

LGBT RIGHTS IN POST-CONDITIONALITY LITHUANIA ONE STEP FORWARD, ONE STEP BACK

by **Ausra Padskocimaite**

On June 18, 2016 a march for LGBT (lesbian, gay, bisexual and transgender) rights, known as the Baltic Pride parade, took place in Lithuania's capital, Vilnius. It was the third time that such an event has been organized in Lithuania during its 26 years of independence and 12 years of European Union (EU) membership. In contrast to the previous Baltic Pride parades (in 2010 and 2013), this time the Municipality of Vilnius did not contest the details of the event, and for the first time it could take place without the intervention of national courts. This was also the largest of the three parades with 2,000 to 3,000 participants marching through Gediminas Avenue, the main street of Vilnius.¹

The Baltic Pride took place a few days after the Orlando nightclub shooting in the United States. The news of the shooting resulted in numerous hateful reactions, mainly in the form of online comments, but this seemed to encourage people to show support for the tolerant atmosphere manifested at the Baltic Pride event.² "Many people decided to show solidarity and took part in the march", noted Birute Sabatauskaite, director of the Lithuanian Center for Human Rights.³ In addition to younger people, this year's Baltic Pride march also attracted families with children and even some elderly persons. As a result, more LGBT persons were able to join without fear of retribution. In contrast to the previous pride marches held in Vilnius, this time reactions were not as hostile and, according to the police, there were no major incidents. In the words of one participant: "In 2010, I felt like I was going to some war, there were large metal fences, police on horses, loud screaming from the protesters; this year it was completely different – people were marching, and I did not even see that many aggressive protesters, many people were simply curious."⁴ Thus it seems that, for the first time in Lithua-

nia's history, an event celebrating LGBT rights resembled similar events in more progressive countries.

The question remains, however, whether the changing face of the Baltic Pride represents a changing situation for LGBT persons in Lithuania. In 2012, Inga Aalia and Kjetil Duvold described the situation of the LGBT minority in Lithuania as "fear and loathing", pointing out homophobic attitudes and a lack of tolerance among the population and the political elites, as well as attempts by the latter to amend laws and ban public events promoting tolerance of LGBT persons.⁵ According to the International Lesbian and Gay, Trans and Intersex Association's (ILGA) ranking of 49 countries, in 2012 Lithuania had a higher rating than such countries as Italy, Estonia, Greece, Poland, Cyprus, Latvia, and Malta.⁶ This year Lithuania was ranked 38th – the second worst among the EU countries (its neighbor Latvia was the worst EU member).⁷ For comparison, Malta was the best and Azerbaijan was the worst place to be an LGBT person in the past 12 months.

WHAT SHOULD ONE make of Lithuania's deteriorating position in ILGA's ranking? First of all, a comparison in time is not always straightforward since changes in methodology are difficult to account for. Second, if one compares Lithuania's standing in 2012 and 2016, one sees not so much deterioration as a lack of progress. From a comparative perspective, Lithuania's legal framework for LGBT rights remains quite limited and does not permit, for example, marriage or registered partnership. However, in order to join the EU, Lithuania had to fulfill the membership criteria which, among other things, required "stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities."⁸ Motivated by the EU's membership incentive, Lithuania created a legal and institu-



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tional framework, which granted some rights for LGBT persons (such as decriminalization of homosexual relations, equal age of consent, and prohibition of discrimination on the ground of sexual orientation).⁹ In addition, Article 2.27 of the Lithuanian Civil Code established the right of an individual to gender reassignment, if it is medically possible.

Yet surveys indicate that the formal protection of LGBT rights did not translate into a dramatic improvement on the ground. Nor did it have an immediate effect on Lithuanians' tolerance of LGBT persons. According to a survey, carried out by the EU Agency for Fundamental Rights (FRA) in 2012, nearly two-thirds (61%) of respondents in Lithuania felt discriminated against or harassed because of their sexual orientation (60% in Croatia, 44% in Estonia, 48% in Latvia; EU average: 47%).¹⁰ In the same questionnaire, 70% of respondents said that they avoid holding hands in public with a same-sex partner for fear or being assaulted, threatened or harassed (78% in Romania, 63% in Estonia; EU average: 53%). When asked about the awareness campaigns addressing discrimination against LGB persons, two-thirds of Lithuanian respondents answered affirmatively (81% in Estonia; EU average: 65%).

