

# Policy and Recommendation Paper on LGBT Media Reporting

Including three case studies:  
Croatia, Greece, Lithuania

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Centre for Civil Initiatives Porec  
Croatia, 2019



Funded by the European Union's Rights,  
Equality and Citizenship Programme  
(2014-2020)

This publication has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Commission.

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Eliminating Transphobic, HOmophobic and biphobic Stereotypes through better media representation (E.T.Ho.S.)

**Project coordinator:** George Koulouris

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## Introduction

The most recent and detailed research conducted on the experiences of LGBT individuals is the EU LGBT Survey - European Union lesbian, gay, bisexual and transgender survey conducted by the Fundamental Rights Agency (2013). The survey focused on the following categories: daily life, discrimination, rights awareness, transgender specific questions and violence and harassment. The results indicate that, overall, respondents in Bulgaria, Croatia, Cyprus, Greece, Ireland, Italy, Latvia, Lithuania, Poland and Romania generally experience a social environment that is less inclusive towards LGBT people and where they are more likely to be victims of violence, harassment and discrimination. Respondents who said that they felt personally discriminated against or harassed in the last 12 months on the grounds of sexual orientation, were around 60% in Croatia and Lithuania, and 48% in Greece.

In order to challenge long-lasting negative stereotypes and prejudice against LGBT people in their country - which fuel discrimination, harassment and hate crime- project partners from Croatia, Greece and Lithuania designed the [E.T.Ho.S.](#) project (“Eliminating Transphobic, HOmophobic and biphobic Stereotypes through better media representation”). Project is funded by the Rights, Equality and Citizenship Programme of the European Union, and is targeting one of the most powerful sources of representation, the media.

The role of the media is critical in addressing the phenomenon of homophobia, transphobia and biphobia. Instead of (re)producing negative stereotypes and prejudice against LGBT people, using offensive and abusive language against them and contributing to sustaining their social exclusion and “legalizing” discrimination against them, the media can play a vital role in communicating the needs of LGBT people, spreading awareness for human rights, justice and equality, achieving social inclusion and cohesion. Media can be used in a very positive, educational and awareness raising way in order to influence public opinion in favor of LGBT human rights.

These problems are also recognized by the European Union and tackled through their Directives and Recommendations. In the **Directive 2010/13/EU** of the European Parliament, the article 6. states that member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality. In the **Recommendations** of the Committee of Ministers to member states of Council of Europe **No. R (97) 21** on the media and the promotion of a culture of tolerance and **CM/Rec(2010)5** on measures to combat discrimination on grounds of sexual orientation or gender identity are listed

various measures with which countries should stop (re)producing negative stereotypes and prejudices against LGBT people through the media.

This policy document is created for advocacy and lobbying purposes in Croatia, Greece and Lithuania and is based on the results of desk and field research on the situation, conducted during the implementation of the E.T.Ho.S. project. This document consists of three parts, one for each country, in alphabetical order. More about this topic can be found in "[Media reporting and reference guide on LGBT issues](#)".



## Policy and Recommendation Paper on LGBT Media Reporting in Croatia

### Recommendations for improving the status of LGBT people through Croatian media for Pride without Prejudice

*Silvia Žufić Dujmović and Nataša Vajagić*

#### Summary

We like to think that in Croatia in 2019 we live in a modern community built on the foundations of respect for human rights, but research shows that the prejudices and stereotypes against LGBT persons are increasing, reinforcing negative perceptions of LGBT people and leading to discrimination, hate speech and hate crimes against them.

Although Croatia has a good legal framework to protect LGBT people from violence, discrimination and for the protection of family life, researches show that they still experience violations of their human rights in every aspect of their life, and those violations are rarely being reported.

The reason for this is that there is no trust in the institutions that they will resolve violations effectively and without secondary victimization. Croatian society is also still a not very safe and inclusive environment for LGBT people - especially compared with other EU member states - thus, LGBT people hesitate to file a report, ask for support or just speak out about their rights. The media, along with the state, can certainly play a key role in raising citizens' awareness, ie in preventing stereotypes and prejudices against LGBT people.

This policy document deals with the portrayal of LGBT people through the media in Croatia and recommends to the state, the media and the media schools how they can contribute to increase awareness and give more visibility to LGBT people and issues in a non discriminatory, non stereotypical and non abusive way, based on the collected information and analysis conducted during the implementation of [ETHOS project](#).

