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## Denial of freedom of assembly and expression to lesbian, gay, bisexual and transgender persons in Lithuania

### Written question No. 540 to the Committee of Ministers

by Mr Jean HUSS, Luxembourg, Socialist Group

In joining the Council of Europe in 1993 and ratifying the European Convention on Human Rights, Lithuania undertook to protect and develop human rights and fundamental freedoms. Yet in recent months Vilnius City authorities have acted in breach of these obligations on three occasions:

1. In May 2007 they supported bus drivers who refused to drive vehicles carrying advertisements encouraging tolerance for lesbian and gay workers. The advertisements were funded jointly by the European Union and the Lithuanian Ministry of Social Security and Labour. The mayor commented in a press release: "We do not approve of the public demonstration of homosexual ideas in the City of Vilnius".
2. Also in May, they refused to give permission to the European Union anti-discrimination truck to make its planned stop in Vilnius. A number of events were due to take place around the truck in the city centre, as part of the EU Year of Equal Opportunities for All. These included the display of a rainbow flag by Lithuania's main lesbian, gay, bisexual and transgender (LGBT) organisation. The city authorities justified the ban on the basis of security risks posed by possible opponents of the event. The European Commission issued a statement highly regretting the decision to cancel the event.
3. In late October the city authorities refused permission for another public event, again centred on the display of a rainbow flag in the city, as part of the annual Conference of the European Region of the International Lesbian and Gay Association. The ban was justified on the basis of "safety concerns" due to building works, but the city authorities refused to provide an alternative outdoor site, arguing the event could be held indoors.

On 14 November 2007 Vilnius City Council amended its "Rules of Cleaning and Tidiness" [sic] to give it powers to refuse authorisation of events in public places during which, "in the opinion of the police or the commission, riots may arise or such events due to their nature may provoke negative public reaction or opposition. Such events may be held only in enclosed spaces, in which the safety of the participants and viewers of the event is ensured".

To ask the Committee of Ministers will the Committee of Ministers engage in dialogue with the Lithuanian authorities with a view to:

- drawing their attention to the judgment of the Court in *Bączkowski and Others v. Poland*, and reaffirming their obligation to uphold the right to freedom of assembly and expression for all persons, including specifically lesbian, gay, bisexual and transgender persons;
- clarifying to the Lithuanian authorities that their role goes beyond merely recognising the existence of such rights, and includes the obligation to take positive actions to safeguard access to freedom of assembly for all persons;
- seeking confirmation that they recognise the right of the LGBT community to exercise freedom of assembly and expression;



- ensuring that the City of Vilnius “Rules of Cleaning and Tidiness” are amended so as not to be in conflict with the jurisprudence of the European Court of Human Rights;
- requesting that they set out the concrete measures they will take to put an end to the denial by public officials of freedom of assembly and expression to LGBT persons;
- enquiring what wider plans the Lithuanian authorities have to combat homophobia and transphobia, and discrimination based on sexual orientation and gender identity.