According to a 2015 Eurobarometer survey, only one-third of Lithuanians thought that there was nothing wrong with sexual relations between two persons of the same sex (the lowest score of 23% in Latvia, 40% in Estonia; EU average: 67%) and around one-fourth agreed that same-sex marriage should be allowed throughout Europe (the lowest score of 17% in Bulgaria, 31% in Estonia; EU average: 61%). A slightly higher number of Lithuanian respondents (44%)

thought that lesbians, gays, and bisexuals should have the same rights as heterosexuals, but this score was still well below the EU average of 71%.¹⁰ When asked about working with a gay, lesbian, or bisexual person, 44% of Lithuanian respondents were "uncomfortable" (the highest number among the EU countries), whereas 35% were "comfortable". The majority of Lithuanians (79%) reported that they would not be comfortable if their child was in love with a person of the same sex. This can be compared to 51% in Estonia, 73% in Latvia, and 32% as the EU average. Interestingly, Lithuanians remain supportive of the abstract idea of human rights, with 88% agreeing that "human rights" is a positive thing (albeit one-fourth argue that human rights should protect "normal people" only).¹²

DESPITE THESE NUMBERS I would argue that there are reasons for cautious optimism. To begin with, Lithuania is a member of the EU and the Council of Europe (CoE) and a party to numerous international human rights treaties that protect principles of equality and non-discrimination, freedom of assembly and expression, the right to respect for private and family life, and other rights.¹³ The Constitution of Lithuania establishes that ratified international treaties form a part of Lithuania's legal system, and in case of a conflict with a national law, priority is given to

the norms of the treaty.¹⁴ Although the majority of these treaties do not directly address the rights of LGBT persons, such protection is granted through their interpretation by different human rights courts and committees. For example, the European Court of Human Rights (ECtHR) in Strasbourg, which monitors

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Baltic Pride Summer 2016.

PHOTO: AUGUSTAS DIDZGALVIS/LGL ARCHIVE

states' compliance with the European Convention on Human Rights (ECHR), last year decided that Italy was in breach of Article 8 (right to respect for private and family life) because it failed to provide legal protection to same-sex relationships (*Oliari and Others v. Italy*).

Research shows that the institutionalization of international norms into domestic law is not inconsequential and that international institutions can have strong domestic effects.¹⁵ By acceding to different human rights treaties, Lithuania provided domestic stakeholders with the necessary tools and a legitimate voice to challenge its future behavior. For example, the Lithuanian Gay League (LGL), the first Lithuanian NGO advocating LGBT rights, was established in 1993, but became visible only after 2004. Today it is the main actor litigating on behalf of the LGBT community.

Litigation, however, requires not only domestic actors willing to devote their time and resources to legal cases, but also competent courts to decide such cases. As identified in the literature on human rights change, "one of the most important conditions for litigation to be a potentially useful strategy to enforce rights is judicial independence."¹⁶ Such courts are able to decide controversial cases independently and to withstand pressure from both society and political elites. In the case of Lithuania, the role of domestic courts has been mixed. On the one hand, several important decisions facilitated the implementation of LGBT rights, especially with respect to the freedom of peaceful assembly in case of the first two Vilnius Baltic Pride parades. In 2013, the Supreme Administrative Court of Lithuania decided in favor of the LGL, which for the first time requested that the Baltic Pride march should take place in the central street of Vilnius. The Supreme Administrative Court made its decision in light of the ECHR reiterating the case-law of the Strasbourg Court, which had established that "the state has positive obligations to secure that all groups, including those belonging to minorities and holding unpopular views, can take advantage of the freedom of assembly."¹⁶ On the other hand, not all decisions of the courts have been favorable to the applicants. For example, in 2014 a case was brought regarding comments about

