures are provided for the resolution of the problems of other vulnerable social groups, including ethnic minorities, youth, the disabled and others.

Even though the situation of LGBT* people in Lithuania is one of the most difficult, has yet been any separate measures specifically addressing non-discrimination on the ground of sexual orientation. The ground of gender identity is not explicitly mentioned in the Law of the Republic of Lithuania on Equal Opportunities, and did not receive separate measures until the Non-Discrimination Plan of 2015-2020. The plan provides one targeted measure designed to protect the privacy of transgender people living in Lithuania, and to assess and analyse their current status in the country.

INTER-INSTITUTIONAL ACTION PLAN FOR 2015-2020 ON NON-DISCRIMINATION

On January 28th, 2015, Government Resolution No. 46 confirmed the new Inter-Institutional Non-Discrimination Action Plan, which is to be implemented during the period of 2015-2020.²

The plan’s primary purpose is to reduce discrimination on the grounds put forth in the Law of the Republic of Lithuania on Equal Opportunities by broadening society’s awareness of this issue and by cultivating respect for other people. Two main objectives were designed to reach this goal: to raise societal awareness of the issues of non-discrimination and equal opportunity, and to assess the current state of people groups in need of legal protection. The plan further details concrete measures for the realization of each task - ten measures for the realization of the first task, and four for the realization of the second.

As in earlier cases, the Ministry of Social Security and Labour of the Republic of Lithuania was charged with the task of coordinating the plan’s implementation. The following institutions were also involved in the plan’s implementation: the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania, the Ministry of Education and Science of the Republic of Lithuania, the Ministry of Culture of the Republic of Lithuania, the Ministry of Justice of the Republic of Lithuania, the Ministry of Foreign Affairs of the Republic of Lithuania, the Department of Youth Affairs under the Ministry of Social Security and Labour of the Republic of Lithuania, the Lithuanian Labour Exchange under the Ministry of Social Security and Labour of the Republic of Lithuania, and the Law Institute of Lithuania.

It should be noted that in February 2014, the Ministry of Social Security and Labour Ministry of Social Security and Labour of the Republic of Lithuania formed a special working group designed to organize the Inter-Institutional Non-Discrimination Action Plan. The working group consisted not only of Government institutions and representatives from the Equal Opportunities Ombudsman’s Office and Ministry of Social Security and Labour of the Republic of Lithuania, but also of nongovernmental organizations. The national LGBT* rights organization LGL was invited to participate in this working group and made concrete suggestions regarding the inclusion of NGOs in the
decision-making process, plans for assuring the non-discrimination of transgender people, and educational measures to promote inter-institutional non-discrimination. However, the accepted Inter-Institutional Non-Discrimination Action Plan only included one of LGL’s suggestions - the measure to assess the general status of transgender people living in Lithuania and to evaluate the protection of their privacy, which is to be implemented by the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania.

Most European countries have comprehensive action plans for non-discrimination that explicitly protect all socially vulnerable groups. For example, in Latvia, just as in Lithuania, the first accepted general non-discrimination plan (2012-2018) provided guidelines for policy-making related to the issues of national identity, civil society and integration. These guidelines include numerous grounds for non-discrimination, such as sexual orientation. In 2013, a seminar was held in Brussels to share the best practices of government experts, was specifically dedicated to the consideration of public policies for fighting discrimination against LGBT* people. In this conference, it was noted that general non-discrimination programs have a number of positive features: sexual orientation as a ground for discrimination enters Government agendas, the coordination of non-discrimination action plans improve, the implementation of the program attracts a variety of support groups, etc. At the same time, it is imperative to note that a dangerous outcome arises from such generalized programs: some grounds for discrimination are given more attention than others, and some grounds may not receive any attention at all.

Therefore, groups that are marginalized and discriminated against can fare much better when specific policy measures are created to protect them. The EU pays a great deal of attention to specifically protecting the rights of women, the Romani (Roma), and the disabled, and has recently been increasing its focus on the protection of LGBT* people’s rights. The need for specific policy measures is justified in the especially dire case of LGBT* people; various studies, legislative analyses, and policy reviews clearly
show that it is one of the groups most discriminated against. Therefore, an intensified focus must be placed on the comprehensive resolution of this problem, as this is the only way to ensure the sustainable improvement of the situation.

Thus, in recent years, many European countries have developed and adopted specific action plans and strategies to fight discrimination against LGBT* people, homophobia and transphobia. Plans for ensuring non-discrimination on the basis of LGBT* identity have been accepted in France, Norway, the United Kingdom, Belgium, Germany, the Netherlands, and Sweden. For some countries, such as Albania, Italy, Latvia, Montenegro, Poland and Serbia, the Council of Europe’s LGBT* project began creating such plans; the guidelines for these plans were provided by the Council of Europe’s Committee of Ministers Recommendation No. CM/Rec (2010)5 for Member States fighting discrimination based on sexual orientation and gender identity (published on the 31st of March, 2010).
II. THE NEED FOR POLICIES OF NON-DISCRIMINATION AGAINST LGBT* PEOPLE

The Council of Europe’s Committee of Ministers Recommendation No. CM/Rec (2010)5 for Member States fighting discrimination based on sexual orientation and gender identity (published on the 31st of March, 2010 and hereafter referred to as the Recommendation) offers to review existing statutes and measures, and to align them with the recommendation’s specified provisions for the assurance of LGBT* rights and the promotion of tolerance of this group.³

In January 2011, LGL called upon the President and Prime Minister of the Republic of Lithuania to form an inter-ministerial working group to implement the action plan detailed in the Recommendation. In February 2011, the Ministry of Social Security and Labour of the Republic of Lithuania replied, stating that Lithuanian legislation does not contain discriminatory norms and is in line with the European Union’s legislation, so there is no need to form a working group to analyse Lithuanian laws. The Office of the President of the Republic of Lithuania responded similarly, stating that

Recommendation CM/Rec (2010)\textsuperscript{5} is by nature a recommendation, and the objectives of such a working group are unclear.\textsuperscript{4}

Meanwhile, in 2013, a study initiated by LGL for the Recommendation and its resultant documentary report show that insufficient measures are being taken at the inter-institutional level to combat discrimination on the grounds of sexual orientation and gender identity in the fields of work, education, housing, healthcare, and sports, among others. The need for policies and action plans for LGBT* non-discrimination are justified, and an overview of issues relating to the protection of LGBT* people’s rights is provided below.

THE FACTORS INFLUENCING THE SOCIAL CLIMATE AND DISCRIMINATORY ATTITUDES

THE SOCIAL CLIMATE

Lesbian, gay, bisexual and transgender persons are among the most stigmatized minority groups and face some of the highest rates of discrimination. Discrimination occurs not only through direct actions, like the explicit restriction of people’s rights, but also in more passive forms, such as inaction with respect to the problem’s resolution, or the lack of recognition that discrimination exists. The fact that sexual orientation and gender identity are among the most common grounds for discrimination in Europe is evidenced by the general surveys of European respondents. According to Eurobarometer’s public opinion survey of 2012, Europeans believe that the

\textsuperscript{4} 22 February 2011. Writ No. (1D-270)-2D-1154 of the Chancellery of the President of the Republic of Lithuania.
most common grounds for discrimination are ethnic origin (56%), sexual orientation (46%) and disability (46%). The percentage of respondents that believes that discrimination based on gender identity is most common is highly similar (45%).

At first glance, it seems that Lithuanians perceive their national situation in similar terms. In 2012, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania carried out a sociological study that revealed Lithuanians believe that the most common grounds for discrimination in Lithuania are age (49% think that it is widespread or fairly common), sexual orientation (41%) and disability (40%).

The study also indicated that a large portion of the Lithuanian population is homophobic and that the situation is degenerating further. The survey results revealed that most of the country’s residents would not want to live near Roma and former prisoners (59% and 57%, respectively), while the next least desirable neighbours are homosexual persons (47%) and those with mental disabilities (44%). Homosexuals also fall into the top five most undesirable colleagues. In addition, the study found that within the previous five years the public’s attitude (according to respondents) most notably deteriorated with respect to homosexuals (indicator change: -14). This decline in tolerance was the greatest of all social groups in question.

The prevalence of discrimination is further illustrated by LGBT* individuals’ experiences. In 2012, the European Union Agency for Fundamental Rights (FRA) conducted the first EU-wide LGBT* survey on discrimination. The results of the survey were published on the 17th of May 2013, and revealed that LGBT* persons in Lithuania are among the most discriminated against in Europe; 61% (nearly two-thirds) of respondents said that they were discriminated against or harassed because of their sexual orientation in the past year, while the European average was 47%. According to the survey results, Lithuania and Croatia contain the highest percentage of LGBT* people facing discrimination in the EU.

This study also confirms the problem of LGBT persons’ invisibility, which is reflected by the very low number of homosexual respondents reporting that
they came out in their immediate environment. Lithuania significantly lags behind other countries in terms of coming out to relatives – when asked how many of their family members are aware of the fact that the respondent was a lesbian, gay, bisexual or transgender person, 34% answered that they have not disclosed this information to any family members, 29% came out to some family members, and only 17% came out to every family member.

THE FACTORS INFLUENCING DISCRIMINATORY ATTITUDES

Our opinions and attitudes are shaped by numerous factors, from what we hear on television to the attitudes of our friends and co-workers. It is therefore extremely important to understand what has the biggest impact on the formation of negative societal attitudes with respect to stigmatized social groups and which factors contribute to favourable conditions for the development of non-discrimination, because only then it will be possible to act purposefully to modify these conditions.

