



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in Lithuania covering the period of January to December 2018

Lithuania

Bias-motivated violence

The door of the LGBT NGO LGL's office was set on fire in the early hours of 10 August. A passing taxi driver stopped and extinguished the fire. Within two hours, the house of LGL's executive director was also attacked. LGL asked the Vilnius County 3rd Police Department to investigate the motive of these incidents. No pre-trial investigation was opened for the attack against the house of the director and the investigation regarding LGL's office was suspended. LGL was not given any further information.

In another incident, a fire was started outside the home of Romas Zabarauskas, an openly gay film director. Zabarauskas had a rainbow flag hanging from his balcony at the time. Reportedly, the attack was not targeting Zabarauskas, but his neighbours, who were involved in criminal activities at the time. Nonetheless, Romas Zabarauskas commented that he had been discouraged from reporting the fire as a bias-motivated incident, saying that the police officer has instead suggested that he take down the flag, in order to avoid more damage. Zabarauskas and local LGBT+ activist Tomas Vytautas Raskevičius later raised funds and bought 500 rainbow flags to wave around the city, as a response to the attacks.

"Taking down a flag and hiding your true identity never makes you feel safer. Freedom of expression and acceptance do. I'm currently surrounded by rainbow flags—I can see one in each of the three buildings around mine. That makes me feel great."

Romas Zabarauskas to [PinkNews](#)

Education

In August, the Coalition of Human Rights Organizations in Lithuania called on the Ministry of Science and Education to ban teacher training material disseminating discriminatory and bias-motivated misinformation regarding LGBT people. Training material on health and gender issues included stereotype-based information about gender and sexuality, in which homosexuality was portrayed as "mentally unhealthy behaviour" that evolves as a consequence of improper parenting.

Family

On 25 September, the Constitutional Court began the procedure aimed at determining whether Constitutional provisions regarding family unification apply for same-sex couples.

The case dates back to 2015, when a Belarussian citizen married a Lithuanian and applied to the immigration authorities for permission to live together with his spouse in Lithuania. In December 2016, the case was referred to the Constitutional Court after the Migration Department refused to issue a residency permit for the Belarussian citizen on the basis of family unification. The Administrative Court of Lithuania ruled that EU law, specifically Directive 2004/38/EC, could not be applied to the particular circumstances of the two men. While the Law on the Legal Status of Aliens in Lithuania does not officially prohibit the reunification of same-sex couples, it is uncertain whether the term "spouse" includes same-sex spouse for the purpose of granting a right of residence to non-EU citizens.

On 8 November the judgment was postponed to 5 December as the applicant, the representative from the Supreme Administrative Court of Lithuania, did not show up for the hearing. In the meantime, there were a few public signs of supporting a Court decision in favour of the couple, one made by the Minister of Interior. The Court delivered its judgment in January 2019 and affirmed that Lithuanian Constitution protects family life of same-sex couples, and that it safeguards against discrimination based on sexual orientation or gender identity.

Freedom of association

Since July, leaflets urging people to sign a petition against the 2019 Baltic Pride March for Equality have been disseminated to people's mail boxes. The leaflets were made by The Institute of Christian Culture, funded by Polish religious fundamentalist groups. The Prosecutor General's Office refused to open an investigation into a possible breach of Article 169 of the country's Criminal Code which prohibits discrimination on grounds of sexual orientation.

Legal gender recognition

In 2018, 14 trans people have been able to change their personal identification documents through a judicial procedure. While administrative procedures remain unavailable, the well-established practice by the national courts amounts to effective legal gender recognition. Trans people are not required to undergo either surgery or sterilisation as a prerequisite.

Police and law enforcement

In 2018, LGL organised a number of hate crime trainings for police officers on recognising bias-motivated anti-LGBT hate crimes and responding to victims' needs.

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