#### The life of LGBT people in Croatia

Several studies have been carried out on violence and discrimination against LGBT people in Croatia, but the largest field research was conducted in 2013 by Zagreb Pride, LORI and Queer sport Split. Six hundred ninety LGBT people were surveyed and the results showed that since 2006, **73.6% of respondents experienced some form of violence because of their sexual orientation, gender / gender identity and / or gender expression**. The most common

type of violence is psychological, followed by sexual and physical abuse. It is a worrying fact that **only 7.7% of people reported violence to the institutions**, while only 8.4% reported violence to one of the LGBT rights protection organizations.

The largest international research on violence and discrimination against LGBT people was conducted by the European Agency for Fundamental Rights – FRA (2013). A total of 93.079 LGBT people across the EU were surveyed, including Croatia. Research has shown that Croatia is at the very top with **60% of LGBT people who testified that they have experienced violence or discrimination on the basis of their sexual orientation and/or gender identity in the last 12 months**. As a result, a great majority of LGBT persons in Croatia do not disclose their

sexual orientation or gender identity, as confirmed by the ILGA Europe Annual Review 2016, which states that only 15% of the participants were very open or fairly open about their sexual orientation/gender identity.

The status of LGBT human rights in our society, among young people, is very bad. It was proven by the research conducted by GOOD initiative on civic and political literacy conducted among the students that has shown that the least tolerance is observed in relation to the LGBT. **Half of the respondents perceive it as a disease and would forbid LGBT persons to talk publicly in order to prevent bad influence on young people (GOOD Initiative 2015)**. Religion classes in educational system adopt the stance of the conservative Catholic Church, thus reproducing negative stereotypes and prejudices against LGBT people.

In Croatia, there are only few persons who are out as LGBT, which also says a lot about the general public's attitudes towards LGBT people in our society. Regarding public figures who came out, respondents in the interviews held at the beginning of E.T.H.O.S. project stated that they could count LGBT people who are openly LGBT on one hand, including activists known to the public. They listed activists, journalists, and artists, but they are not sure if they are out to the public.

Hate speech against LGBT persons in Croatia is present in different forms: in the public domain, in the media, in the electronic media, and in the last 10 years on social networks. After 2013, Zagreb Pride noted a high increase in hate speech against LGBT persons due to events occurring that increased tensions in the society.

Racist and intolerant hate speech in public discourse is escalating; the main targets are Serbs, LGBT persons and Roma. **In the regional media and on the Internet, expressions of racism and xenophobia against Serbs, LGBT persons and refugees are commonplace**, as is abusive language when referring to Roma. **Physical attacks against these groups as well as their property also occur** (ECRI 2018:9).



## Legal frameworks in Croatia

Croatia has a very good legal framework to protect LGBT people from violence, discrimination and for the protection of family life. The most important laws are the Anti-Discrimination Act, the Criminal Code and the Act on the Lifelong Partnership of Persons of the Same Sex. The **Anti-Discrimination Act** (NN 85/08, 112/12) provides the protection and promotion of equality as the highest value of the constitutional order of the Republic of Croatia, the preconditions for achieving equal opportunities are made and the regulation of protection against discrimination, including gender identity, expression or sexual orientation. **Hate crime** is defined by the **Criminal Code** (NN 125/2011, 144/2012, 56/2015, 61/2015, 101/2017) as “a criminal offense committed on basis of (...) sexual orientation or gender identity of another person” and **hate speech** through Article 325: “Whoever by means of press, radio, television, computer system or network, on a public event or other form of publicly promoting hate or publicly makes accessible leaflets, pictures or other materials that calls for violence or hatred directed towards a group of people or a member of a group because of their (...) sexual orientation, gender identity, (...) or any other trait, shall be punished by imprisonment for a term not exceeding three years”.

**Hate speech** is also regulated by the **Electronic Media Act** (NN 153/2009, 84/2011, 94/2013, 136/2013): “Audio and / or audiovisual media services are not allowed to encourage, favour the encouragement and spread hatred or discrimination on grounds of (...), gender identity, expression or sexual orientation, (...)” (Electronic Media Act, Art. 12, para. 2).

The Media Act (NN 153/09, 84/11, 94/13, 136/13) states that “It shall be prohibited to transmit programme contents in the media which incite or glorify ethnic, racial, religious, gender or other inequality or **inequality on the basis of sexual orientation**, as well as ideological and state creations on the basis of such foundations, and to provoke ethnic, racial, religious, gender or other animosity **or intolerance, animosity or intolerance on the basis of sexual orientation, to incite violence and war.**” (The Media Act, art. 3, para. 4).