In 2014, the Ministry of Social Security and Labour of the Republic of Lithuania requested non-governmental organization Mental Health Perspectives to conduct a survey on the change of public attitudes and causes of discrimination. This survey found that negative public opinions and discrimination are primarily influenced by the representatives of public authorities. The public appraisal of pro-discrimination laws and the submissions of discriminatory draft laws are indicative of the fact that a significant part of Lithuanian society considers politicians who often legitimate discrimination to be role models.

In the aforementioned 2012 FRA survey, respondents were asked how often politicians in their country use irreverent rhetoric about lesbian, gay, bisexual and transgender people. 58% of LGBT* people in Lithuania said that such rhetoric is very common, while the European average is only 16%. This is not surprising, considering the fact that eight explicitly discriminatory draft laws that address LGBT* rights were registered in the Lithuanian Parliament Seimas in the period of 2012 - 2014. Some of these draft laws
successfully passed the initial stages of registration. Meanwhile, some of the creators of these laws not only openly noted the discriminatory nature and purpose of such draft laws, but also repeatedly took public actions aimed at degrading LGBT* persons and violating their rights.\(^5\)

The media was also identified as playing a significant role in the creation of hostile conditions for the formation of the public's opinion of vulnerable social groups. The study results indicate that the media often provides inadequate information that is based on stereotypes and thereby reinforces negative perceptions of the aforementioned groups. Furthermore, the study shows that that the media lacks a culture of dialogue and discussion that would promote public awareness and debate.

In 2010, a study of the media revealed that it still portrays homosexuality as unnatural or dangerous, and that LGBT* persons are often scandalized or sexualized. This contributes to the formation of a negative public opinion and further escalates hostile societal attitudes. Therefore, it is essential to respect neutrality, impartiality and positivity in presenting the information to the public.

**BULLYING, HATE SPEECH AND HATE CRIMES**

**HATE CRIMES AND HATE SPEECH**

Transphobic and homophobic hate crimes are detrimental not only to the person who has suffered from such an offense, but to the LGBT* commu-

nity as a whole, as such acts are directed not simply against a specific individual, but against a characteristic that a person has, causing other people who share that characteristic to feel unsafe. Hate crimes are also harmful to society as a whole. As noted in the methodological recommendations of the Prosecutor’s Office of the Republic of Lithuania, hate crimes are often exceptionally offensive, violent and reckless. Hate crimes are usually committed in a public place and therefore have a negative influence on public policy and security, and contribute to the formation of unjustified negative public attitudes towards certain groups of people or their members.\(^6\)

According to the EU-wide FRA survey, a quarter (26\%) of all LGBT* respondents have experienced an attack or a threat of violence at some point in the past five years. Approximately three out of ten surveyed transgender people said they have experienced violence or threats of violence over three times in the preceding year.\(^7\) Meanwhile, 31\% of lesbian women, 41\% of gay men and 60\% of transgender respondents from Lithuania claimed they have been physically or sexually assaulted, or threatened with violence at home or elsewhere (on the street, on public transport, in the workplace, etc.) in the past 5 years.\(^8\) The rate of violence against gay men and transgender people in Lithuania is the highest of all the countries belonging to the European Union.

In 2013, LGL carried out a study\(^9\) on transphobic and homophobic hate crimes to receive information about hate crimes or other incidents commit-

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ted between January and November of 2013. A total of 12 incidents were reported, most of which occurred in public places and resulted in damage to property and the use of physical violence. The reported crimes mostly affected gay men, and the average age of the victim was 26 years old. The results of the study suggested that the number of hate-motivated crimes and incidents notably increases during public events or social campaigns related to the LGBT* community and their rights. The study underlined the fact that victims avoid reporting such crimes and that the true motive of such crimes often remains unclear.

It is clear, however, that the most common and officially recorded offense under Article 170 of the Criminal Code of the Republic of Lithuania is hate speech and incitement to hate. The reporting of such crimes may be directly linked to the activism of non-governmental organizations working in the field of human rights. It should be noted that most cases of incitement occur on the internet. 90% of all crimes of incitement to hate are done by way of comments posted under online publications on social networks and forums. Sexual orientation is one of the most common grounds for incitement to hate.

In 2013, the Parliament of the Republic of Lithuania initiated a draft law aiming to overrule responsibility for “criticism of sexual behaviour”. On the 11th of June, 2013, a group of Members of Parliament initiated a revision of Article 170 of the Criminal Code of the Republic of Lithuania, seeking to establish that criticism or persuasion to change behaviours, practices, beliefs and attitudes based on sexual behaviour or sexual practices in itself is not considered as promotion of discrimination, bullying, stigmatization, incitement to hate or discrimination. On the 12th of September, 2013 the aforementioned amendments to the Criminal Code of the Republic of Lithuania were approved by the Parliament (47 MPs for, 15 - against, 20 -

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abstained), so the legislation upon such an amendment remains possible in the near future.

At present, the Criminal Code of the Republic of Lithuania prohibits discrimination and incitement to hate on the ground of sexual orientation. Hatred motivated by a person’s sexual orientation in the context of criminal activity is considered an aggravating circumstance. However, the provisions of the Criminal Code of the Republic of Lithuania do not include the ground of gender identity, so statistical information about such crimes is not collected. The same can be said about the methodological recommendations issued by the Prosecutor General in 2009, which do not cover transphobic hate crimes. While these methodological recommendations provide some guidance to prosecutors and officers investigating hate crimes, the investigation of such crimes remains insufficient. It is clear that more detailed and specific training on the specifics of these crimes is needed.

Hate crime investigation is undermined by the fact that there is no single authority or body specifically responsible. As noted in the Monitoring Implementation of the Council of Europe Recommendation CM/Rec (2010)5 report, the Special Investigations Unit of The Prosecutor’s Office of the Republic of Lithuania, which investigated and collected data on hate crimes, was abolished and its functions were distributed to other units. Meanwhile, the professional training of police officers is of a general nature and pays insufficient attention to issues related to sexual orientation and gender identity. The lack of specialized information was observed during the professional trainings for prison staff. Without appropriate preparation, the police

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officers cannot adequately respond, recognize such crimes, and assist the victims of crime. In addition, there is a lack of proactive initiatives, public education measures, and direct contact with vulnerable groups and communities that are most often the victims of such crimes.

The results of the study further highlight the fact that it is necessary to improve the protection of victims of hate crimes. The results of FRA LGBT* survey reveal that some victims of physical or sexual violence in Lithuania do not report these incidents to the police, because as many as 38% of the victims are afraid of facing homophobia from police officers (the European average - 24%). 62% of respondents think that the police will not do anything (the EU average - 43%), 57% believe that the police cannot do anything (the EU average - 33%).

A study of homophobic and transphobic hate crimes in Lithuania, carried out by LGL in 2013, also showed that only a small proportion of victims of hate motivated crimes and incidents, or people who have information about these events, are turning to law enforcement authorities. The study stressed that victims are sensitive about the fact that the report of such an incident would adversely affect the victim’s personal life or work relationships. Furthermore, victims often see no purpose in consulting the authorities because they do not expect to receive adequate care. In some cases, victims who reported the incident to the police considered the reaction of the officials to be negligent and mocking.\(^4\)

Appropriate victim support is crucial in order to ensure that victims of crime have access to justice and respect for their rights. Following a comprehensive EU-wide evaluation of services provided to victims, FRA has emphasized that despite positive developments, many Member States face considerable challenges. According to FRA, in Lithuania (as well as in seven other EU countries), a general support system for all victims of crimes does not exist. Victim support is limited to assistance in a few specific cases (such as when a child becomes a victim of a crime). Information about where a

person could get support in Lithuania is also only systematically provided to victims of certain crimes, such as domestic violence.\textsuperscript{15}

**BULLYING**

Bullying in schools is a difficult and complex problem. Bullying affects not only those children who are directly involved (the perpetrator and the victim of bullying), but also the entire school community: witnesses of bullying, teachers, staff and parents. Bullying has the potential to affect every student, but the most vulnerable pupils are those who differ from their peers, especially those who belong to highly stigmatized groups in society, such as the LGBT* community.

As revealed by the study of the prevalence of homophobic bullying in schools\textsuperscript{16}, which was carried out by LGL in 2014, bullying based on sexual orientation is widespread in Lithuanian educational institutions. However, this phenomenon affects not only LGBT* students, but also students whose behaviour or appearance does not fit the stereotypical image of their sex, which remains a largely unrecognized problem. The study suggests that bullying based on sexual orientation is an endemic problem in Lithuanian schools; it was experienced by eight out of ten surveyed students. More than one-third of surveyed students said they do not feel safe at school.

The teachers’ reported attitudes and opinions suggest that many of them do not notice the problem of homophobic bullying in schools or simply choose to ignore it. Lithuanian teachers also fail to recognize LGBT* students; only one-tenth of teachers reported that homosexual and bisexual students study in their school. This is not surprising, because according to the survey, only one-fifth of teachers supported the disclosure of sexual ori-


entation in school and thought that school is place where students should feel safe enough to reveal such information about themselves. Meanwhile, more than half of teachers believe that school is not the place to discuss sexual orientation.

High rates of bullying may be associated with poorer academic achievement, lower satisfaction among students, and a sense of insecurity experienced by both students and teachers. Thus, it is necessary first to recognize the problem of bullying, and then to take appropriate actions to address it.

