

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Lithuania: Baltic Pride must go ahead without hindrance

Amnesty International wrote to the Mayor of Vilnius to express its deep concerns with regard to the restrictions imposed by Vilnius municipal authorities on the Baltic Pride 2013, whose march is planned to take place on 27 July on the main city avenue.

Amnesty International believes that the restrictions imposed by the Vilnius municipality authorities are in violation of Lithuania's obligations under international human rights law and in particular Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 21 of the International Covenant on Civil and Political Rights (ICCPR).

According to the information made available to Amnesty International, on 11 January the Lithuania Gay League (LGL), the organizer of the Baltic Pride 2013, notified the Vilnius municipality authorities of the planned date, time and location of the Pride march. On 16 January, the municipality authorities issued an order by which they objected to holding the march in Gediminas Avenue. The municipal authorities motivated their objection with the difficulty to secure the safety of the participants; the need to close cafes, bars and hotels to the public due to the security concerns, thus causing an economic loss to third parties; and the fact that the alternative location proposed by the order was the same granted to Baltic Pride organizers in 2010. Following the above mentioned concerns, the municipal authorities have provided two alternatives: either to change the nature of the event, i.e. to hold a rally in one of the city squares, or to change the location of the march to Upės Street, a rather isolated location on the bank of the river.

As a consequence, on 23 January 2013 LGL has submitted a request to the Deputy Director of Administration of Vilnius City Municipality to initiate a new approval procedure with regard to the Baltic Pride March on 27 July 2013.

Under international law, any restrictions on the right of freedom of peaceful assembly must be prescribed by law; they must be proportionate and necessary in order to address a legitimate aim. While ensuring the safety of Baltic Pride participants is a legitimate aim, to deny the permission to hold the march in the city centre is not a proportionate restriction to freedom of assembly, as Vilnius municipal authorities have failed to provide factual information about the security threats against the Pride march. In case of security threats, it is a positive obligation of the State to ensure the protection of the participants. Furthermore, the economic interests of third parties are not a legitimate aim to restrict the right to freedom of assembly.

Amnesty International urges the Vilnius municipality authorities to reverse the order of 16 January, which in contravention with Lithuania's human rights obligations, compels the organizers to either change the nature of the event, or to relocate the march to the outskirts of the city. By doing so the order disproportionately restricts the right to peaceful assembly and association, freedom of expression and non-discrimination of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Lithuania in a manner which is not necessary in a democratic society.

Amnesty International also urges the Vilnius municipality authorities to ensure that the organizers of the Baltic Pride will be able to carry out the various events planned in July 2013, including the Pride

march without obstructions or hindrances that would amount to an unlawful restriction of their right to freedom of peaceful assembly. Moreover, the necessary security arrangements should be put in place to ensure the safety of Pride participants and organizers.

ADDITIONAL INFORMATION

The organizers of Baltic Pride 2013, Lithuania Gay League (LGL) argued that by the order No. A30-51 imposing restrictions to the Baltic Pride march („Dėl asociacijos Lietuvos gėjų lygos organizuojamų eitynių“) the Vilnius municipality authorities had contravened the Law on Public Meetings (LR Susirinkimų įstatymas, 8 November 2012, No. XI-2385). The Law only foresees an obligation by the organizers to notify the municipal authorities about the time and location of the planned event. The municipal authorities on their behalf are obliged to verify whether the selected location complies with the requirements of the Law, and to issue the document validating the notification of the public event. By the Law, the municipal authorities cannot impose an alternative location if the location, proposed by the organizers, does not contravene any legal provision.

Also accordingly to the Lithuanian Supreme Court, the right to freely choose location, time, purpose and mode of public assembly constitutes an essential part of the effective exercise of the right to peaceful assembly, as stated in its judgment Center for Equality Advancement & Human Rights Monitoring Institute vs. Vilnius City Municipality on 4 April 2011. The Court ruled that the right to freedom of assembly can only be limited by providing factual evidence on how the exercise of this right will interfere with security, public order, health and morals or the rights and freedoms of the others. The Court has emphasized that “the decisions by public authorities have to be grounded on substantiated factual evidence and not mere assumptions.”

Amnesty International recalls that respecting the right to freedom of assembly entails a positive duty on the State, by its law enforcement officials, to ensure the protection of participants and organizers of any lawful assembly without discrimination. Genuine, effective freedom of peaceful assembly cannot, be reduced to a mere duty on the part of the State not to interfere, as recognized by the jurisprudence of the European Court of Human Rights (e.g. in the cases of Plattform "Ärzte für das Leben" v. Austria and Bączkowski and others v Poland).

Furthermore, Lithuania has a duty to fulfill the principle of non-discrimination, including on the ground of sexual orientation, which is enshrined in Article 12 of the European Convention of Human Rights (ECHR) and Protocol 12 thereof, as well as Article 21 of the Charter on Fundamental Rights of the European Union and in Article 19 of the Treaty on the Functioning of the European Union.

Amnesty International also refers to the “Guidelines on Freedom of Peaceful Assembly” published in 2007 by the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR). Principle 4 of these guidelines states that when states impose restrictions on freedom of assembly, they should use the “least intrusive means” and may “not routinely impose restrictions that would fundamentally alter the character of an event, such as routing marches through outlying areas of a city.” Moreover, “any alternative must be such that the message that the assembly seeks to convey is still capable of being effectively communicated to those it is aimed at — in other words, within sight and sound of the target audience”. Also, according to OSCE Guidelines assemblies are as legitimate uses of public space as commercial activity or the movement of vehicular and pedestrian traffic. This must be acknowledged by local authorities when considering the necessity of any restrictions.