

Vladimír Špidla
Commissioner for Employment, Social
Affairs and Equal Opportunities

Brussels, 08 June 2009
Ref B876

Dear Mr Špidla,

Lithuania - proposed law would lead to discrimination in education and reinforce homophobia

Amnesty International is writing to you ahead of the parliamentary vote in the Lithuanian Parliament on the proposed amendment to the "Law on the Protection of Minors against the Detrimental Effect of Public Information" that will take place on 11 June 2009. It would, if passed, prohibit the discussion of homosexuality in schools and ban any reference to it in public information that can be viewed by children.

The proposed amendment would class homosexuality alongside issues such as the portrayal of physical or psychological violence, the display of a dead or cruelly mutilated body of a person, and information that arouses fear or horror, or encourages self-mutilation or suicide.

In an explanatory note, the authors of the proposed amendment wrote that "the propagation of a non-traditional sexual orientation and exposure to information containing positive coverage of homosexual relations may therefore cause negative consequences for the physical, mental and, first and foremost, moral development of minors."

According to Amnesty International, the amendment, far from protecting children, would on the contrary risk isolating children who are already among the most at risk of violence at school or within the family. It will deprive students of their right to freedom of expression, including the right to seek, receive and impart information; and institutionalize discrimination in Lithuania's school system, which may have the effect of depriving children and adolescents of their right to education.

By enacting this measure Lithuania would be in violation of its obligations under international and European human rights treaties to which it is a state party. Lithuania has an obligation to act in the best interests of the child – including its lesbian, gay, bisexual or transgender children¹.

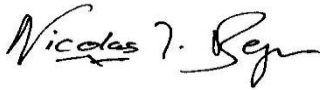
Amnesty International notes with concern that the proposed amendment is part of a growing climate of intimidation and discrimination in Lithuania against lesbians, gay men and bisexual and transgender people. This was notably illustrated by the municipal authorities banning the EU initiative, "For Diversity, Against Discrimination" touring truck in Vilnius and Kaunas last year. The Mayor of Kaunas then said that "[the] homosexual festival may cause many negative emotions."

Amnesty International calls on the Commission to press the Lithuanian authorities to ensure that they guarantee to all persons equal and effective protection against discrimination, including discrimination based on sexual orientation or gender identity, in respect of international law, but also of EU standards and proclaimed policy.

¹ By adopting a discriminatory approach on the grounds of sexual orientation, the proposed amendment is clearly in breach of Lithuania's obligations under international law in that it fails to guarantee the right to education provided for in the ICESCR, and the principle of "best interests of the child" declared in art.3 of the UN Convention on the Rights of the Child, and understood by the Committee on the Rights of the Child as covering also adolescents' sexual orientation (General Comment No.4). Furthermore, it is at odds with a 2008 "Joint Statement on Human Rights, Sexual Orientation and Gender Identity" that Lithuania co-signed at the UN General Assembly, reaffirming that human rights apply equally regardless of sexual orientation or gender identity.

We call on the Commission to closely monitor the legislative development in Lithuania and seize this occasion to reaffirm before the member states the need to adopt new EU anti-discrimination legislation to cover discrimination on all grounds- including sexual orientation- in all areas of life, including in the field of education.

We thank you for your attention and look forward to your response.



Nicolas Berger
Director
Amnesty International EU Office

Cc. Ján Figel', Commissioner for Education, Training, Culture and Youth
Jacques Barrot, Commissioner for Justice, Freedom and Security