a picture of two kissing men published by one of them on his Facebook account. The LGL, which brought the complaint before a court, argued that the comments were discriminatory and provided grounds for a criminal investigation according to Article 170 of the Lithuanian Criminal Code.¹⁸ Two different courts dismissed the request arguing that traditional family values are dominant in Lithuania and that by uploading such a photo without full privacy settings the person might have tried on purpose to tease or shock people holding different views and thus himself encouraged negative comments.¹⁹ Since these decisions, the LGL has submitted a complaint to the ECtHR. Another questionable decision of the Lithuanian courts concerns a dispute regarding the publication of the fairy-tale book *Gintarine Sirdis* ("Amber Heart") which featured stories about LGBT persons. In April 2014, the Office of the Inspector of Journalist Ethics decided that the stories contained information harmful to minors (because they could be seen as encouraging marriage and family otherwise than as stipulated in the Constitution and the Civil Code of Lithuania) and recommended limiting the accessibility of the book as well as marking it as unsuitable for children under the age of 14 years. The author of the book brought a lawsuit before the Lithuanian courts complaining that the decision by the Lithuanian University of Educational Sciences to temporarily stop the distribution of the book was discriminatory. Both the district and county courts decided to dismiss the applicant's complaint. The courts argued, *inter alia*, that the distributor was merely following the law (and the recommendation of the Office of the Inspector of Journalist Ethics) which requires minors to be protected from harmful information. In its decision, the Vilnius County Court stated that limits placed on the freedom of expression were lawful and that the September 28, 2011, ruling of the Constitutional Court should be interpreted as defining a family as a man and a woman, not persons of the same sex.²⁰ The complaint has now been submitted to the Supreme Court of Lithuania. Finally, the Lithuanian courts were also criticized for their handling of discrimination cases because of their willingness "to accept blatantly false reasons for dismissal rather than address the actual homophobic motives."²¹

SUPRANATIONAL COURTS such as the ECtHR provide a possibility for victims to seek justice when domestic legal systems are not adequate. However, the effectiveness of these institutions depends on how countries respond to their decisions. States parties to the ECHR have a legal obligation to comply with judgments delivered in cases against them. In order to fully comply with such rulings countries might have to do as little as to pay monetary compensation to the applicant or as much as to amend the national constitution. The existing ECHR system does not have a strong enforcement mechanism and is dependent on the political will of the states to comply with the judgments of the ECtHR. However, even in cases of noncompliance or partial compliance, the ruling of an international court can draw attention to problems that were previously ignored and provide a ground for putting pressure on a country to improve its human rights record.

Some scholars argue that litigation might not be the optimal

way to promote social change and might lead to a backlash. In Gerald Rosenberg's view, legal solutions cannot solve political problems, and without political support, court decisions will not produce social change.²² In Lithuania, the 2011 ruling of the Lithuanian Constitutional Court which found the State Family Policy Concept unconstitutional was followed by the proposal to amend the Constitution in order to directly link family and marriage.²³ Despite the fact that the draft amendment was not endorsed by the Government or the Parliamentary Committee of Legal Affairs, on June 28, 2016, Lithuania's Parliament, the Seimas, voted in favor of the draft that would amend Article 38 of the Lithuanian Constitution.²⁴ Yet it remains to be seen whether the amendment will become reality, as Article 147 of the Constitution requires that the Seimas vote for the amendment twice at an interval of at least three months and that at least two thirds of all MPs support the amendment.²⁵

In addition to pressure from a growing civil society within Lithuania, naming and shaming from outside can be decisive. The case of the Law on the Protection of Minors against the Detrimental Effect of Public Information, which defined public information promoting homosexual, bisexual, or polygamous relations as detrimental to minors, demonstrates just that. After the Seimas amended the law in 2009, it was criticized by international human rights NGOs, including Amnesty International and Human Rights Watch.²⁶ The European Parliament (EP) passed a resolution condemning the law as violating the EU's and international human rights obligations. According to the EP's resolution of September 17, 2009: "The EU is a community of values based on human rights, fundamental freedoms, democracy and the rule of law, equality, and non-discrimination. The EP invites the President of the Republic of Lithuania and authorities to ensure that its national laws are compatible with human rights and fundamental freedoms as enshrined in international and European law."²⁷ As a result, a direct reference to homosexual relations was removed from the text of the law.²⁸