**RESTRICTION OF INFORMATION AND FREEDOM OF EXPRESSION**

Objective knowledge and information is extremely important, as it helps people to acknowledge the diversity that surrounds them and to dismiss the false stereotypes about phenomena and groups of people that they are unfamiliar with. A lack of information directly leads to the formation and the propagation of negative attitudes. Therefore, education is imperative in addressing damaging societal attitudes and improving the situation and inclusion of vulnerable groups. The aforementioned study regarding changes in societal attitudes and causes of discrimination emphasizes that the most important factor in changing the climate of discrimination is strengthening both formal and informal educational systems. It also stresses the importance of educating young people through informal methods to foster

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17 More information about the effects of bullying can be found at the “Without Bullying” website: <http://www.bepatyciu.lt/mokykloms/apie-patycias/patyci-padariniai/>.

critical thinking and to include the discussion of topics about non-discrimi-
nation on all grounds into formal educational programs.

However, the inclusion of LGBT-related topics in public education remains
extremely challenging in Lithuania. Estonia, France, Germany, the United
Kingdom, and other countries in the European Union aim to change the
negative societal attitudes about LGBT* persons through various means
of education. However, the opposite trend prevails in Lithuania, as there
have been repeated attempts to suppress the dissemination of information
relating to LGBT* rights and to limit the freedom of expression of LGBT* indivi-
duals19.

LGBT* topics are not mentioned in formal educational programs. In fact,
initiatives aimed at further limiting the availability of this information to the
public, especially young people, are being pursued. Recent events are in-
dicative of the intent to restrict the freedom of expression and assembly of
LGBT* persons. Thus, negative public attitudes are reinforced, and the lack
of positive information contributes to the widespread public hate speech
and bullying, which further exacerbates the situation of LGBT* persons.

It is clear that the application of discriminatory laws in recent years consti-
tutes an attempt to limit LGBT* people’s right to peaceful assembly. These
cases are discussed in more detail below.

**THE LAW ON THE PROTECTION OF MINORS AGAINST THE DETRIMENTAL EFFECT
OF PUBLIC INFORMATION OF THE REPUBLIC OF LITHUANIA**

The amended Law on the Protection of Minors against the Detrimental Ef-
fect of Public Information of the Republic of Lithuania took effect on the 1st
of March, 2010. The law contains provisions that prohibit the dissemination
of information to minors which “promotes sexual relations” (Article 4, Sec-

19 Homophobia, transphobia and discrimination on grounds of sexual orientation and
research/publications/publications_per_year/fra_homophobia_synthesis_en.htm>.
tion 2, page 15) and which “expresses contempt for family values, encourages the concept of entry into a marriage and creation of a family other than stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania” (Article 4, Part II, page 16). It is clear that these provisions aim to restrict information not about the creation of a family between a man and woman, but between people of the same sex. The law has been criticized by foreign politicians, and both national and international human rights organizations alike, and “Human Rights Watch” and “Amnesty International” have expressed their criticism for the law repeatedly. Additionally, the European Parliament accepted two different resolutions urging Lithuania to stop restricting the freedom of expression and to stop discriminating against LGBT* people on the 17th of September, 2009 and the 19th of January, 2011.

The first time that an attempt was made to use the legal provisions of the Law on the Protection of Minors against the Detrimental Effect of Public Information as a basis for discrimination against LGBT* people, albeit unsuccessfully, was during the organization of the “Baltic Pride” march in 2010. In March 2010, 53 members of the Parliament of the Republic of Lithuania signed a petition seeking to revoke permission for the march, alleging that it violated the Law on the Protection of Minors against the Detrimental Effect of Public Information.

Although this attempt was unsuccessful, it was not long until the application of these legal provisions were used to restrict information relating to LGBT* people. On the 7th of July, 2013, Lithuanian Radio and Television (LRT) placed restrictions on LGL’s “Baltic Pride 2013” informational video

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clip\textsuperscript{24}, stating that it could only be aired after 23:00 and must be rated “R,” indicating that it is only “suitable for adults.”\textsuperscript{25} LGL filed a complaint regarding LRT’s actions to the Office of the Inspector of Journalist Ethics of the Republic of Lithuania, but LRT’s decision was approved in September 2013.

There was a similar incident with the restriction of a video clip in 2014. This time, a television network “TV3” decided to apply restrictions to the video clip\textsuperscript{26} for LGL’s campaign “Change it.” Once again, the Office of the Inspector of Journalist Ethics of the Republic of Lithuania approved these restrictions, stating that the information could have a negative effect on minors.\textsuperscript{27} In this case, LGL tested measures for judicial defence, which unfortunately proved to be ineffective.\textsuperscript{28} Meanwhile, on November 25th, 2014, the Lithuanian Psychological Association issued a press release stating that the organization’s experts concluded that the video clip did not contain any content that was scientifically shown to negatively affect a minor’s emotional, spiritual, or psychological development or health, and that it is not the video clip that is capable of causing harm to minors, but rather the ban on public discussion regarding LGBT* people and the hardships they experience.\textsuperscript{29}

\begin{itemize}
\item \textsuperscript{24} LGL video clip “Baltic Pride 2013.” <https://www.youtube.com/watch?v=8rDP_t2QcmI>.
\item \textsuperscript{26} LGL’s video clip for the social campaign “Change it.” <https://www.youtube.com/watch?v=PlHljk_IVQw>.
\item \textsuperscript{27} “Inspector tells Lithuanian Gay League that the video clip about sexual minorities is harmful to children,” 2014 09 24, BNS. <http://www.ve.lt/naujienos/visuomene/sociumas/inspektore-lietuvos-geju-lygai-nurode-kad-seksualiniu-mazumu-vaizdo-clips-zalingas-vaikams-1240113/>. 
\end{itemize}
Another case relating to the Law on the Protection of Minors against the Detrimental Effect of Public Information of the Republic of Lithuania was the halting of the distribution of Neringa Dangvydė’s collection of stories entitled “Amber Heart,” because two of the stories contained within the book were about love between people of the same gender. 30

It should be noted that in following the Law on the Protection of Minors against the Detrimental Effect of Public Information of the Republic of Lithuania, commercial informational news sites containing articles related to LGBT* people must be restricted to sections for adults only, or employ appropriate restriction mechanisms (for example, age verification requirements), once again confirming that LGBT* topics, whether presented negatively or positively, are deemed harmful to minors.

THE CASES OF THE BALTIC PRIDE 2010 AND BALTIC PRIDE 2013 MARCHES

The right to peaceful assembly is one of the most fundamental, essential guarantees of a democratic state and a core characteristic of a healthy civil society. Citizens have the legal right to gather and to express their opinions and concerns in an appropriate manner. This right is guaranteed even when the expressed position is met with great opposition or when a large portion of society may disagree. Despite the fact that this right is guaranteed to all people, attempts have already been made twice to restrict LGBT* people’s right to peaceful assembly - in 2010 and 2013, when marches for LGBT* equality were being organized in Lithuania. 31 Although these marches proceeded as planned, both cases required the organizers to overcome various policy initiatives and resort to legal remedies.


THE NEED FOR POLICIES OF NON-DISCRIMINATION AGAINST LGBT* PEOPLE
Additionally, when speaking about the freedom of expression and right to peaceful assembly, it is necessary to note some of the recent changes in legislative initiatives that sought to restrict the rights of LGBT* people in these realms. One such initiative occurred on September 3rd, 2013, when Members of the Lithuanian Parliament Petras Gražulis and Andrius Maziuronis submitted a draft law to supplement and amend Articles 11 and 14 of the Law on the Protection of Minors against the Detrimental Effect of Public Information of the Republic of Lithuania during the meeting of the Parliament of the Republic of Lithuania. Their proposal aimed to require meeting organizers and their authorized persons, with the exception of state and municipal authorities, to pay for the costs of organizing and carrying out such meetings.\(^{32}\) This initiative was introduced after the police department disseminated information about the resources allocated for providing security for the “Baltic Pride” march on the 27th of July, 2013.

It is important to note another initiative aimed at combatting “contempt of family values.” On the 10th of May, 2013, Parliament Member Petras Gražulis introduced amendments to Article 224 and Article 259(1) of the Administrative Code of the Republic of Lithuania, as well as a supplement to Article 188(21), which contained provisions for administrative responsibility for the protection of moral and family values enshrined in the Constitution of the Republic of Lithuania from defilement, and from the organization of events that are contrary to such values. On the 15th of January, 2014 an improved draft of the law was submitted, which proposed administrative liability for protecting public values enshrined in the Constitution from speech, displayed objects, posters, slogans, audio-visual equipment and other actions that debase family values.\(^{33}\) As shown by the project’s explanatory writ, the project’s initiator wishes “for [the protection of] just and harmonious societal moral values based on family values enshrined in the Constitution, [from] public debasement, public calls to defile them, the


THE NEED FOR POLICIES OF NON-DISCRIMINATION AGAINST LGBT* PEOPLE
organization of events that contradict societal moral values, such as pride marches and parades, to be established as an administrative responsibility.” Although the purpose of this project is clearly discriminatory, on the 21st of January, 2014, the amendments were accepted in a plenary session of the Parliament (46 Parliament Members voted in favour of the amendments, 10 voted against them, and 22 refrained from voting). In considering the agenda on the 13th of March, 2014, it was decided to exclude the project from the issues to be discussed (39 MPs for, 34 - against, 20 - abstained), but this bill may well be considered in the near future.