## The media undoubtedly has the power to raise public awareness

In the last 17 years, positive progress in media reference and reporting of LGBT people/ issues have been made, although some problems remain present throughout these years. By continuous monitoring and analysis of the printed media (2001 and 2003), LORI concluded that the media are insufficiently informed about the social and political context of discrimination against LGBT persons and violations of their human rights. Media coverage

of LGBT topics has often proved inaccurate, sensational and superficial. ***Media professionals have shown themselves to be insufficiently informed, they approach LGBT issues as “exotic and extravagant” and are not too keen to promote human rights and LGBT people. This irresponsible reporting supports stereotypes and prejudices and spreads ignorance.***

Unlike in the early 2000s, most of the media reporting takes place in a neutral and informative manner. However, ***media don’t have a proactive approach and don’t deal with or examine the roots of the problem.*** This could change through additional education and the dissemination of knowledge about the lives, problems, challenges and the reality of LGBT people in Croatia.

There are few LGBT media in Croatia and some LGBT friendly media but also there are especially hostile conservative media and/or media close to the Catholic Church in Croatia. During the interviews conducted for the purposes of the project’s ETHOS field research, respondents said they see them as hostile because they allow guests to say anything, without dissociating from hate speech, and some of the media are clerical, ultra-right and spread homo / bi / transphobia without anyone sanctioning it.

## Conclusions and recommendations

Based on studies conducted in Croatia (Zagreb Pride 2013; K-Zona 2017; Ombudswoman for Gender Equality 2016/2017), the impression is that the state including public media does not do enough to protect LGBT persons and this is witnessed by a large number of violence against LGBT people and a small number of reported violence, and an even smaller number of prosecuted violence. LGBT people are experiencing violence and discrimination every day, but they are afraid to talk about it publicly. There is an extremely small number of LGBT people who are publicly out, which is indicative of the hostile climate in society. Although the obligations of the state are to promote pluralism and diversity of the media (The Media Act, art.5), public media covers LGBT issues rarely, and its employees can show homophobic attitudes.

There is no separate policy document in Croatia that would include combating homo/bi/transphobia in all areas of everyday life, including education, employment and health care. There is a National Plan for Combatting Discrimination in Croatia (2017-2022) and Action Plan (2017-2019) in which LGBT persons are barely mentioned. In the part regarding Public media and informing, there is no specific mentioning of LGBT persons, it only states that the Public media should abolish stereotypical, offensive and humiliating media coverage of individuals or groups on any grounds of discrimination.

The Code of Public Servants (OG 40/2011) contains measures to raise awareness of public authorities and/or institutions to refrain from hate speech against LGBT people. Article 6 states that public servants are obliged to ensure the rights, integrity and dignity of their profession without the discrimination, including discrimination based on sexual orientation and any other ground. Still, only a limited response to raising awareness took place – Croatia implemented the No Hate Speech Movement campaign in 2014 against online hate speech. LGBT persons were only marginally included/mentioned in the campaign. No other national awareness raising campaigns were implemented after that (Zagreb Pride 2018).

Croatia has made relevant steps regarding the improvement of LGBT rights in the last 4 years, especially when it comes to legally recognizing LGB life-long partnerships, but it still has a lot to work on regarding discrimination, hate speech and hate crime against LGBT persons.

Although the existing legal framework in Croatia is on a satisfying level, there is a problem of law implementation. Because of the homo/ bi/ transphobic climate in society, the ineffectiveness of the judicial system and secondary victimization, the reports of violations of law, on violence and discrimination are extremely rare. There is a need to work on raising awareness of the society and tackling homo/bi/transphobia, and the media is a channel that should act proactively on this regard. On the other hand, the role of the state should be to promote equal rights for all, and it should certainly be invested in education of all levels and institutions.

Based on the results of desk and field research conducted during the implementation of the EU funded [E.T.Ho.S. project](#), here are the following recommendations in order to prevent and combat the (re)production of anti-LGBT stereotypes, prejudices and hate speech by and through the Croatian media:

### Recommendations for the state:

- Encourage authorities to implement awareness raising campaigns against homo/bi/ transphobia through public and private media.
- Encourage political parties to take a non-discriminatory stand regarding LGBT in public statements/appearances.
- Support LGBT events/organizations financially or by promoting LGBT events/projects through media
- Create a policy document for combatting homo/bi/transphobia in all areas of everyday life, including representation in the media.