The Law on the Protection of Minors is not the only piece of legislation that attracted criticism from abroad. Since 2012, Lithuanian MPs have been attempting to establish fines for showing disrespect for constitutional moral and family values. The author of the amendment openly admits that the aim is among other things to establish administrative responsibility for organizing events detrimental to public morals such as "marches and parades by homosexuals."²⁹ In 2015, Lithuania's prime minister, Algirdas Butkevicius, criticized the proposed administrative fines saying that the MPs have not evaluated their effect on Lithuanian society and Lithuania's international image. According to Butkevicius, laws that contradict human rights as well as national and international law should not be discussed.³⁰ In the end, the vote on the law did not take place, as the majority of parliamentarians voted in favor of the Liberal Movement Political Group's proposal to remove the question from the agenda.

Yet, there are also examples, which illustrate the limits of international

pressure. In 2007, the ECtHR decided a case against Lithuania concerning the rights of transgender persons. In its ruling, the ECtHR found that a legislative gap with respect to gender reassignment surgeries left the applicant "in a situation of distressing uncertainty vis-à-vis his private life and the recognition of his true identity," which violated individual rights under Article 8 of the ECHR (§ 59–60, *L. v. Lithuania*). Although Lithuania paid monetary damages to the applicant, who was able to complete gender reassignment surgery abroad, it did not make legislative changes. Despite continuous pressure from the Committee of Ministers of the CoE as well as criticism from the civil society, Lithuania still did not comply with the judgment. On the contrary, in 2013 a small group of MPs suggested banning gender reassignment surgery. In their view, such operations are very controversial and Lithuanian society is not ready to accept the practice. Moreover, according to the MPs, the proposed amendment would "protect the Lithuanian state from new cases arising before the ECtHR."³¹ Interestingly, Lithuania does not openly refuse to comply with the ruling and has even created a working group to address the problem, although one might ask to what extent there is a genuine commitment to finding a solution. Perhaps the effectiveness of naming and shaming depends on the actor in question (the parliament or the government), but more research would be helpful in understanding how this mechanism works. Notably, the Lithuanian Bishops' Conference has submitted its comments to the working group, which exemplifies the role that the Lithuanian Catholic Church plays in politics and lawmaking.

WHILE SOME STUDIES have shown that LGBT activism might play a central role in changing popular attitudes, others have emphasized the role of political elites. According to some scholars, "elites are likely to have an especially strong impact when the issue of political tolerance arises."³² Marcus et al. argue that people will pay attention to the behavior of political elites both with respect to information on what is happening and on how they should respond to issues of threat and tolerance.³³ Since Lithuania's accession to the EU, only a few Lithuanian politicians have shown support for LGBT rights. According to the FRA survey in 2012, 58% of respondents thought that offensive language about LGBT persons by politicians was "very widespread" in Lithuania. Moreover, while this year's Baltic Pride parade attracted many politicians from abroad (including Ann Linde, the Swedish Minister for the EU Affairs and Trade, Alice Bah Kuhnke, the Swedish Minister of Culture and Democracy, Israel's ambassadors Amir Maimon, Norway's ambassador Dag Malmer Halvorsen, the vice-president of the EU Parliament Ulrike Lunacek and others), only a handful of Lithuanian politicians joined the march.³⁴ The mayor of Vilnius and the leader of the Liberal Movement party, Remigijus Simasius shared a video welcoming the event, but cited personal reasons for non-participation. Following the Baltic Pride events, "15 min", which is one of the

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most popular news websites in Lithuania, “named and shamed” Lithuanian politicians for not participating in the event.³⁵