ABSENCE OF LEGAL RECOGNITION OF SAME-SEX RELATIONSHIPS

At this time in Lithuania, the right of same-sex couples to family life, i.e. the right to marriage or registration of partnership, has not been secured. Article 38 of the Constitution of the Republic of Lithuania states that family is the basis for society and the state, that the state protects and watches over family, motherhood, fatherhood and childhood, and that a marriage is formed by the free mutual consent of a man and a woman. In explaining this provision in 2011, the Constitutional Court of the Republic of Lithuania


35 Parliament meeting (2014-03-13) voting results regarding the confirmation work agendas and the proposal to Draft law XIP-4490(3) to amend articles 224 and 259(1) of the Code of Administrative Offences and to supplement article 188(21) on the agenda. Parliament meeting No. 119 (2014-01-21).

stated that “the constitutional concept of family [is] based on the mutual responsibility of family members, understanding, emotional affection, help, and similar bonds, as well as the voluntary determination to take on rights and obligations, that is, the content of relationships, and these [same-sex] forms of relationships have no significance in the constitutional concept of family,”\(^{37}\) therefore family relationships arise only from marriage, fatherhood and motherhood.

According to the provisions of the Civil Code of the Republic of Lithuania currently in effect, the right to form a marriage or partnership is only recognized between individuals of different genders.\(^{38}\) However, even people of different genders do not have the ability to register their partnership, as the Parliament of the Republic of Lithuania has not accepted a partnership law\(^{39}\) that would provide the means for partnership registration. On the 11th of October, 2013 the Ministry of Justice of the Republic of Lithuania introduced a project to change and amend the Civil Code of the Republic of Lithuania, proposing to define partnership as a shared life in which familial relations are formed, and to no longer require partnership registration. However, this partnership draft law applies only to cohabitating, opposite-sex couples and excludes same-sex couples.

The results from the Monitoring Implementation of the Council of Europe Recommendation CM/Rec (2010)5 report \(^{40}\) give rise to the conclusion that the refusal to accept a partnership law even for opposite-sex couples is re-


lated to fears that the passing of such a law would pave the way for same-sex couples to demand equal rights, namely those relating to the legal recognition of familial relations. It should be noted that on the 7th of November, 2013, in its ruling on the case *Vallianatos and Mylonas v. Greece* (Nos. 29381/09 and 32684/09), the European Court of Human Rights (ECHR) stated that the civil partnership law accepted in Greece in 2008, which only allowed opposite-sex couples to register their partnerships, violates Articles 14 and 8 of the European Convention on Human Rights, which concern the prohibition of discrimination and the right to respect for private and family life, respectively. The ruling explained that unions between homosexual people must be granted the same legal status as those between opposite-sex couples.

It must be noted that the Parliament of the Republic of Lithuania was presented with draft laws for regulating legal civil partnerships, which also included provisions for same-sex partnerships. For example, in 2011, Member of Parliament Marija Aušrinė Povilionienė put forth the Partnership (consensual union) draft law. However, the prospects of accepting a draft law containing provisions for same-sex partnerships are unfavourable, given the various homophobic initiatives recently pursued by members of Parliament.

The amendment to Article 38 of the Constitution of the Republic of Lithuania proposed by Member of Parliament Rimantas Jonas Dagys on the 15th of November, 2013, is an example of such homophobic initiatives. Mr. Dagys proposed to amend the provisions of Article 38 so that they would state that “family is created from marriage,” “family arises from motherhood and fatherhood,” and that “the state protects and supports marriage.” In effect, this amendment aims to prevent further discussions upon the rights of LGBT* people and the possibility of recognizing the family-status of cohabitating same-sex couples.

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42 Draft law XIIIP-1217 to amend and supplement article 38 of the Constitution (2013-11-15).
Related problems arise from the lack of legal recognition for same-sex couples. As noted by the Monitoring Implementation of the Council of Europe Recommendation CM/Rec (2010)5 report43, because same-sex couples do not have the ability to legally formalize their relationship, children who are raised in these families do not benefit from the same protection of the state. For example, if a child’s biological father/mother becomes seriously ill or dies, the other partner would not be allowed to serve as the child’s guardian. Furthermore, the partner who is not biologically related to the child would also be barred from using social benefits, such as parental leave.

With respect to adoption, although the law does not prevent single people from adopting children or serving as foster parents on the basis of their sexual orientation or gender identity, same-sex couples do not have the legal right to do so. There is currently a draft law in the Parliament of the Republic of Lithuania that is seeking to effectively ban same-sex couples from adopting children. On the 18th of April, 2013, Parliament Member Rimantas Jonas Dagys submitted an amendment44 to the Law on the Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania stipulating that “every child has the natural right to a father and a mother, emanating from sex differences and mutual compatibility between motherhood and fatherhood” for parliamentary deliberation. This draft law stated that every child has the inherent right to a father and a mother, and to benefit from maternal and paternal complementarities, and that when making decisions about a child’s adoption or foster-care, ensuring two (adoptive) parents of different genders who can fulfil the maternal and paternal roles of a family must be the highest priority. This initiative clearly aims to thwart future societal discussions about the possibility of adoption for same-sex couples.


THE DIFFICULT SITUATION OF TRANSGENDER RIGHTS

In December 2014, the European Union Agency for Fundamental Rights (FRA) presented the largest comparative study\(^45\) to date providing information about the impediments and challenges faced by transgender people in EU Member States. According to the study’s findings, within the general context of discrimination and violence experienced by LGBT* people, transgender people face the most dire situation. The study also noted that the discrimination and violence experienced by transgender individuals in Lithuania was often larger, and sometimes even the largest, when compared to the EU average and other EU Member States. For example, in Lithuania, 62% of transgender respondents stated that they had faced discrimination on the basis of their gender identity within the last 12 months (EU average: 54%), and 19% of respondents reported having experienced hate-motivated violence within the last 12 months, which is the highest rate in all EU Member States (EU average: 8%).

In order to effectively protect transgender rights there must first be appropriate legal regulation, but this remains very difficult in Lithuania. As mentioned in earlier sections, the ban on discrimination on the basis of gender identity is not explicitly ratified in any legal acts of the Republic of Lithuania, and transphobic hate crimes are absent from the aforementioned methodical recommendations of the Prosecutor General adopted in 2009. Within the framework of the Prosecutor General’s adopted methodology recommendations, discrimination and violence against transgender people cannot in practice be recognized or recorded.

Lithuania still has not accepted measures for regulating gender reassignment procedures and changes to personal documents. Article 2.27 of the

Civil Code of the Republic of Lithuania states that an unmarried adult has the right to change gender if it is medically possible. The second part of the Article states that the procedures for gender reassignment will be established in a special law, but the legislature has still not adopted such provisions. The existing legal vacuum effectively ignores the 2007 ECHR ruling on the case *L vs. Lithuania* (No. 27527/03), and it was precisely this situation that was registered as a violation of Article 8 by European Court of Human Rights in the first place.

Due to the absence of a special law regulating issues of gender reassignment, transsexual individuals in Lithuania cannot get necessary medical treatment or gender reassignment operations. In effect, the insurance system does not provide reimbursements for the medical treatment of transsexual people; for this reason, transsexual people are unable to benefit from free hormonal treatment and other necessary healthcare services. Thus, Lithuanian citizens who wish to change their gender must either go abroad to other countries where these procedures are quite expensive, or even worse, take it upon themselves to regulate their use of hormones and thereby seriously risk their health.

Because of the lack of legal regulations abroad, those who have undergone gender reassignment operations face the practical difficulty of obtaining new personal identification documents. Transsexual individuals who have undergone gender reassignment procedures abroad and wish to change their personal documents in Lithuania are essentially forced to go to court. As noted in the Monitoring Implementation of the Council of Europe Recommendation CM/Rec (2010)5 report, the means of resolving this problem do not comply with the Recommendation’s requirement that the recognition of gender reassignment be done in a “fast, transparent and accessible manner.”

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At the same time that some Members of Parliament were initiating corrections to the Civil Code of the Republic of Lithuania, others were trying to totally prohibit gender reassignment. On the 21st of November, 2012, members of the Parliament Antanas Matulas, Vida Marija Čigriejienė and Arimantas Dumčius proposed a draft law to change Article 2.27 of the Civil Code of the Republic of Lithuania, proposing to officially ban medical procedures for gender reassignment. The initiators of the draft law assert that this amendment intends to prevent “unfounded expectations” and the “castration” of physically healthy people. The explanatory notes state that “gender reassignment is more related to the change of internal and external sexual characteristics,” that by changing attributes of gender, the gender itself does not change, as it is genetically determined from the first moment [of life],” and that such a procedure is an “irreversible process” after which a person cannot return to his/her “innate sex.” Because transsexuality is a mental disorder according to the Parliament of the Republic of Lithuania, transsexual individuals should be provided with psychotherapy, not gender reassignment surgery. On the 23rd of May, 2013, the Parliament of the Republic of Lithuania approved this draft law (36 Members of the Parliament voted in favour of this draft, 3 voted against it, and 11 abstained from voting).

On the 26th of March, 2013, the Parliament of the Republic of Lithuania approved yet another draft law to amend the Civil Code of the Republic of Lithuania, which proposed to retain the provision that “an unmarried


adult has the right to medically change his/her gender if it is medically possible,” but to eliminate the part that stated that a law must be established to regulate the means of such procedures. In July 2012, 47 Members of the Parliament voted in favour of this draft, 1 voted against it, and 28 abstained from voting. The proposal was put forth by the Minister of Justice of the Republic of Lithuania Juozas Bernatonis, stating that this is the way that the ECHR ruling would be implemented, as Lithuania does not have the political will to enact such laws. 52

PART B – ACTION PLAN FOR 2015-2020 ON NON-DISCRIMINATION OF LGBT* PEOPLE
I.

LGBT* HUMAN RIGHTS PROTECTION

An appropriate legal framework is essential to ensure the legitimate protection of human rights. It is therefore particularly important to first make efforts to guarantee consistent and comprehensive legal regulation.