- Educate civil servants on LGBT rights to better contribute to the implementation of laws related to LGBT people
- Systematically carry out civic education in primary and secondary schools as a separate subject that will include media literacy, critical thinking and reading and LGBT human rights
- Better and more specific legislation regulating hate speech and increasing the authority of the Agency for Electronic Media

### Recommendations for the media schools:

- Incorporate LGBT human rights courses in the curriculum in journalism schools
- Organizing visiting lectures with LGBT human rights activists and/or LGBT experts to educate them on this topic through personal experience
- Introduce the Media reporting and reference guide on LGBT Issues in mandatory literature within human rights courses

### Recommendations for the media:

- Encourage media professionals to regularly attend educations regarding LGBT human rights.
- Encourage media professionals to prevent and sanction hate speech on the social networks they manage.
- Encourage media professionals to report in a non-sensationalistic way and to take a proactive approach when reporting on LGBT persons/human rights/events/life etc.
- Cooperate with the LGBT organizations/community and refer to them for information
- Educate at least one person on LGBT rights within the newsroom to be responsible for reviewing articles on LGBT issues
- Put human rights ahead of getting clicks or views in the media
- Educate editors on LGBT human rights
- Manage comments on social networks/remove and report hate speech

## Policy and Recommendation Paper on LGBT Media Reporting in Greece

### Challenging and preventing anti-LGBT stereotypes and prejudices by and through the Greek media: what can the State, the Media, Media Schools and Professionals' Unions do

*George Koulouris, Philippos Paganis, Thanasis Theofilopoulos*

#### Summary

For the most part, the Greek Media have contributed to the (re)production of negative anti-LGBT stereotypes and prejudices, sustaining the negative attitudes towards LGBT and their social exclusion. The Greek State, Media, Media Schools and Professionals' Associations can play a crucial role in combating discrimination and hate speech, and protecting the human rights of LGBT people. This Policy Paper includes recommendations for targeted actions that can be implemented to ensure and promote the rights of LGBT people by and through the Media, including educating and raising awareness among media professionals, setting up mechanisms for eliminating hate speech and discriminatory behaviour, and creating networks between the media and LGBT civil society organisations.

#### Greek media and the LGBT community: an introduction

Until recently, LGBT people and issues were almost always covered in a discriminatory and abusive way by Greek media. In particular, LGBT people were portrayed in a negative stereotypical and/or “sensational” way, while LGBT issues - when not totally excluded from media content and coverage - were followed by widespread anti-LGBT stereotypes and prejudices. Furthermore, the Observatory against Fascism and Racist Speech in the Media of the Educational Foundation of the Journalists' Union of Athens Daily Newspapers (ESIEA) as well as the Racist Crime Watch of the Greek Helsinki Monitor have recorded numerous cases of hate speech by and through media, including anti-LGBT hate speech. The National Council for Radio and Television (NCRTV) as well as the Greek Justice System are not always eager to investigate such cases of violation. During the last decade, the emergence of a strong organised and very active LGBT social movement – mainly through the foundation of LGBT NGOs and LGBT focused media giving voice to LGBT people – gradually has led the State to take action in favor of equality and human rights. Some of the major positive developments include legislative measures<sup>1</sup> but steps forward were also made in the Media sector as

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<sup>1</sup> Namely Law 4285/2014 on racist crime and speech, Law 4356/2015 regarding the expansion of the Civil

well: the official support of pride events and the LGBT helpline “11528-By your side” by the public Hellenic Broadcasting Corporation (ERT)<sup>2</sup> or the support of pride events by many private media,<sup>3</sup> a Joint Ministerial Decision<sup>4</sup> according to which the media spots labelled as social messages could now include non-discrimination messages on the grounds of sexual orientation, gender identity and sex characteristics,<sup>5</sup> the support and/or full involvement of media professionals and journalists’ associations in projects in favor of human rights of LGBT people,<sup>6</sup> are just some examples of a positive change in media sector. But these efforts must go on in order to achieve a more permanent result thus making homophobia, transphobia and biphobia a truly marginal phenomenon in the media sector and content. Anti-LGBT hate speech as well as the reproduction of common myths and stereotypes against LGBT people are still present in media content and coverage: this becomes very evident when an LGBT issue - e.g. a legal reform regarding the human rights of LGBT people - or event - e.g. the organisation of pride festivals - receives attention by the society in general and wide coverage among mainstream media in particular.

