

18th of October 2021  
European Council, Strasbourg

Good afternoon to everyone. I am very glad and proud that I can stand here in front of you all today. It is a very important and special event for all of us. Thank you for having me.

### **1. Case Beizaras and Levickas v. Lithuania.**

About seven years ago I have uploaded a simple picture of me and my partner kissing each other on my personal account on Facebook. After about 24 hours the comment section under that picture became the main place of violent hate speech against LGBTQIA+ community. The comments were so brutal that it was hard to believe it is happening in real life. Stone them to death. You should be thrown into the gas chamber. You should be exterminated. Kill them. Those are only few examples from hundreds of violent hate comments I have found under my picture.

As the situation escalated and hate speech spread went uncontrollable, we have decided to ask Lithuanian Gay League, the national LGBT+ rights organization in Lithuania, to report the crime to the prosecutor office for us, since we were afraid to be persecuted or attacked by the individuals who wrote the hate comments under the picture and or be taken not seriously by the Lithuanian authorities. Our case was widely covered by Lithuanian media and attracted even more attention and sadly even more hate. It was uncomfortable to walk in the city streets since some people were shouting similar things we have seen in comments under the picture. After some time, we have got the answer. I want to notice that hatred and violence, including on ground of sexual orientation, does constitute a criminal offence under Lithuanian law and is punishable up to three years of imprisonment. But they will not start an investigation. In fact, the prosecutor was defending the perpetrators by saying that the comments they have written are not ethical, but they are also not criminal. But we decided not to give up. We moved the case to the district court. And sadly, got the same answer with some additional thoughts from the judge. On the decision the judge stated that we should have known that Lithuania is a very traditional country and called homosexuality an eccentric behavior.

I was shocked. We not only didn't get any legal help from the Lithuanian justice system, but we were blamed for provoking people. I never felt that bad and unsafe in my country as I was feeling after I have read the last decision. It was now clear that there are no more ways how we could get legal help in Lithuania. By this decision the hate comments continued to be written under the picture.

That was why we have decided to move to the European court for human rights in Strasbourg. Where five years after the application the decision was made in the early 2020. It was now clear that Lithuanian authorities failed to ensure access to legal help for the hate crime victims. By doing that they violated article 8, 13 and 14 of the European convention of human rights.

It lasted five years to reach the result we were expecting to achieve on the first step as we did report the crime to the prosecutor office.

At this point Lithuania was obliged to execute the judgment of the European court for human rights which means that Lithuanian authorities had to start the investigations they have declined in the year 2015 and as for now there are ten to fifteen ongoing

investigations where I must take part too and testify and even face the perpetrators, people, who were telling that they are going to kill me. Which is not the most pleasant experience as you can imagine.

I wish that would be it, but it is not. Lithuanian authorities are failing again. They are looking for and finding various reasons to discontinue the investigations and close the cases with perpetrators left unpunished and me and a lot of LGBTQIA+ community people facing hate crimes standing in obscurity and feeling that justice system failed for us just because we are who we are.

In those ongoing cases I have heard plenty of different argumentations about why the investigations should be discontinued. From police investigators saying that it is not possible to find out who pressed the enter button on computer to persecutors and judges saying that the act of hate speech is not dangerous anymore or that applying criminal law in case like this is too cruel and does not bring any results. Of course, the accused ones are telling that they are very sorry now and that they regret criminal offense they have committed even when I know they are not sorry at all and in some cases even proud about it.

I already see that Lithuanian justice system is failing once again. They are failing to fulfil their positive obligations to protect the targeted persons against discrimination and failing to effectively respond to complaints on account of applicant's sexual orientation.

My main mission is not to fill Lithuanian prison cells with people who committed online hate crimes. Of course not. Most important thing is that Lithuanian authorities should finally take those crimes serious and that they must stop closing the cases without any proper reasons and serious investigations. That is not only a wish from me but also an obligation described in Lithuanian law.

