



NEWS REPORT

Date: 6 August 2009
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Title: The Parliament approves further consideration of legislative initiative, banning public agitation and propagation of homosexual relationship
Country: Lithuania

Context

Issue at stake: Amendments to the Penal Code and Code of Administrative Offences, banning agitation of homosexuality and propagation of homosexual relationship introduced at the Parliament
Ground of discrimination: of sexual orientation
Source: legislation
Field: other
Legislative provisions: A Draft Law (no. XIP-667(2)) supplementing the Code of Administrative Offences with articles 214(30), 224 and 259(1) ; A Draft Law (no. XIP-668(2)) supplementing the article 310 of the Penal Code.

Content

Legislative initiative: A draft law, supplementing the Penal Code and Code of Administrative Offences, was proposed to the Parliament on July 9, 2009. The amendments suggested by this law aim to (1) establish administrative liability for propagation of homosexual relationship and the financing of public propagation of homosexuality and (2) criminalise public agitation for homosexual relationship. According to the proposed legislation, such actions might be punished by public works, fine or arrest (the law does not elaborate on sanctions, thus the Courts would apply general rules, depending on the grievance of the crime). Legal persons are also liable for these actions. The Parliament approved further consideration of this legislative initiative by the committees in the upcoming autumn session, before returning to the assembly to be voted for adoption.

Six weeks before the Parliament had rejected the amendments of the Penal Code, initiated by the same group of parliamentarians (mainly “Homeland Union – Lithuanian Christian-Democrats” party members, whose party is the leading one in currently governing coalition), which suggested the punishment of propagation of homosexuality, zoophilia and necrophilia by deprivation of freedom for the term up to one year.

The approval for further consideration of such a law was criticized by local human rights and LGBT non-governmental organisations. However, this legislative initiative did not receive any sound comments from academia.

The wording of the proposed bill is not precise, to say the least. The term “agitation” is not defined in the Penal code, thus it is not clear how it can be interpreted in practice and what public actions would be considered as illegal. The lack of legal certainty is not the only aspect, which raises serious concerns. Although the initiators denied discriminatory character of this draft law, however, the discussions in the Parliament during the approval unambiguously indicate, that the aim of the bill is to prevent the happening of any public events, raising the issue of homosexuality. This would possibly contradict the Constitutional right to information, freedom of expression and breach international commitments of the Republic of Lithuania.

Internet link source and additional information: A Draft Law (no. XIP-667(2)) supplementing the Code of Administrative Offences with articles 214(30) , 224 and 259(1) (in Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=346176&p_query=&p_tr2=

A Draft Law (no. XIP-668(2)) supplementing the article 310 of the Penal Code (in Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=346178&p_query=&p_tr2=

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