## Recommendations

KMOP and Colour Youth, based on the results of their desk and field research conducted in Greece during the implementation of the EU funded E.T.Ho.S. project, address the following recommendations to the Greek State, Media, Media Schools and Media Professionals’ Unions in order to prevent and combat the (re)production of anti-LGBT stereotypes, prejudices and hate speech by and through the Greek media:

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Union and racist crime, Law 4443/2016 on discrimination, Law 4491/2017 regarding Legal Gender Recognition and Law 4538/2018 regarding foster care by same sex couples.

<sup>2</sup> Antivirus Magazine Team. 2016 May 27. “ERT becomes proud sponsor of “11528- By your side” and Athens Pride and Thessaloniki Pride” [“Περηφανος χορηγός η ΕΡΤ στο πρόγραμμα “11528 - ΔΙΠΛΑ ΣΟΥ” και στα Athens & Thessaloniki Pride”], *Antivirus Magazine*. Retrieved from: <https://bit.ly/2xRvm3g> .

<sup>3</sup> Namely *Efimerida ton Syntakton* (newspaper and website), *Lifo* (newspaper and website), *Vice.gr* (website), *E-radio* (Hellenic Radio Portal), *Mad* (TV Channel), *Polis Free Press* (Thessaloniki free press magazine), *Shedia* (Athens and Thessaloniki street paper), *TV 100* (Thessaloniki local TV Channel), *V-FM 91,1* (Thessaloniki local radio station).

<sup>4</sup> By the *Ministry of Digital Policy, Telecommunications* and Media and the Ministry of Health.

<sup>5</sup> OLKE Lesbian & Gay Community of Greece, Athens Pride, Thessaloniki Pride, Proud Senior Greece, LGBT with disabilities, Colour Youth Athens LGBTQ Youth Community, Rainbow Families, Rainbow School, Positive Voice. 2018 June 7. Joint Announcement “We welcome the initiative of the Ministry of Digital Policy for the review of the *Joint Ministerial Decision for the Charge Free Broadcasting of Social Messages*” [“Χαιρετίζουμε την πρωτοβουλία του Υπουργείου Ψηφιακής Πολιτικής για την Αναθεώρηση της Κ.Υ.Α δωρεάν Μετάδοσης Μηνυμάτων Κοινωνικού Περιεχομένου”], Athens Pride. Retrieved from: <https://bit.ly/2LrcLUz> .

<sup>6</sup> KMOP - Social Action and Innovation Center. 2017 July 10. “Invitation in educational seminar for journalists and bloggers” [“Πρόσκληση σε επιμορφωτικό σεμινάριο, για δημοσιογράφους & bloggers”]. Retrieved from: <https://bit.ly/2LmDAJD> / KETHI - Research Centre for Gender Equality. 2018 May 30. Press Release “Training of journalists and professionals in the Media field completed” [ΔΕΛΤΙΟ ΤΥΠΟΥ “Ολοκλήρωση επιμόρφωσης δημοσιογράφων και επαγγελματιών στο πεδίο των ΜΜΕ”]. Retrieved from: <https://bit.ly/30AFekV> .



## Recommendations to the Greek State

### ► Recommendations to the Minister of Digital Policy, Telecommunications and Media (General Secretariat of Information and Communication)

- Encourage, support and facilitate - by any possible mean - the organisation of trainings for media professionals by media, media consortia and media professionals' association - in cooperation with LGBT and other human rights organisations - with regards to appropriate media reporting of LGBT people and issues, avoiding the (re)production of negative stereotypes and prejudices as well as anti-LGBT hate speech.
- Encourage, support and facilitate - by any possible mean - the involvement of media and media consortia in pro-LGBT activities, such as promoting the work of LGBT organisations, providing visibility to the challenges the LGBT community is facing, promoting LGBT human rights.

### ► Recommendations to the National Council for Radio and Television (NCRTV)

- Prepare and provide specific guidelines to all radio and TV stations regarding the respect of human rights, the appropriate media reporting on LGBT people and issues and the enforcement of the Equal Treatment Principle according to Law 4604/2019.
- Set up mechanisms to identify and eliminate hate speech in all radio and TV stations.
- Investigate without hesitation any incident of anti-LGBT hate speech and/or discriminatory and prejudice behaviours and practices by and through radio and TV stations. Immediately enforce penalties to any violation of Law 2328/1995.