By being the applicant on these ongoing cases I clearly see the lack of information and experience on investigating online hate crimes that Lithuanian authorities are facing. That is a huge problem which leaves dozens of cases being dismissed or investigations discontinued. And I can only imagine how insecure and what kind of disappointment the hate crime victims feel. Not every person has the knowledge, strength, and possibility to fight the authorities which are failing to fulfil laws written in the most important book of the country – the Constitution.

## **2. LGBTQIA+ rights situation in Lithuania now.**

I am a lot in contact with LGBTQIA+ community people in Lithuania. I become a lot of letters and messages asking for advice or simply complaining about the apathy starting from other people around us to teachers, professors, institutions and even politicians.

Young people are sharing stories from schools about lessons where they have to listen to questionable experts telling them that LGBT+ people are ill, comparing our community members to paedophiles and other horrible things. How can we talk about young people feeling safe in schools and trusting school administration when such kind of information is being distributed right now in the year 2021.

I have stories about teachers and social workers who should actually be the first people you can trust on and ask for help when someone tells you that there is something wrong about you because you are homosexual, doing the opposite and in some cases even encouraging students to rise and fight against homosexuality. Sadly, this is the nowadays reality of LGBTQIA+ students not only in Lithuania but in many other European countries.

Universities are not allowing to use their names on LGBT+ student initiatives. Even worse they are threatening students with sanctions if they do so.

LGBTQIA+ teenagers and young adults are facing the worst in Lithuania. You are being discriminated in schools and universities. You can't even feel safe at home. Young people are trying to find people from the outside to help them with the problems they are facing in schools and home. They trust people they don't even know because it looks easier and safer than to face negative consequences after coming out to family members or people in schools. Even now just moments ago this event I became a message telling me „hey, my parents threw me out of the house because I am gay“. That makes me feel so immeasurably sad and powerless which maybe it wouldn't if this had been the first and the last time. But it's not.

It is almost casual now to get to know that a friend or a friend of a friend has killed himself. Lithuanian suicide rates are one of the highest in the world and highest in Europe. That is where we sadly choose to be first at. And every day means yet another life. Another fight lost. It is just too expensive to wait any longer.

As you may already know LGBTQIA+ community is facing discrimination and hate crimes every day and in a very wide spectre of surroundings. That's why we should fight against it not only in international and national courts but also in everyday life.

### **3. The ending word.**

LGBTQIA+ people should be and feel safe online. As every other citizen, we should be able to use social media and share online without fearing a backlash. Unfortunately, it is not always the case, which is why human rights activist continue to fight a fight to protect all and everyone from facing discrimination.

I am very happy that the case Beizaras and Levickas v. Lithuania has already made such a big impact not only in Lithuania but also in other member states. I know that the judgment is already being used as an argument in new hate crime cases. It also helps me to continue the fight I have started six years ago. And I truly believe that by doing that, later, other people facing online hate crimes will receive way more effective respond and help from Lithuanian authorities. That is the most important reason why I am and will continue to work on that as long as I will find the strength and inspiration.

It was the iron curtain once and became the rainbow curtain now. That curtain divides east and west Europe when we come to the topic of LGBTQIA+ people rights. On the one side of the curtain our community can enjoy a quality life. On the other side the life can be bitter. And that is a serious issue. We don't want to be victims of inability to ensure that countries maintain the standards that allowed them into the club.

There are still loads of work to be done until a gay, bisexual or transexual person in Eastern Europe has the same rights and feels as equally treated as his friend in the west. Only then we can honestly discuss what European values mean and stand for and if they connect or divide us.

As a union which is made on a fundament of democracy Europe should not allow certain countries to try to deny the values or let vulnerable minorities to be discriminated.

The first openly gay senator in the United States Tammy Baldwin once said. There will not be a magic day when we wake up and it is now okay to express ourselves publicly. We make that day by doing things publicly until it is simply the way things are.

Thank you for listening. I will be more than happy to answer all your questions later.