In the upcoming parliamentary election on October 9, only two out of fourteen political parties (the Liberal Movement Party and the Lithuanian Green Party) in their election programmes mention support for same-sex partnerships. The only openly gay MP, Rokas Zilinskas (of the Homeland Union-Lithuanian Christian Democrats party), voted in favor of the amendment to Article 38 of the Constitution. With respect to same-sex partnerships, Zilinskas has recently stated on his Facebook page that, “the state can but does not have the obligation to support same-sex relationships, call them family, and grant them legal protection.” It is of course impossible to estimate the precise relationship between the behavior of politicians and public attitudes, but some surveys seem to indicate that the level of tolerance in Lithuania has decreased. For example, according to the Eurobarometer survey (2015), the percentage of Lithuanian respondents who are comfortable or moderately comfortable with a gay, lesbian, or bisexual person in the highest elected political position has decreased compared to 2012, and as many as 59% of Lithuanians reported being uncomfortable.³⁶

TO CONCLUDE, the EU’s policy of membership conditionality played an important role in creating Lithuania’s formal framework for LGBT rights protection, since acceptance of homosexuality at the time was low and the demand for change did not come “from below”.³⁷ According to “the spiral model” of human rights change proposed by Risse et al. the process almost always begins with some instrumentally or strategically motivated adaptation by national governments to growing domestic and international pressures, but often “sets in motion a process of identity transformation, so that norms initially adopted for instrumental reasons are later maintained for reasons of belief and identity.”³⁸ Yet, it is also possible that a backlash will occur against the unpopular norms introduced solely because of the EU pressure. According to Epstein and Sedelmeier, as the incentive structure for the new member states changes, we would expect deterioration in post-accession compliance with costly pre-accession demands of international institutions.³⁹ Given Lithuania’s Soviet past, its Catholic identity and a lack of debate preceding changes in the area of LGBT rights, post-accession resistance was hardly surprising. Instead of contributing to a more tolerant and open Lithuania, the majority of politicians attempted to limit the scope of LGBT rights through new legislation, and the few attempts to actually broaden the protection, for example, by legalizing same-sex partnerships, were unsuccessful. The existing legal norms did not produce a “culture-shifting” effect and popular attitudes remained as a result largely negative.⁴⁰

Even though the EU’s conditionality *per se* did not make Lithuanian people more tolerant, it may have created the conditions for winning hearts and minds in the long run. Despite the fact that the majority of LGBT persons continue to hide their sexual or gender identity (in 2012, 81% did so at school and 55% at work), the problems they face are no longer invisible, and even backlash-like developments contribute to sparking a de-

bate. As one Lithuanian LGBT activist told me: “The positive development is that we are talking about it – there isn’t a day that you don’t find an article on the news related to LGBT. The more often people talk, the more often they encounter, the more often they rethink their fears and views, the better; it’s a process – the ball is rolling and we can’t stop it, it’s just a matter of time...”⁴¹ In Sweden, which is often regarded as one of the most progressive countries in the world in terms of LGBT rights, it took 65 years from the decriminalization of homosexuality in 1944 to the legalization of same-sex marriage in 2009. Hopefully, events such as this year’s Baltic Pride will send a positive message to those still living in the closet in Lithuania. ✖

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references

- 1 Around 300 participants in 2010 and between 400 and 800 in 2013.
- 2 The expected number of participants was around 1,000 but some sources report that as many as 3,000 people participated. After strong criticism from human rights organizations and some public figures (e.g., Andrius Tapinas), in the beginning of August the Prosecutor’s Office decided to start pre-trial investigations regarding some of the comments, which could be qualified as inciting hatred and violence against a group or a person because of sexual orientation.
- 3 Interview with the author.
- 4 Laima Vaige, PhD candidate, Uppsala University; interview with the author.
- 5 Inga Aalia and Kjetil Duvold, “Fear and Loathing in Lithuania,” *Baltic Worlds* 2(2012): 40–47.
- 6 The ranking takes into account countries’ progress in legal protection and policies with respect to equality and non-discrimination, family life, hate crime and speech, legal gender recognition and bodily integrity, freedom of assembly, association and expression, and asylum. ILGA-Europe, Rainbow Map 2012: http://www.ilga-europe.org/sites/default/files/Attachments/ilga-europe_rainbow_map_side_a.pdf.
- 7 The third Baltic State, Estonia, which was the first post-Soviet state to legalize same-sex partnerships in 2014 (the Registered Partnership Act came into force on 1 January 2016), was 22nd. ILGA-Europe, Rainbow Map 2016: <http://www.ilga-europe.org/resources/rainbow-europe/2016>.
- 8 http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm.
- 9 The place of LGBT rights in the EU’s membership requirements was somewhat ambiguous. With respect to acquis conditionality, at the time of the accessions in 2004 and 2007, only one directive addressed the issue of LGBT rights (the Employment Equality Directive, 2000/78/EC, addressed discrimination based on religion or belief, disability, age, and sexual orientation in employment and occupation). In the 1990s, the European Parliament passed a number of resolutions calling for equal rights for homosexual persons and recommending the Commission “to take into consideration respect and observance of the human rights of gays and lesbians when negotiating the accession of applicant countries”, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A51998IP0824>.
- 10 This was the highest number in the EU. FRA LGBT Survey, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012?mdq1=theme&mdq2=3507>.
- 11 The percentage of persons who support equal rights of homosexuals and bisexuals was not very different in other countries of the CEE:

- 44% in Estonia, 48% in Croatia, 42% in Latvia, 49% in Hungary, 37% in Poland. "Discrimination in the EU in 2015": <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077>.
- 12 "Vilmorus" survey, September 5–15, 2013 (funded by a stipend from the Swedish Institute's Baltic Sea Region Cooperation).
 - 13 Lithuania is a party to such treaties as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Elimination of All Forms of Discrimination against Women, the European Convention on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the European Social Charter, etc.
 - 14 Article 138, the Constitution of the Republic of Lithuania; Article 11(2), Law on International Treaties of the Republic of Lithuania.
 - 15 Xinyuan Dai, "The 'Compliance Gap' and the Efficacy of International Human Rights Institutions," in *The Persistent Power of Human Rights: From Commitment to Compliance*, eds. T. Risse et al. (Cambridge: Cambridge University Press, 2013).
 - 16 Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press, 2009), 132.
 - 17 The Supreme Administrative Court of Lithuania, Case No. A-858-2475-13, July 23, 2013.
 - 18 Article 170 bans public mocking, contempt, incitement to discrimination, hate, and violence towards various groups on a number of grounds including sexual orientation.
 - 19 Ruling of February 18, 2015.
 - 20 The Lithuanian Constitutional Court, Case No. 21/2008, September 28, 2011: <http://www.lrkt.lt/en/court-acts/search/170/ta1112/content>. In the ruling, the Court established that although marriage has an exceptional value in the life of society, it is only one of the grounds for the creation of family relations: "this does not mean that the Constitution, inter alia the provisions of Paragraph 1 of Article 38 thereof, does not protect or defend families other than those founded on the basis of marriage, inter alia the relationship of a man and a woman living together without concluding a marriage, which is based on the permanent bonds of emotional affection, reciprocal understanding, responsibility, respect, shared upbringing of the children, and similar ones..." Note that the ruling does not refer to same-sex relationships.
 - 21 The LGL and The Heartland Alliance for Human Needs and Human Rights, *Human Rights Violations of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Lithuania: A Shadow Report*, July 2012, http://www2.ohchr.org/english/bodies/hrc/docs/ngos/LGBT_Lithuania_HRC105.pdf.
 - 22 Gerald Rosenberg, "Courting Disaster: Looking for Change in All the Wrong Places," 54 *Drake Law Review* 795 (2005).
 - 23 Currently, Article 38 of the Lithuanian Constitution stipulates: "The family shall be the basis of society and the State. Family, motherhood, fatherhood, and childhood shall be under the protection and care of the State. Marriage shall be concluded upon the free mutual consent of man and woman..." The draft amendment (No. XIIP-3981) was registered for the first time on December 15, 2011 (signed by 98 MPs). The first voting on June 19, 2012, did not reach the threshold of 94 votes (short of just one vote). A very similar draft was registered in 2013 with the support of 108 MPs (No. XIIP-1217). The proposed amendment aims to add that family is created on the basis of marriage (which is between a man and a woman), but can also arise from motherhood and fatherhood. Moreover, marriage, family, motherhood, fatherhood, and childhood shall be under the protection and care of the State.
 - 24 The reasoning of the Committee as well as comments and suggestions is available here (in Lithuanian): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=1150256.
