

ILGA-Europe Pilot Human Rights Violations Documentation Fund Guidelines for activity reporting for the grantees - 2009

Please, do not exceed a total of 6 pages

Reporting period: 10 09 2008 – 31 07 2009

1. Organizational details

Name of the organization: Lithuanian gay league

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Number of people working on the project (staff and volunteers): 3

Changes in the project leadership (if different from the application):

2. Narrative Report

2.1 What kind of information did you collect?

The main subject of this project was monitoring of the developments (progress or regress) in politics and the regulation of state administrative sector with respect to LGBT inclusion (recognition of the rights) and of the actions of local government bodies. During the project we monitored the legal process undergone by a case as well as of other forms of intervention in a case. For case monitoring collection of relevant documents consisted of primary documents relevant to case: complaints, appeals, court speeches, etc. Also secondary documents, referring to those produced or based on primary documents: the account of a journalist published in a newspaper, or the resulting work of a researcher, speech of spokesperson representing authorities, articles or other press cuttings, which present an argument or describe something from a particular viewpoint. Documents needed for situation indicating, such as legal acts, projects, programs and other administrative acts, speeches of politicians, etc. was also collected.

2.2 How did you collect it?

Two main methods were combined in fact-finding activity for data needed for case monitoring - trial observation and collection of relevant documents.

Different sources for finding data, such as primary sources (evidentiary documents), press and other media, LGBT organisations, national human rights institutions were used.

Methodology:

The “violations” approach was used extensively as an indicator in monitoring LGBT rights and measuring collected information (especially for situation analysis). This approach seeks to identify the violations of recognized rights, as well as the steps taken by authorities to comply with their obligations.

Violations done by authorities can be less visible acts, comparing with other types of violations (direct violence, bullying, hate speech, etc.) like for instance the failure of a government to adopt a policy for combating homophobia. In our case violations are understood as:

- a. acts of commission, by the state or by parties insufficiently regulated by the State;
- b. acts of omission by the state

The violations on the part of the state are seen in terms of its failure to comply with its three different types of obligations. These are:

- a) obligation to respect, which is to abstain from doing anything that violates the integrity of the individual or group or infringes on her/his/their freedom. (Example of such violations could be banning of a gay parade or refusing permission for another public event in violation of the obligation to respect freedom of speech, right of assembly, etc.)
- b) obligation to protect, which is to take the measures necessary to prevent other individuals or groups from violating the rights of the individual or group, including the prevention or infringement of the enjoyment of her/his/their freedom (Example of such violations could be inaction when homophobic group attacks LGBT people).
- c) obligation to fulfill, which is to take the measures necessary to ensure for each person within its jurisdiction opportunities to obtain satisfaction of those needs which cannot be secured by personal efforts. (Example of such violations could be adopting a law, which contradicts Constitutional rights or failure to adopt LGBT inclusive policies and regulations, which must be adopted according to EU politics).

The “events methodology”, which involves identifying the various acts of commission and omission that constitute or lead to human rights violations were used for indicating purposes in case monitoring. This methodology involves investigating and documenting an event that is suspected of or confirmed to be consisting of one or more acts considered as violations. Direct

qualitative and quantitative indicators, revealing current situation, were carefully chosen during task setting stage of a project.

2.3 Did you have any partners in this project? If yes, please briefly describe the role of each partner.

No

3. Results

3.1 What product has come out of the project (e.g. report, CD ROM, survey)? Please, give a short description.

The survey report “Monitoring of LGBT rights violations in Lithuania – ULTRA VIRES LT” was published. The report includes material collected during the project, as well as material available from previous studies and equal opportunity surveys and analyses and is aimed at presenting the legal situation in this area. The major focus of the report is the analysis of the legal practice that is developing in the area of politics and the regulation of state administrative sector with respect to LGBT inclusion (recognition of the rights) and of the actions of local government bodies. The practice of the Lithuanian Gay League, the largest non-governmental organisation in Lithuania defending LGBT rights, for defending the rights violated by the actions of public bodies at judicial and pre-trial institution is provided. The main issue discussed in the report is the search for legitimate methods for defending LGBT rights and the modelling of a strategy for recognising LGBT rights in Lithuania.

3.2 Give details on how you plan to use this information - for advocacy or other purposes (at local, national and/or European level)?

The report will be distributed to the stakeholders in the human rights field. It will be sent to different international human rights organisations (OSI, Human rights watch, Amnesty international, etc.), also international LGBT rights organisations, equality bodies, etc. All the data collected will be directly used in organisation’s advocacy and lobbying activities, which are closely connected with the subject. Conclusions and findings gathered into a final report would serve as valuable research on the issue, further dissemination of which could be also strengthened by follow-up activities.

3.3 Has the project had any positive or negative impact on your organization?

The project has put a start to the compilation and documentation of the archive of legal cases on the LGBT issues. It is the largest directory in the country.

3.4 What are the lessons you have learned internally? What learning would you share with others undertaking similar projects?

Firstly we learned how to document such an archive. It is important to make sure to keep the records of the source and date of the information collected so it could serve as evidence if needed. Collected documentation on LGBT rights violations by Lithuanian authorities and processed results will help us to form a clear view on the situation in the country. It will provide an information material for the LGBT community which would allow raising awareness on the issue as well as raising awareness in society in general.

4. ILGA-Europe

4.1 Do any of your findings have relevance for European-level policy on LGBT issues? If yes, what role could ILGA-Europe play in raising the findings at European level with you?