## Recommendations to the Media and Media Consortia

- Give more space and time to LGBT people and issues in your media content in a positive, thus nondiscriminatory, non-abusive, non-stereotypical way.
- Consult and include the opinion of LGBT organisations and people when referring to/covering LGBT issues – avoid talking or writing about them without them.
- Greek LGBT organisations are nonprofit organisations advocating the human rights of LGBT people and providing support services to them for free: be a valuable ally to them by promoting their activities free of charge (e.g. support services, awareness campaigns, advocacy actions) as well as pride events.
- Facilitate the distribution of educational, informational and awareness-raising material (for example, practical guides) on anti-LGBT stereotypes, prejudices and hate speech produced by LGBT (and other human rights) organisations among the members of your staff.

- Inform the members of your staff about training workshops on LGBT issues organised by LGBT or other human rights organisations and encourage them to participate.
- Make sure that all members of your staff are aware of the provisions of Law 4604/2019 regarding the promotion of equal treatment in media and advertising as well as the national legal framework on racist/intolerant speech (Law 4285/2014) and discrimination (Law 4443/2016).
- For TV stations: include LGBT people and issues in your prime time zone program (in a non-stereotypical and prejudicial way), thus enhancing their visibility and promoting the inclusion and respect for LGBT people as totally equal members of society.

### Recommendations to Media Schools

- Introduce courses to the training curriculum about human rights, including specifically the rights of LGBT people, and the role of the media in promoting them.
- Cooperate with LGBT and/or feminist focused media in order to provide internships positions to your students.
- Inform and encourage your students to participate in LGBT and human rights training sessions.
- Organise seminars on how to identify and combat hate speech.
- Encourage and facilitate research on LGBT issues, human rights and media - for example by creating networks with LGBT organisations, organizing and/or hosting LGBT and/or human rights focused scientific events (e.g. conferences, workshops), disseminating educational material prepared by LGBT and human rights organizations.

### Recommendations to Journalists' Associations and Unions

- Update your Code of Conduct with clear references to the obligation of your members to respect human rights and avoid any discriminatory practices during their work, including discrimination on the grounds of sexual orientation, gender identity and sex characteristics.
- Organise and deliver training workshops - in collaboration with LGBT and human rights civil society organisations - for all members of the associations/unions on LGBT issues and, in particular, on good practices regarding inclusive and nondiscriminatory, non-abusive, non-stereotypical media reporting.

- Enforce strict penalties – including temporary or permanent deletion - in cases of anti-LGBT or any other prejudice behaviours and/or hate speech by your members.
- Distribution of educational, informational and awareness-raising material (for example, practical guides) on anti-LGBT stereotypes, prejudices and hate speech produced by LGBT (and other human rights) organisations to all your members.
- Create networks with LGBT organisations and other human rights organisations working with LGBT issues, for example by organising and/or hosting LGBT and/or human rights focused events (e.g. conferences, press conferences, workshops, etc).
- Create videos or campaigns for the elimination of hate speech and for the non-stereotypical media reporting.

## Policy and Recommendation Paper on LGBT Media Reporting in Lithuania

### Expression restrained: LGBT Issues on the Lithuanian Media

*Eglė Kuktoraitė*

#### *Brief Assessment of LGBT reporting on the Lithuanian Media*

Lithuania is amongst countries where anti-LGBT propaganda law is in place, severely limiting possibilities to gather, organize and take part in public and community events, and access information. Therefore, the anti-LGBT propaganda law is used to further discrimination, with chilling effects on LGBT people, mostly under the pretext of protecting the wellbeing and healthy development of children. In the period between 2013 and 2014 the provision in question was applied on three different occasions with the view of interfering with the right to freedom of expression of LGBT persons. Despite these negative tendencies, the Law was not enforced since 2014 and the Lithuanian media is becoming more ethical when it comes to reporting on LGBT issues. In most cases, the Lithuanian media reports on LGBT issues in an objective way and voices of LGBT people are being heard on the mass media. The Baltic Pride 2019 festival provided an opportunity for the Lithuanian media to demonstrate their support for the local LGBT community and the media outreach on the Baltic Pride events was unprecedented. The successful collaboration with the Lithuanian media followed to organization of 8 training sessions to Lithuanian media students and professionals under the framework of the E.T.H.O.S. project.