 - 25 Elections to the Seimas will be held on October 9, 2016.
 - 26 Amnesty International, *Lithuanian Parliament Passes Homophobic Law*, July 14, 2009, <https://www.amnesty.org/en/latest/news/2009/07/lithuanian-parliament-passes-homophobic-law-20090714/>. Human Rights Watch, *Lithuania: Reject Censorship Law*, June 24, 2009, <https://www.hrw.org/news/2009/06/24/lithuania-reject-censorship-law>.
 - 27 EP resolution on the Lithuanian Law on the Protection of Minors against the Detrimental Effects of Public Information, September 17, 2009, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0019&language=EN>.
 - 28 The law remains problematic since Article 4(16) describes as detrimental information "expressing contempt for family values, encouraging the concept of entry into marriage and creation of family values other than stipulated in the Constitution and the Civil Code of the Republic of Lithuania."
 - 29 Explanatory note of May 29, 2012, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=425639&p_tr2=2.
 - 30 Parlamentarai nusigreze nuo baudu uz "seimos niekinima" [Parliamentarians turned away from fines for "family contempt"], <http://lietuvsdiena.lrytas.lt/aktualijos/parlamentarai-nusigreze-nuo-baudu-uz-seimos-niekinima.htm>.
 - 31 Seimo nariai svarstys siulyma uzdrausti lyties keitima [Members of the Seimas will discuss the suggestion to ban gender reassignment]: <http://www.delfi.lt/sveikata/sveikatos-naujienos/seimo-nariai-svarstys-siulyma-uzdrausti-lyties-keitima.d?id=61461130>.
 - 32 G. E. Marcus et al., *With Malice Towards Some: How People Make Civil Liberties Judgments*, (Cambridge: Cambridge University Press, 1995) 225.
 - 33 Ibid.
 - 34 Neither the President, nor the PM, nor the speaker of the Seimas participated. However, a few days before the march, the Lithuanian Ministry of Foreign Affairs on its homepage published a declaration in support of the 2016 Baltic Pride parade, which was signed by twenty-two foreign embassies. Common Declaration in Support of the Baltic Pride 2016, <https://www.urm.lt/default/en/news/common-declaration-in-support-of-the-baltic-pride-2016>.
 - 35 Skirmantas Malinauskas: Penki didziausi eityniu "Baltic pride" netiketumai [Skirmantas Malinauskas: Five Biggest Surprises of the Baltic Pride], <http://www.15min.lt/naujiena/aktualu/komentarai/penki-didziausi-baltic-pride-netiketumai-500-643829>.
 - 36 Similar numbers were reported in Romania, Bulgaria, and Latvia; the EU average was 21%. "Discrimination in the EU in 2015".
 - 37 *The World Values Survey* (Wave 3) showed, that in 1997, only 1% of Lithuanian respondents thought that homosexuality was "always justified" and 68% said that it was "never justified." World Values Survey, Wave 3, 1995–1999.
 - 38 Risse et al, eds., *The Power of Human Rights: International Norms and Domestic Change*, (Cambridge: Cambridge University Press, 1999), 10.
 - 39 Rachel A. Epstein and Ulrich Sedelmeier, "Beyond Conditionality: International Institutions in Postcommunist Europe after Enlargement," *Journal of European Public Policy* 15, no. 6 (2008): 797.
 - 40 According to Thomas B. Stoddard, for a law to be "culture shifting" it has to fulfill the following four criteria: the prescribed change has to be broad and legitimate; there should be public awareness and good enforcement. Thomas B. Stoddard, "Bleeding Heart: Reflections on Using the Law to Make Social Change," *New York University Law Review* 72, no. 5 (1997): 967–991.
 - 41 Interview with the author (a field trip to Lithuania was funded by a stipend from the Swedish Institute's Baltic Sea Region Cooperation).