As mentioned above, the main outcome of this project (report) will be distributed to the stakeholders in the human rights field. The evidence of discrimination collected by our project will be used as a follow-up input to European Commission for its monitoring reports, European Parliament for the Parliamentary reports on human rights, European Council for the Presidency, in the context of its human rights activities. Findings made by our report would serve as a useful material (database) to other studies targeting situation on this matter internationally.

The Office of the Commissioner for Human Rights of the Council of Europe intends to draft a policy-relevant comprehensive report on the situation regarding homophobia and discrimination based on sexual orientation and gender identity covering the 47 Member States of the Council of Europe (CoE). This will be broadly based on the working methodology of the Fundamental Rights Agency's (FRA) report on homophobia and discrimination on grounds of sexual orientation.

The CoE Parliamentary Assembly's legal affairs and human rights committee

will organize a hearing on LGBT human rights. The CoE Secretariat is also launching two studies: position of children in different marital and non-marital relationships, and a mapping of different forms and status of marriages and partnerships in the CoE member states.

LGL and project staff will be cooperating and providing needed information for these important initiatives. Our organisation will seek that human rights violations against LGBT people in Lithuania are mentioned in reports of the Parliamentary Assembly of the Council of Europe monitoring reports, statements by the Council of Europe's Human Rights Commissioner, EU human rights dialogues, etc. At the Council of Europe level LGL is already cooperating with Rapporteurs of the Assembly's Monitoring Committee and will bring to their attention details of human rights violations in Lithuania, with a view to persuading them to propose appropriate Recommendations to the Assembly. This should include any issues on which Lithuania does not observe the jurisprudence of the ECHR. ILGA-Europe could also play an important role in raising the findings at European level, acting as a go-between the European Parliament, providing different kind of support in relation to any issues arising from the project.

- 4.2 Were you satisfied with the quality of cooperation with ILGA-Europe?
Please, give a maximum of three positive and three negative points / examples, preferably with suggestions on how the latter can be improved.

We were satisfied with the quality of cooperation with ILGA-Europe. As we send the information letter regarding fund transfer in the budget items the staff of ILGA-Europe reacted accurately and promptly.

PLEASE, INCLUDE A COPY OF THE PRODUCT THAT HAS COME OUT OF THE PROJECT (DOCUMENT, CD ROM etc) WITH THE ACTIVITY REPORT.

5 Financial report

Please, provide the financial report according to budget lines submitted in the application.

PROJECT BUDGET	COST PER ITEM, EUROS	NR. OF ITEMS	OVERALL COST, EUROS	EXPENSES INCURRED IN LTL	EXPENSES INCURRED IN EIR	SPENT, EUROS	BALANCE
Human resources							
Legal expert (administrative and Constitutional law)	1425	1	1425			1424,71	0,29
<i>Payment order No. 2227, 2008-12-31 (08/12/01-1)</i>				4181,2	1210,96		
<i>Taxes (08/12/030-1), Payment order No. 2230 (2008-12-31),</i>				738,04	213,75		
Legal expert (anti-discrimination law)	1425	1	1425			1424,71	0,29
<i>Payment order No. 2228, 2008-12-31 (08/12/01-2)</i>				4181,2	1210,96		
<i>Taxes (08/12/030-1), Payment order No. 2230 (2008-12-31),</i>				738,04	213,75		
Monitoring assistant	700	1	700			700,00	0,00
<i>Payment order No. 2229, 2008-12-31 (08/12/01-3)</i>				2054,42	595,00		
<i>Taxes (08/12/030-1), Payment order No. 2230 (2008-12-31),</i>				362,54	105,00		
Operational costs							
Office expenses	100/month	10	1000			1000,00	0,00
<i>INVOCE ERL No. 0368, 2008-09-01.</i>				345,28	100,00		

<i>Payment No. 2177, 2008-09-08</i>							
<i>INVOCE ERL No. 0377, 2008-10-01. Payment No. 2188, 2008-10-02</i>				345,28	100,00		
<i>INVOCE ERL No. 0379, 2008-11-01. Payment No. 2201, 2008-11-06</i>				345,28	100,00		
<i>INVOCE ERL No. 0387, 2008-12-01. Payment No. 2213, 2008-12-03</i>				345,28	100,00		
<i>INVOCE ERL No. 0389, 2009-01-05. Payment No. 2233, 2009-01-06</i>				345,28	100,00		
<i>INVOCE ERL No. 0396, 2009-02-02. Payment No. 2250, 2009-02-06</i>				345,28	100,00		
<i>INVOCE ERL No. 0401, 2009-03-02. Payment No. 2258, 2009-03-05</i>				345,28	100,00		
<i>INVOCE ERL No. 0410, 2009-04-13. Payment No. 2294, 2009-04-30</i>				345,28	100,00		
<i>INVOCE ERL No. 0417, 2009-04-19. Payment No. 2313, 2009-05-28</i>				345,28	100,00		
<i>INVOCE ERL No. 0427, 2009-06-01. Payment No. 2330, 2009-06-09</i>				345,28	100,00		
Cost of use/advocacy activities							
Translations for report	15/page	30	450			478,60	-28,60

<i>ACT No. 013/2008, 2008-12-09. Invoice A No 2125374 Payment No. 2223, 2008-12-29</i>				1000	289,62		
<i>ACT No. 02/2009, 2009-04-15. Invoice A No 4468701 Payment No. 2289, 2009-04-27</i>				652,5	188,98		
Overall:			5000			5028,02	-28,02