#### *LGBT people and issues in Lithuanian media: Challenges, Cases, Facts & Comments*

##### *Anti-Gay Propaganda Legislation*

The Law on the Protection of Minors against the Detriment Effect of Public Information stipulates that “public information shall be attributed to information which has a detrimental effect on minors [...] which expresses contempt for family values, encourages the concept of entry into a marriage and creation of a family other than stipulated in the Constitution and the Civil Code”. In the period between 2013 and 2014 the provision in question was applied on three different occasions with the view of interfering with the right to freedom of expression of LGBT persons.

### ***Case 1. Baltic Pride 2013 Promotional Videos***

In 2013 the association LGL approached the national broadcaster with the view of broadcasting Baltic Pride 2013 promotional videos. The broadcaster indicated that the videos can be broadcasted only after 11 PM and marked as an “adult content”. According to the broadcaster, “[t]he clips potentially encourage the concept of entry into a marriage and creation of a family other than stipulated in the Constitution and the Civil Code.” The decision was appealed. The Inspector of Journalist Ethics issued a binding decision that the national broadcaster reasonably refused to broadcast the video.

### ***Case 2: Fairy Tale Book “Amber Heart”***

In 2014 the Inspector of Journalist Ethics issued a recommendation that two fairy tales about same-sex relationships within the fairy tale book “Amber Heart” “portray same-sex relationships as normal and self-evident and thus are detrimental to the fragile worldview of a child”. Based on this recommendation, the publisher of the book terminated the dissemination of the book. The author appealed before the national courts. The courts dismissed the author’s complaint as unfounded.

### ***Case 3: Promotional Video “CHANGE IT!”***

In 2014 the Inspector of Journalist Ethics issued a recommendation with the view of assessing a social video “CHANGE IT!” The expert group concluded that “by showing same-sex couples engaging in various activities together, [...] the idea is being imposed that family can be created by two persons of the same sex. [...] Therefore the information in the video clip has detrimental effect on the emotional, spiritual, psychological development and health of the minors.” Multiple commercial television channels refused to broadcast the video. The decision was appealed before the national courts. The courts refused to accept the complaint, because allegedly no legal rights and obligations emanate from a recommendation.

### ***Hate Crimes and Hate Speech***

The general prohibition of discrimination on the ground of sexual orientation in the Lithuanian legal system is established by the Law on Equal Opportunities, which transposes the Employment Equality Framework Directive 2000/78/EC. The scope of the national equality legislation is much wider than mandated by the EU Directive, i.e. discrimination on the ground of sexual orientation is prohibited not only in the sphere of employment and occupation but also in the spheres of provision of goods and services, education and in the course of actions by all public authorities. The prohibition of discrimination on the ground of sexual orientation is also established in the Labor Code (Article 2.1.4 and Article 129.3.4),

the Law on the Protection of Minors against the Detrimental Effect of Public Information (Article 4.2.12) and the Law on Provision of Information to the Public (Article 19.1.3). Article 170 of the Criminal Code prohibits incitement to hatred based on sexual orientation (i.e. prohibition of hate speech), while Article 60.12.1 qualifies acts committed in order to express hatred on the ground of sexual orientation as an aggravating circumstance within the framework of criminal proceedings (i.e. prohibition of hate crimes).

Law enforcement officials downplay the phenomenon of hate speech on the ground of sexual orientation by refusing to investigate complaints. The aggravating circumstance in the Criminal Code has been never applied with the view of qualifying a particular offence as a hate crime on the grounds of sexual orientation.

In 2013-2015 the association LGL submitted twenty four complaints based on two hundred and six instances of alleged hate speech online. All the pre-trial investigations, based on these complaints, were either halted or terminated, thus not leading to the actual punishment of alleged perpetrators.

### *Case Example: Hate Speech Online*

In 2014 two gay men posted a public picture of a same-sex kiss on Facebook. It received more than 800 comments. The majority of online comments were directly threatening two men in question. Some examples were “Faggots should be burnt”, “You are fucking gays, you should be exterminated” and “Kill them!” The public prosecution refused to start a pre-trial investigation. The decision was appealed before the national courts. The Court stated that “the individual by posting a picture of two kissing men in a public sphere should have and must have foreseen that eccentric behaviour really does not contribute to social cohesion among individuals with different views in the society and promotion of tolerance.” In 2015 the two men in question submitted a complaint to the ECtHR which was accepted in June, 2016.

