



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

12.1.2011

B7-0031/2011

MOTION FOR A RESOLUTION

further to Questions for Oral Answer B7-0669/2010, B7-0803/2010, B7-0804/2010 and O-0216/2010

pursuant to Rule 115(5) of the Rules of Procedure

on violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania

Renate Weber, Sophia in 't Veld, Leonidas Donskis, Cecilia Wikström, Alexander Alvaro, Sonia Alfano, Gianni Vattimo, Sarah Ludford, Ramon Tremosa i Balcells, Elizabeth Lynne

on behalf of the ALDE Group

Raül Romeva i Rueda, Ulrike Lunacek, Marije Cornelissen, Emilie Turunen, Franziska Keller, Isabella Lövin, Nicole Kiil-Nielsen, Jan Philipp Albrecht

on behalf of the Verts/ALE Group

Claude Moraes, Monika Flašíková Beňová, Michael Cashman, Vilija Blinkevičiūtė, Catherine Trautmann

on behalf of the S&D Group

Cornelis de Jong, Nikolaos Chountis, Eva-Britt Svensson, Cornelia Ernst, Rui Tavares

on behalf of the GUE/NGL Group

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United in diversity

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European Parliament resolution on violation of freedom of expression and discrimination on the basis of sexual orientation in Lithuania

The European Parliament,

- having regard to international instruments guaranteeing human rights and fundamental freedoms and prohibiting discrimination, notably the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR),
 - having regard to Articles 6 and 7 of the Treaty on European Union and Article 19 of the Treaty on the Functioning of the European Union, which commit the EU and its Member States to upholding human rights and fundamental freedoms and provide European means to fight discrimination and human rights violations,
 - having regard to the Charter of Fundamental Rights of the European Union, especially Article 11 thereof, which guarantees the right to freedom of expression, and Article 21 thereof, which prohibits discrimination based on sexual orientation,
 - having regard to the draft amendments to the Code of Administrative Offences of the Republic of Lithuania (No XIP-2595),
 - having regard to the draft opinion of the Ministry of Justice of the Republic of Lithuania (No 11-30-01),
 - having regard to European Union activities to fight discrimination based on sexual orientation and homophobia,
 - having regard to the November 2010 Fundamental Rights Agency report ‘Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity’,
 - having regard to its Resolution of 17 September 2009 on the Situation in Lithuania following the adoption of the law on protection of minors¹,
 - having regard to its previous resolutions on homophobia, protection of minorities and anti-discrimination policies, and notably to those on homophobia in Europe²,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas on 16 December 2010, the Seimas postponed a vote on draft legislation that would amend the Code of Administrative Offences to punish the ‘public promotion of homosexual relations’ with a fine of between LTL 2 000 and 10 000 (€580–2 900),
- B. whereas on 8 December 2010 the Committee on Education, Science and Culture of the

¹ P7_TA(2009)0019

² P6_TA(2006)0018, P6_TA(2006)0273, P6_TA(2007)0167

Seimas also deleted sexual orientation from the list of grounds deserving protection in the equal opportunities provisions of the Law on Education (Article 5(1)),

- C. whereas the draft amendments to the Code of Administrative Offences are contrary to Article 25 of the Constitution of the Republic of Lithuania, which stipulates that ‘the human being must not be hindered from seeking, receiving and imparting information and ideas’, and Article 29, which states ‘all persons shall be equal before the law, the court, and other State institutions and officials. The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions or views’,
- D. whereas the Minister of Justice of the Republic of Lithuania has expressed the opinion that the draft amendments to the Code of Administrative Offences contravene Lithuania’s obligations under its Constitution, the European Charter of Fundamental Rights, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights,
- E. whereas the latest report from the Fundamental Rights Agency on ‘Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity’ of November 2010 concludes that ‘The amendments could potentially criminalise almost any public expression or portrayal of, or information about, homosexuality’,
- F. whereas in June 2009 the Seimas overwhelmingly voted to amend the ‘Law on the Protection of Minors against the Detrimental Effects of Public Information’, banning minors from accessing information about homosexuality,
- G. whereas the meaning of ‘manifestation or promotion of sexual orientation’ in the Law on Advertising remains unclear,
- H. whereas this resolution was triggered by a series of worrying events such as the adoption of the Law on the Protection of Minors against the Detrimental Effects of Public Information, the attempted prohibition by local authorities on holding equality and gay pride marches, and the use by leading politicians and parliamentarians of inflammatory or threatening language and hate speech,
- I. whereas Commission Vice-President Viviane Reding, High Representative of the European Union Catherine Ashton, President of the European Council Herman van Rompuy and President of the European Parliament Jerzy Buzek unanimously condemned any kind of homophobia and discrimination on grounds of sexual orientation on 17 May 2010, International Day against Homophobia,
- J. whereas homosexuality was declassified as a mental illness by the World Health Organization in 1990, whereas no credible research indicates that educating children and young people about sexuality may affect their sexual orientation and whereas education about sexual diversity encourages tolerance and acceptance of differences,
- 1. Reaffirms that the EU Institutions and Member States have a duty to ensure that human rights are respected, protected and promoted in the European Union, as provided for by the European Convention on Human Rights, the European Charter of Fundamental Rights

and Article 6 of the Treaty on European Union, without distinction on grounds of sexual orientation;

2. Calls on the Seimas to reject the draft amendments to the Code of Administrative Offences, include sexual orientation in the list of protected grounds in the Law on Education, enable minors to freely access information on sexual orientation, and clarify the meaning of the ban in the Law on Advertising;
3. Acknowledges the firm stand taken on several occasions by President of the Republic of Lithuania Dalia Grybauskaitė, denouncing draft homophobic legislation as being harmful for Lithuanian citizens and the image of Lithuania, and calls on the President to veto the amendments to the Code of Administrative Offences should they be approved;
4. Welcomes the recent designation of homophobia as an aggravating circumstance for crimes;
5. Commends the bilateral action taken so far by the Commission; calls on the Commission to undertake a legal assessment of the proposed amendments to the Code of Administrative Offences, immediately start infringement proceedings should the outcome of the vote not be compatible with EU legislation and treaties, and issue an EU Roadmap with concrete measures against homophobia and discrimination on grounds of sexual orientation;
6. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and candidate countries, the President and Parliament of the Republic of Lithuania, the EU Agency for Fundamental Rights and the Council of Europe Commissioner for Human Rights.