The principle of non-discrimination on the grounds of gender and sexual orientation is enshrined in multiple pieces of national legislation, such as the Law of the Republic of Lithuania on Equal Opportunities, the Law of the Republic of Lithuania on Equal Opportunities for Women and Men, the Criminal Code of the Republic of Lithuania, and the Labour Code of the Republic of Lithuania. However, there are still pieces of legislation that do not explicitly include the principle of non-discrimination on the aforementioned grounds. It is also essential that no Lithuanian legislation contains discriminatory clauses. It is necessary to prevent such clauses from being applied in practice and to ensure the timely prevention of discriminatory legislative initiatives in the Parliament of the Republic of Lithuania.

Therefore, it is crucial to improve the work of public institutions and their representatives in the fields of non-discrimination and awareness raising, because the mere existence of the law does not guarantee that its provisions are implemented properly and efficiently.
STRATEGIC OBJECTIVES

1. To improve the legal framework for the non-discrimination of LGBT* persons
2. To enhance the institutional capacity to implement non-discrimination laws
3. To raise awareness regarding international standards for LGBT* rights

MEASURES

• Introduce and approve a Partnership Law governing the legal implementation of same-sex relationships; affirm amendments to the Civil Code of the Republic of Lithuania\(^{53}\) and relevant secondary legislation changes.

• Introduce amendments to the provisions of Article 252 of the Code of Administrative Offences of the Republic of Lithuania\(^{54}\) to ensure that cases of administrative offences are examined in accordance with the principle of equality of all citizens before the law and the investigating body (officer) irrespective of, inter alia, sexual orientation and gender identity.

• Introduce an amendment to the Code of Criminal Procedure of the Republic of Lithuania to supplement Article 6 Chapter 2 with a provision requiring judicial proceedings in criminal cases to be based on the principle that all persons are equal before the law in criminal proceedings regardless of, inter alia, sexual orientation and gender identity.


• Introduce an amendment to the provisions of Article 6 of the Law on Administrative Proceedings of the Republic of Lithuania\textsuperscript{55}, requiring justice in administrative cases to be administered only by the courts, according to the principle that all persons are equal before the law and the court, regardless of, \textit{inter alia}, sexual orientation or gender identity.

• Introduce an amendment to the Code of Civil Procedure of the Republic of Lithuania\textsuperscript{56} with a provision stating that justice in civil cases shall be administered only by the courts in accordance with the principle of equality of all people before law, regardless of, \textit{inter alia}, sexual orientation and gender identity.

• Introduce amendments to the Law on the Protection of Minors against the Detrimental Effect of Public Information of the Republic of Lithuania\textsuperscript{57} (Article 4, Chapter 2, Paragraph 16) to eliminate its discriminatory provisions and disproportionately restrictive nature.

• Introduce an amendment to the provisions of Article 4 Paragraph 3 of the \textit{Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania}\textsuperscript{58}, to ensure that every child shall have equal rights and cannot be discriminated against because of his or her parents’, or other legal representatives’ of the child, \textit{inter alia}, sexual orientation or gender identity.


• Introduce an amendment to the Law on Civil Service of the Republic of Lithuania to supplement a provision of Article 3 Paragraph 2 to ensure that a civil servant must equally serve all residents of Lithuania irrespective of, *inter alia*, their sexual orientation and gender identity.

• Provide adequate conclusions concerning the discriminatory draft laws that violate human rights and the international obligations of the Republic of Lithuania to promote human rights; take the lead in publicly criticizing such projects, and stop any other discriminatory initiatives.

• Form a permanently functioning inter-institutional working group focusing on manifestations of discrimination and legal regulation on the bases of sexual orientation and gender identity; assess proposals for improving the development of legal frameworks.

• Approve an action plan for implementing the Recommendation CM/Rec (2010)5 and its Appendix, and for providing means to effectively implement its provisions.

• Organize educational trainings and events for civil servants and officials working in the field of human rights.

• Promote cooperation between public institutions and non-governmental organizations working in the field of LGBT* human rights protection through legislation or policy measures related to the rights of LGBT* persons and the interests of this community.

**THE PRINCIPAL INSTITUTIONS**

*The Ministry of Justice of the Republic of Lithuania, the Ministry of Social Security and Labour of the Republic of Lithuania, the Ministry of the Interior of the Republic of Lithuania, The Office of Equal Opportunities Ombudsman of the Republic of Lithuania*
II.

TRANSGENDER HUMAN RIGHTS PROTECTION

The situation of transgender people in Lithuania remains extremely difficult, as the legislature does not make any effective efforts to protect their rights. So far, the Parliament of the Republic of Lithuania has not adopted a specific law on gender reassignment that is defined in the Article 27.2 of the Civil Code of the Republic of Lithuania. As noted earlier, this legal vacuum was created in defiance of the The European Courts of Human Right judgment in 2007 in the case L. versus Lithuania, and constitutes a violation of ECHR’s Article 8.

Due to the absence of a law regulating gender reassignment procedures and conditions, transgender people in Lithuania cannot get the necessary medical treatment or undergo gender reassignment surgeries. Moreover, due to the lack of legal regulation, people who underwent gender reassignment surgeries abroad face practical difficulties when trying to obtain new personal documents. This gives rise to a legal situation that is contrary to the principles of human rights, as transgender people seeking to change their personal records and documents are forced to go to court.

Because gender identity as a ground of non-discrimination is not explicitly ratified in any law or other legal act of the Republic of Lithuania, the rights of transgender individuals in Lithuania are not directly protected by any legislation.

So far, Lithuanian authorities have not made any effort to ascertain the social and legal situation for transgender people in Lithuania. No official
research has been conducted regarding the phenomenon of transgenderism, transgender people’s experiences, their perception by the public, or the discrimination and hate crimes they often face.

There is a particular lack of targeted educational campaigns (events, publications, training) for the general public and for officials and employees of public institutions to inform them about transgenderism, which would help dispel unfounded fears and stereotypes.

**STRATEGIC OBJECTIVES**

1. **Improve the legal framework for transgender human rights protection**

2. **Enhance the institutional capacity to implement non-discrimination legislation**

3. **Raise awareness about the international standards of transgender rights protection**

**MEASURES**

- **Introduce and approve a Law on Gender Reassignment of the Republic of Lithuania in accordance with international human rights standards to establish the terms and conditions of gender reassignment procedures and the issuing of personal documents following gender reassignment.**

- **Affirm corresponding law and bylaw amendments to ensure that transgender persons have effective access to all necessary gender reassignment services, including psychological, endocrinological and surgical measures.**
• Affirm corresponding law and bylaw amendments to establish procedures to ensure that new personal documents (such as insurance contracts, banking services and education diplomas) following gender reassignment procedures would be issued by relevant service providers, not state institutions.

• Prohibit discrimination on the ground of gender identity in all Lithuanian legislations\(^59\), including:
  ° The Law of the Republic of Lithuania on Equal Opportunities\(^60\);
  ° The Criminal Code of the Republic of Lithuania Article 60 Chapter (1)(12), Chapters 169, 170, 170\(^1\)\(^61\);
  ° The Labour Code of the Republic of Lithuania\(^62\).

• Conduct a study on the status of transgender people residing in Lithuania and the state of the protection of their privacy in order to determine the prevalence of violence and discrimination they face; present the results to the state and public institutions.

• Organize educational campaigns for the officers and staff of public institutions on transgender human rights; carry out further training and organize various events.

\(^{59}\) Acts and laws in which it is required to include gender as a ground for non-discrimination (in addition to sexual orientation) were discussed in a previous chapter, “LGBT* People’s Human Rights Protection”


THE PRINCIPAL INSTITUTIONS

III. SOCIAL ACCEPTANCE OF LGBT* PERSONS

The LGBT* community is one of the most vulnerable groups in Lithuanian society and the process of gaining full social acceptance remains challenging. The problem is further exacerbated by the fact that LGBT* persons in Lithuania are invisible in everyday life. LGBT* people avoid publicly coming out not only at work and in educational institutions, but also to their family and friends because of their widespread stigmatization, marginalization, discrimination and fear of being subjected to violence as a result. Thus, a vicious circle has been formed in society - the negative social climate encourages LGBT* people to live a closeted life, and, which in turn prevents the public from learning about diversity and dispelling unfounded fears and stereotypes.

Lithuanian society is largely homophobic; many people still consider homosexuality to be a disease or an unnatural or immoral phenomenon that threatens national traditions and/or heteronormative male-female relationship models. At the same time, it should be noted that male homosexuality is most visible in Lithuanian society, so the problem of lesbian, bisexual and transgender visibility is even more critical.

It should be noted that Lithuanian politicians who publicly spoke out against the rights of LGBT* people, demonstrated disdainful attitudes, and incited homophobic, biphobic and transphobic hatred significantly contributed to the development of the hostile social climate. The lack of positive initiatives and statements from politicians and representatives of state institutions,
most of whom still tend to choose an indifferent position, poses a problem. Persistent LGBT* allies - politicians like Marija Aušrinė Pavilionienė, Dalia Kuodytė and Giedrė Purvaneckienė - set a good example of a positive attitudes towards LGBT* issues. Eligijus Masiulis and Remigijus Šimašius have also been outspoken about some LGBT* issues. It is important to note that the Minister of Foreign Affairs of the Republic of Lithuania, Linas Linkevičius had publicly expressed his support for Latvia’s Minister of Foreign Affairs following his recent opening-up about his sexual orientation. However, so far such positive statements remain anomalous.

The media likewise plays a significant role in promoting unfounded fears and stereotypes about LGBT* community. The Lithuanian media has so far exhibited harmful behaviour by consistently scandalizing and mocking the issues related to the LGBT* community.

Additionally, in compliance with the discriminatory nature of the Law on the Protection of Minors against the Detrimental Effect of Public Information of the Republic of Lithuania, information about LGBT* persons is disproportionately restricted, thereby preventing society from receiving objective and positive information that would help debunk stereotypes and dissipate negative attitudes.

**STRATEGIC OBJECTIVES**

1. Promote social acceptance of LGBT* people and their right to live a full social life
2. Increase public awareness in the fields of equal opportunities and non-discrimination
3. Improve the policies of equal opportunities and non-discrimination

**MEASURES**

- Organize a variety of events and public education campaigns to increase awareness about the non-discrimination of various groups, including non-discrimination on the grounds of sexual orientation and gender identity.

- Provide tools for less visible groups within LGBT* community (lesbian, bisexual and transgender people) to increase their visibility and promote their social acceptance by taking specific educational and awareness-raising measures.

- Initiate a dialogue between responsible authorities, local government, law enforcement officers, trade unions, employers’ organizations, non-governmental organizations and civil society representatives regarding the complete social integration of LGBT* people and the promotion of their acceptance in society.

- Accept and circulate guidelines to all public officials, civil servants and staff members of state institutions instructing them to refrain from making public statements, especially in the media, that may be reasonably interpreted as promoting hatred and discrimination against persons on the basis of their sexual orientation and gender identity; affirm an obligation to promote tolerance and respect, including respect for LGBT* human rights.

- Improve support for LGBT* persons in the process of coming out, provide objective information and emotional support to their families and LGBT* persons in crisis, sponsor and support organizations working in the fields of support and information provision.

- Increase the visibility of the LGBT* community, and strengthen the organizations that support the community’s sociocultural activities and presence in society (including various cultural events, art projects, film festivals and so on.)
• Include the following dates to the list of memorable days⁶⁴: the International Day against Homophobia and Transphobia (May 17th); the International Bisexual Visibility Day (September 23th), the International Transgender Day of Remembrance (November 20th).

• Increase the media’s sensitivity and understanding of LGBT* people and their human rights, promote cooperation, and award media representatives for exemplary work in these fields.

• Conduct surveys and situational analyses to determine the reasons for the public’s intolerance of LGBT* persons in Lithuanian society.

• Conduct targeted studies on the less visible groups of LGBT* community (lesbian, bisexual and transgender persons) and assess the situation and specific needs of these groups.

THE PRINCIPAL INSTITUTIONS

The Ministry of Social Security and Labour of the Republic of Lithuania, the Ministry of Education and Science of the Republic of Lithuania, the Ministry of Culture of the Republic of Lithuania, the Office of Equal Opportunities Ombudsman of the Republic of Lithuania, the municipalities

A common mission of the educational and science sectors is to ensure that LGBT* people do not face exclusion and discrimination in schools and other educational institutions, and that LGBT* persons working and studying are treated equally and respectfully in these spaces. Thus, the educational system must not ignore the diversity of the student body and the specific challenges and needs that arise from such diversity.

At the moment, there is no official data on how many LGBT* students face bullying, harassment and discrimination in public schools and state universities. However, as evidenced by study sponsored by the national LGBT* rights organization LGL on bullying in Lithuanian schools, which was published in 2015, homophobic bullying is an endemic problem that fails to receive proper attention from teachers and other educational specialists. It should be noted that homophobic and transphobic bullying affects not only LGBT* students, but also all young people who do not reflect the standard image of their sex (“feminine” guys or “masculine” girls).

As stated in the Monitoring Implementation of the Council of Europe Recommendation CM/Rec (2010)5 report, published in 2013, Lithuanian authorities have not adopted any special measures to protect LGBT* students from bullying and social exclusion in educational institutions. Furthermore, there is no information about the approval of strategies for promoting equality and diversity, the creation of related codes of conduct, or the organization of professional training sessions for employers to promote their understanding of and respect for LGBT* persons.
There is no officially approved compulsory sex education program in secondary schools in Lithuania that includes objective information about homosexuality and transsexuality. Meanwhile, public opinion on this topic is largely unanimous; results from a public survey conducted in December 2013 revealed that 90.2 percent of the Lithuanian population supports sexual education

**STRATEGIC OBJECTIVES**

1. Increase the integration of the principles of equal opportunity and non-discrimination in the education system

2. Ensure a safe and respectful environment for LGBT* students and teachers

3. Increase awareness of homophobic and transphobic bullying and the contexts in which they occur

4. Implement anti-bullying measures specifically addressing bullying on the grounds of sexual orientation and gender identity in the policies of educational institutions

5. Develop training methods and tools for teaching topics pertaining to sexuality, including the specific needs of LGBT* persons

**MEASURES**

- Provide information, support and professional training for educational personnel in order to help them promote equal opportunities and non-discrimination, especially for those who are margin-

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65 Public opinion survey on sexual education issues, Spinter, 2013: <http://www.spinter.lt/site/lt/vidinis/menutop/g/home/publish/NjAxOzk7OzA>. 
alized because of their sexual orientation and gender identity, and to educate them about the issues related to these principles.

- Support the initiatives, events, and awareness-raising campaigns of training institutions that promote equal opportunities and non-discrimination on the grounds of sexual orientation and gender identity, and raise awareness about bullying and hate crimes.

- Approve recommendations for the personnel of educational institutions to ensure that LGBT* students learn in a safe environment that is free from violence, bullying, social exclusion, discrimination or other degrading behaviours.

- Develop strategies for bullying and violence prevention in schools that account for the specific needs of LGBT* students.

- Conduct anonymous surveys in educational institutions in order to assess the scale of bullying, victimization and discrimination experienced by LGBT* students.

- Approve mandatory sex education programs in schools that would present information about homosexuality and transsexualism in an objective and respectful manner.

- Develop a dialogue between school management, teachers, local authorities, social service providers, law enforcement agencies and non-governmental organizations.

THE PRINCIPAL INSTITUTIONS

The Ministry of Education and Science of the Republic of Lithuania, The Ministry of Social Security and Labour of the Republic of Lithuania, The Department of Youth Affairs under the Ministry of Social Security and Labour of the Republic of Lithuania, The Department of Police under the Ministry of the Interior of the Republic of Lithuania, the Office of Equal Opportunities Ombudsman of the Republic of Lithuania, the municipalities
V.

LGBT* SAFETY AND PROTECTION FROM VIOLENCE

Hate crimes severely undermine the ability of social groups to peacefully coexist. Hate crimes inflict harm not only upon the person directly victimized, but also upon people and social groups who may share the characteristic for which the victim was targeted. Thus, transphobic and homophobic crimes send a message of hostility to the entire LGBT* community and general public. Statistical information and surveys gauging the opinions of the public and the LGBT* community all indicate that hate crimes motivated by sexual orientation and gender identity are a pressing problem in Lithuania.

Both vulnerable social groups, including the LGBT* community, and society as a whole lack awareness about hate crimes. There is no convenient and acceptable way for victims to safely report hate crimes. Due to the lack of training for law enforcement officials, victims do not receive appropriate support and assistance, and in general, many hate crimes remain unreported and their true motive unknown. It should be noted that Lithuania will have to transpose the provisions of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims and ensure its implementation by the 16th of November, 2015. Therefore the problem of improving the situation of the victims’ rights is particularly urgent.

The issue of trust in the law enforcement authorities is particularly concerning. LGBT* people avoid seeking help from law enforcement officers and
filing public cases for hate crimes they have experienced. Thus, in order to
determine the scope of hate crimes, additional measures must be taken.

Although these recommendations on criminal investigation have been ad-
opted, it has become clear that a unified interpretation of such crimes and
coherent investigational systems are lacking. Additionally, the adopted
methodological recommendations and criminal laws do not comprehen-
sively address gender identity, which essentially leaves these people with
no direct legal protection from hate-motivated violence.

According to statistical data, hate speech and incitement to hate mostly oc-
cur online. Online abuse currently accounts for largest share of hate crimes.
In recent years, public hate speech cases against Lithuanian politicians were
registered, but unfortunately, these individuals have not been punished.

STRATEGIC OBJECTIVES

1. Increase the sensitivity and understanding of police officers
   and staff about the problems and specific needs of LGBT*
   people in the context of hate crimes

2. Promote cooperation and trust between the police and the
   LGBT* community

3. Improve the system for reporting hate crimes and methodol-
   ogy for their investigation

4. Increase the safety of LGBT* community, including individual
   safety, event security and social security

MEASURES

- Develop and enforce laws and other legislative changes that are
  necessary for the proper implementation of Directive 2012/29/
EU to establish minimum standards for the rights, support and protection of victims and ensure their implementation in Lithuania.

- Ensure that law enforcement officers are educated about the motives of homophobic and transphobic hate crimes and the proper means of investigating such incidents during their professional training.

- Ensure that the vocational training programs for prison staff present information on the respectful treatment of LGBT* persons in prisons.

- Accept mutual rules for police officers and other employees in law enforcement institutions that ensure an LGBT*-friendly work environment in which bullying and hate speech against vulnerable groups, including LGBT* people, is unacceptable.

- Develop and adopt guidelines for law enforcement officials on the respectful and non-discriminatory treatment of LGBT* persons, and the creation of a safe environment for victims, which would empower victims and witnesses to report hate crimes without fear.

- Establish and properly train a special police unit or officers responsible for the investigation and prevention of hate crimes.

- Improve the collection of statistics on hate crimes, including information about hate crimes committed on the basis of the victim’s gender identity.

- Establish and properly train an institution for LGBT* persons who have experienced domestic violence.

- Establish and properly train a specialized support and information helpline for victims of hate crimes, including LGBT* persons, and support its activities.
• Collaborate with LGBT* community organizations and other human rights groups, and support and implement their activities pertaining to the prevention of hate crimes.

• Prepare a simple brochure on hate crimes, including crimes motivated by the victim’s sexual orientation and/or gender identity, and ensure its extensive circulation to the general public and vulnerable social groups.

• Implement educational campaigns targeted at young people in collaboration with schools, students, youth centres, and youth organizations in order to increase awareness of harassment, bullying, hate speech and the threats of such crimes.

THE PRINCIPAL INSTITUTIONS

The Ministry of the Interior of the Republic of Lithuania, the Police Department under the Ministry of the Interior of the Republic of Lithuania, The Prosecutor General’s Office of the Republic of Lithuania, The Ministry of Justice of the Republic of Lithuania, the municipalities
VI.

EMPLOYMENT

To avoid discrimination and further victimization by the homophobic attitudes of society, most homosexual and bisexual people hide their sexual orientation, thereby making it difficult to assess the prevalence of discrimination in employment. The Equal Opportunities Ombudsman’s Office of the Republic of Lithuania and the national courts receive a very small number of complaints about discrimination on the ground of sexual orientation in the field of labour relations; allegations of such discrimination comprise a small percentage of all complaints received by the Equal Opportunities Ombudsman’s Office.

Although the Law of the Republic of Lithuania on Equal Opportunities prohibits discrimination based on sexual orientation, this law does not explicitly mention the ground of gender identity. The legislation prohibits sex-based discrimination, but it is not clear whether the Equal Opportunities Ombudsman’s Office and the national courts are to interpret the concepts of law openly, i.e. to include the ground of gender identity. The prohibition of discrimination on the ground of sexual orientation in the field of labour relations is enshrined in the Labour Code of the Republic of Lithuania, but gender identity is not included in these provisions. Therefore transgender persons are not effectively protected from discrimination in the field of employment. There are no public policy measures to guarantee the non-discrimination of transgender persons in employment.

In order to ensure the implementation of the principle of non-discrimination in the labour market, it is necessary to actively cooperate with the trade
unions in Lithuania, employers’ associations and individual employers, who could set an excellent example for the public. Cooperation with employment services, youth organizations and non-governmental organizations and the implementation of joint educational campaigns with these social partners are therefore extremely important.

The principle of non-discrimination should be established in public institutions and bodies. For example, the Military Code of Ethics of the Republic of Lithuania, which prohibits discrimination in the armed forces of Lithuania, does not include the grounds of sexual orientation or gender identity. Similarly, the Code of Ethics for Lithuanian Police Officials, which includes a framework stating that the police cannot restrict other people’s rights or privileges, does not provide information about non-discrimination on the grounds of sexual orientation and gender identity. It should be noted that in 2011, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania received a complaint regarding discrimination on the ground of sexual orientation, which could not be properly addressed by the Military Code of Ethics of the Republic of Lithuania. The Equal Opportunities Ombudsman’s Office found no violation of the Law of the Republic of Lithuania on Equal Opportunities, but recommended that the ground be covered in the Military Code of Ethics of the Republic of Lithuania.

**STRATEGIC OBJECTIVES**

1. Improve protection from discrimination in employment, especially for transgender individuals

2. Increase the awareness of employees and employers about equal opportunities and non-discrimination, including the non-discrimination of LGBT* persons, and the benefits of diversity

3. Promote cooperation and the best practices for non-discrimination
MEASURES

- Adopt adequate changes to the Law of the Republic of Lithuania on Equal Opportunities and the Labour Code of the Republic of Lithuania to ensure the protection of transgender people from discrimination in employment. 66

- Change the Military Code of Ethics of the Republic of Lithuania by supplementing a provision to Paragraph 13, which would prohibit discrimination, *inter alia*, on the grounds of sexual orientation and gender identity.

- Change the Code of Ethics for Lithuanian Police Officials67 by supplementing provisions of Article 6, such that police officers would not be able to restrict each other’s rights or privileges, *inter alia*, on the grounds of sexual orientation and gender identity.

- Organize awareness-raising, informational, and educational campaigns promoting the principles of non-discrimination in employment, for employers, employees, and the general public.

- Encourage employers to adopt equality and diversity programs, and strategies or codes of ethics in the workplace that would cover the issues of non-discrimination, explicitly addressing discrimination on the grounds of sexual orientation and gender identity.

- Publicly reward or otherwise promote good practices by employers in the field of non-discrimination.

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66 Acts and laws in which it is required to include gender as a ground for non-discrimination (in addition to sexual orientation) were discussed in chapter i. “LGBT* People’s Human Rights Protection” and ii. “Transgender People’s Human Rights Protection.”

• Conduct research and analyses of the state of discrimination based on sexual orientation and gender identity in employment.

• Increase the visibility of the Equal Opportunities Ombudsman's Office’s activities promoting the non-discrimination of vulnerable social groups, including the LGBT* community, thereby increasing public confidence in this institution.

• Promote cooperation between public authorities, employees in trade unions, employers’ associations, employment services, youth organizations and non-governmental organizations.

THE PRINCIPAL INSTITUTIONS

Currently, no measures to ensure the provision of health care services addressing the specific needs of the LGBT* community have been adopted. There is a lack of information about health care services available to the LGBT* community, and there is no research seeking to assess the situation and particular needs of this group. The training program for medical students also fails to include topics related to sexual orientation and gender identity.

Because of the widespread homophobia, biphobia and transphobia in Lithuania, LGBT* people often experience more negative emotions and stress, and, like many other people, form coping mechanisms that are harmful to their health, such as smoking and alcohol consumption. Because the social environment for LGBT* people is hostile, they also face a higher risk of experiencing depression and other emotional disturbances. It is therefore extremely important to make concerted efforts to create a public health care system that takes the specific needs of LGBT* persons into account.

It should be noted that discrimination also occurs in the health care system. For example, in 2011, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania received a complaint concerning a homosexual man who wanted to become a blood donor but was denied because of his sexual orientation. The Equal Opportunities Ombudsman’s Office found that it was in breach of the Law of the Republic of Lithuania on Equal Opportunities, and the Ministry of Health of the Republic of Lithuania has proposed to

* Excluding health care issues specific to transsexual people.
change the requirements for blood donation. Nevertheless, these requirements for blood donation are still in effect.

**STRATEGIC OBJECTIVES**

1. Increase LGBT* people’s access to health care services and promote their health care
2. Improve health care workers’ competencies and increase their sensitivity to LGBT* persons’ health care needs
3. Increase the LGBT* community’s confidence in health care institutions

**MEASURES**

- Organize health promotion campaigns and special events encouraging LGBT* people to be more aware of their health and to rely on health care professionals.

- Conduct a study on the needs and heightened risks of LGBT* individuals with respect to their physical and mental health.

- Develop cooperation between the Ministry of Health of the Republic of Lithuania, health care institutions, and non-governmental organizations to train health care specialists.

- Ensure that the professional training of health care specialists provides information on the specific health issues of LGBT* people, thereby enabling specialists to provide professional services in a respectful and objective manner.

- Change the requirements for blood donation by removing discriminatory questions (no. 8 and 9) that inquire about homosexual
relationships between men, and repeal the rule that denies the right to blood donation on the ground of sexual orientation.

THE PRINCIPAL INSTITUTIONS

The Ministry of Health of the Republic of Lithuania, The Ministry of Social Security and Labour of the Republic of Lithuania, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania, the municipalities
VIII.

SPORTS

Physical education and sports, which are some of the main ways that society encourages health, must include the LGBT* community. Recently, the social importance of sports has been increasingly emphasized by the European Union. On the 1st of December, 2009 the Lisbon Treaty came into effect, stating that the European Union will pursue initiatives to promote fairness and openness in sporting competitions, the cooperation of bodies responsible for sports, as well as the protection of physical and moral integrity of the athletes, especially of the youngest participants. Therefore, sports have officially entered the realm of the European Union's awareness.

It is essential to ensure the equal participation of all persons in physical education and sports, free from discrimination and bullying based on sexual orientation or gender identity. It is also important to support the creation and activities of various LGBT* sports teams, to support LGBT* athletes, and to sponsor sports events for the LGBT* community by providing both political and financial support.68

However, there is no increased focus on discrimination based on sexual orientation and gender identity in the field of physical education and sports, or

68 A notable example of such political support is the US president Barak Obama’s greeting at the opening ceremonies of 9th international LGBT* sporting event “Gay Games” (9 August 2014). <https://www.youtube.com/watch?v=wrmLN7fr-8c&feature=player_embedded&t=0>.
support for LGBT* individuals in these realms in Lithuania. The state institutions responsible for doing so have not adopted any measures aimed at reducing the potential for social exclusion on the grounds of sexual orientation or gender identity. There are currently no known cases of rules of conduct being accepted or distributed in sports clubs or organizations that aim to guarantee the respectful treatment and non-discrimination of people on the grounds of sexual orientation and gender identity, or any other measures adopted to protect members from bullying.

**STRATEGIC OBJECTIVES**

1. Increase awareness of LGBT* people’s situation and specific needs amongst the personnel of sporting organizations and those involved in physical education.

2. Promote participation in sports and active lifestyles among members of LGBT* community

**MEASURES**

- Carry out research to identify the prevalence of discrimination against LGBT* persons and their specific needs in physical education and sports.

- Adopt and distribute rules and codes of conduct in sports clubs and organizations that would discuss in detail the problems of unauthorized discriminatory behaviour and bullying on the grounds of sexual orientation and gender identity.

- Encourage a dialogue between the Physical Education and Sports Department of the Government of the Republic of Lithuania, LGBT* community organizations, informal LGBT* sports teams and other sports organizations.
• Increase sports and physical education specialists’ awareness of LGBT* people’s situation and specific needs, and organize special publications, meetings and educational events for this aim.

• Support the LGBT* community’s sports groups and encourage its active participation in physical education and sports, both politically and financially.

THE PRINCIPAL INSTITUTIONS

The Physical Education and Sports Department of the Government of the Republic of Lithuania, The Ministry of Health of the Republic of Lithuania, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania, the municipalities
IX.

LGBT* TOURISM

Due to the hostile social environment for LGBT* people, Lithuania is not attractive to foreign LGBT* tourists. In fact, in the foreign press, Lithuania was mentioned in multiple lists of countries that LGBT* tourists should avoid, and/or take special precautions when visiting. This is especially damaging to the international image of Lithuania. There have been discrimination cases that were widely publicized internationally, such as the homophobic legislative initiative of the Lithuanian parliament to ban the “Baltic Pride” march, or public hate speech against LGBT* persons voiced by Lithuanian politicians. Naturally, tourists are less likely to visit countries where human rights are violated, especially if they are members of the social groups that suffer from these violations.

Meanwhile, the Lithuanian authorities have been failing to make reasonable efforts to create a more attractive image of Lithuania, which would attract not only LGBT* people, but also people from all over the world who care about human rights. While LGBT* people, like all the other tourists, do visit Lithuania, they are not given any specific resources from the official tourist information centres in Lithuania. According to the best practices of foreign countries, maps of LGBT*-friendly tourist places and a brief history of LGBT* rights movement in Lithuania should be provided to LGBT* tourists. However, only private actors are engaged in such projects in Lithuania.

It is also important to increase the range of activities for LGBT* tourists and locals alike. It is necessary to promote LGBT* cultural events, art projects and film festivals in order to increase the visibility of such activities in Lithuania and abroad.
**STRATEGIC OBJECTIVES**

1. Improve the image of Lithuania as a country that is safe for tourism and respectful of human rights, including those of LGBT* people

2. Increase the tourism centres’ capacity to respond to the needs of LGBT* tourists

3. Promote the image of Lithuania as an attractive country for LGBT* travellers, including local and foreign tourists

**MEASURES**

- Conduct research in the field of tourism in order to identify the needs of local and foreign LGBT* tourists.

- Increase knowledge and understanding of the LGBT* tourism market, and explore the national potential in this area.

- Update the State Department of Tourism’s Programme for 2014-2020 to include measures to promote LGBT* tourism.

- Develop a map of LGBT* tourist-friendly places in Lithuania and distribute it through the official tourist information centres and websites.

- Support the spread and visibility of information about LGBT* events, art projects, film festivals and similar initiatives for both foreign and Lithuanian consumers.

**THE PRINCIPAL INSTITUTIONS**

The State Department of Tourism under the Ministry of Economy, The Ministry of Culture of the Republic of Lithuania, the municipalities
As noted in the Monitoring Implementation of the Council of Europe Recommendation CM/Rec (2010)5 report, which was carried out in 2013, although the grounds of sexual orientation and gender identity are not directly established as one of the legal grounds that qualify a person for asylum in Lithuania, the Migration Department under the Ministry of the Interior of the Republic of Lithuania may decide to grant refugee status or subsidiary protection based on the well-founded fear or other real risks related to sexual orientation and gender identity if the asylum seeker’s life or freedom is truly in danger in the country of origin.

Currently, there is no evidence that the authorities have adopted any measures to protect asylum seekers from discrimination based on sexual orientation or gender identity. The specialists responsible for the evaluation of asylum applications are not provided with appropriate training that would highlight the specific problems of the LGBT* community.

**STRATEGIC OBJECTIVES**

1. Ensure asylum on the grounds of sexual orientation and gender identity
2. Ensure that LGBT* people are not discriminated against in the process of granting asylum


3. Increase migration specialists’ awareness of LGBT* non-discrimination and their general situation

MEASURES

- Change the „Examination, decision making and granting asylum implementation order inventory“\(^69\) by supplementing the provisions of Section 66.1, according to which the threat or fear of persecution that must be recognized as the basis for a refugee status in the Republic of Lithuania, must be related to the asylum seekers, *inter alia*, sexual orientation and gender identity.

- Ensure that the officials at the Migration Department under the Ministry of the Interior of the Republic of Lithuania responsible for examining applications of a refugee status are trained on the specific problems faced by LGBT* refugee status seekers.

- Ensure that administrative staff of detention facilities, police officers, medical personnel and non-governmental organizations working with refugee applicants are trained and aware of the issues concerning sexual orientation and gender identity.

THE PRINCIPAL INSTITUTIONS

*The Migration Department under the Ministry of the Interior of the Republic of Lithuania, the Ministry of the Interior of the Republic of Lithuania, The Ministry of Foreign Affairs of the Republic of Lithuania, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania*

Democracy, the rule of law, and human rights principles are enshrined in the Constitution of the Republic of Lithuania. Lithuania is a member of the main international and regional organizations (such as the United Nations, the European Union, the Council of Europe, Organization for Security and Co-operation in Europe) that promote and protect human rights, including the rights of LGBT* persons.

Lithuania actively participates in the international community’s political life, so Lithuania may have an impact on the relevant international and regional policy, provide suggestions, or express support for individual initiatives that support and promote human rights.

One of the European Union’s primary foreign policy objectives is to evaluate the effectiveness of the prohibition of discrimination, including discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The EU seeks to eliminate discriminatory laws and policies, promote the decriminalization of homosexuality, abolish the death penalty for same-sex relationships, advance equality and non-discrimination in employment, health care and educational institutions, fight institutionalized violence against LGBTI persons or individuals, and ensure the safety of human rights defenders.70

It should be noted that on the 24th of June, 2013 the EU adopted Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons. These guidelines are intended for Embassy Officials in the EU and EU Member States who are working in the field of human rights. These guidelines provide steps for securing LGBTI people’s rights and increasing the protection of transgender and intersex rights.

**STRATEGIC OBJECTIVES**

1. Support the development of internationally-approved human rights standards for policies of protection and non-discrimination policies for LGBT* persons

2. Improve the image of Lithuania as a democratic country that is respectful of all people’s human rights and freedoms

**MEASURES**

- Comply with international human rights obligations and provide reports on the human rights situation in Lithuania.

- Promote and improve international human rights standards and their protection at the international level.

- Implement a consistent policy of support for improving the human rights situation of LGBT* persons at the international level.

- Support the adoption of international documents to improve the protection of LGBT* people’s rights.

• Cooperate with international organizations and foreign countries in sharing best practices, information, and experience on matters of equal opportunity, non-discrimination and LGBT* human rights protection.

• Foster cooperation with foreign Lithuanian LGBT* communities through the diplomatic offices in foreign countries.

THE PRINCIPAL INSTITUTIONS

The Ministry of Foreign Affairs of the Republic of Lithuania, the Ministry of Justice of the Republic of Lithuania, the Equal Opportunities Ombudsman’s Office of the Republic of Lithuania
The national lesbian, gay, bisexual and transgender (LGBT*) rights organization LGL is the only non-governmental organization exclusively representing the interests of the LGBT* community in Lithuania. LGL activities started on the 3rd of December, 1993. Now LGL is one of the most mature and stable civic organizations in the country. Its work is based on the principle of independence from any political or financial interests in the pursuit of effective inclusion and integration of the LGBT* community of Lithuania. LGL aims for consistent LGBT* human rights progress and community strengthening.

Association LGL is a member of the National Equality and Diversity Forum (NEDF) and the Human Rights Coalition. LGL is also a member of a number of international organizations: ILGA (The International Lesbian and Gay Association), IGLYO (The International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organization), EPOA (The European Pride Organisers Association), TGEU (The European Transgender Network) and ANSO (Association of Nordic and Pol-Balt LGBTQ Student Organizations). We believe that our goals can only be achieved when LGBT* rights are seen in a wider human rights discourse and when human rights organizations cooperate with each other in their struggle for a better, more equal world. Therefore, we are actively supporting various initiatives on national and international level, organizing human rights awareness raising campaigns, and taking other means of communication and advocacy.
More information about the association LGL, our projects and activities:

WWW.LGL.LT/EN
WWW.FACEBOOK.COM/LGL.LT
Lesbian, gay, bisexual and transgender (LGBT*) people remain one of the most vulnerable groups in Lithuanian society. The challenging legal situation of LGBT* people demands that special attention be paid to the resolution of this societal group’s problems.

Thus, the primary aims of this publication are to call attention to the current situation of LGBT* people and to provide recommendations for the assurance of non-discrimination and social inclusion of LGBT* people in Lithuania. The plan consists of two parts: PART A, the “Situational Overview,” briefly describes the non-discrimination policies in Lithuania and discusses the main problems currently faced by the country’s LGBT* community; PART B, the “Action Plan for 2015-2020 on Non-Discrimination of LGBT* People,” provides a list of recommended measures aimed at better assuring non-discrimination against LGBT* individuals in Lithuania.

This publication aims to draw the attention of policy-making and implementing state institutions to the problems faced by LGBT* people, and to encourage the consistent creation and implementation of strategies for non-discrimination by these actors.