## *Good Practices*

### *Monitoring Hate Speech Online*

The National LGBT rights organization LGL, together with the representatives of the European Commission, social networks and European NGOs, collaborates in monitoring hate speech comments on social media: Facebook, Instagram, Twitter, YouTube and Google+. It is believed that further cooperation between social networks, governments and NGO experts will be integral to challenging online hate speech.



### *Trainings for Lithuanian Media Students and Professionals*

In 2019, the National LGBT rights organization LGL organized a series of trainings for Lithuanian media students and professionals. A total of 8 training sessions were organized and a total of 200 media students and professionals were trained on ethical representation of LGBT issues. During the trainings, media students and professionals were familiarized with Media Reporting and Reference Guide on LGBT Issues, published under the framework of the E.T.H.O.S. project. The participants of the trainings were provided with tips on better reporting on LGBT issues, had a chance to perform various practical tasks and analyse publications about LGBT issues in Lithuanian media.

### *Baltic Pride 2019: Collaboration with the Main Lithuanian News Portal 15min.lt*

In 2019, the main Lithuanian news portal 15min.lt became the main media partner of the Baltic Pride festival. The collaboration by 15min.lt and the National LGBT rights organization LGL resulted in unprecedented media outreach and visibility for the local LGBT community. 15min.lt created a special section for the Baltic Pride and regularly posted news related to the festival. The collaboration proved to be very successful and 15min.lt is planning to keep LGBT section even after the festival finished.

## *Conclusions & Recommendations*

Taking into consideration the challenges in ensuring civil and political rights for LGBTI people and encouraging pluralism and non-discrimination in the Lithuanian media, the following recommendations aiming to foster respect for human rights of LGBTI people in Lithuania:

### *Recommendation to the state*

- **Ensure that Article 4.2.16 of the Law on the Protection of Minors is not applied with the view of censoring LGBT related public information;** that any limitations on freedom of expression for the local LGBT community meet the strict requirements of lawfulness, necessity and proportionality and are applied without any discriminatory animus; and that any limitations on the right to freedom of expression for the local LGBT community can be challenged through an effective legal remedy on the national level.
- **Reject the adoption of seven currently pending openly homophobic and/or transphobic legislative initiatives** based on scientific information and constructive public debate; and introduce appropriate safeguards with the view of preventing introduction, consideration and adoption of similar legislative initiatives in the future.

- **Ensure effective investigation of hate speech and hate crimes** on grounds of sexual orientation and/or gender identity; raise public awareness about the negative phenomena of hate speech and hate crimes; and encourage members of the local LGBT community to report instances of experienced hate speech and hate crimes to the competent authorities.
- **Guarantee freedom of expression and peaceful assembly to LGBT people**, ensuring the freedom to receive and transmit information and ideas relating to sexual orientation and gender identity.

### *Recommendations to the media*

- Try not to make any easy assumptions regarding people's gender identity and/or sexual orientation. You can't just guess simply by having a look at them.
- Always use the name and/or pronouns people ask you to use. Thus, you will show them that you truly respect them and make them feel more comfortable. If you're not sure what pronoun you should use, just ask!
- Be careful what you ask. You may be curious about many issues - for example details about medical procedures or sexual behavior/activity. Before making such questions, think for yourself: Do I need to know and why? If someone would make the same question to me, how would I feel?
- If you know a person's gender identity and/or sexual orientation that doesn't mean that everybody should know about it and/or that this person is "out".
- If you talk to a LGBT+ person and/or write something about it, be sure that any information regarding his/her gender identity and/or sexual orientation is relevant with the context (subject of discussion or document) and that the person is openly LGBT+.
- If you talk to a Trans or non-binary person, do not ask them what their older or "original" name was. It is irrelevant information as well as a very rude and indiscriminate question.
- Respect the past of Trans persons and refer to the period before transition with maximum sensitivity and discretion. This means that you should never publish/show pictures of them before their transition, without their authorization. Also, when referring to that period of their life, never use pronouns other than the ones they use for themselves. A Trans person wasn't a man/woman and "became" something else – he/she was always a man/woman and he/she still is.
- Use the language the Trans person uses in order to describe themselves. For example, some Transgender people may (rarely) identify themselves as "crossdressers" or even

“transsexuals”. Use such terms, only if the Transgender person you talk with or refer to identifies himself/herself in this way.

- You don’t have to understand what it means to be LGBT+ in order to respect LGBT+ people. You may have not heard about some of the existing sexual orientations and/or gender identities or you find it difficult to understand them. But this does not mean that you may not respect their human rights.
- Don’t make remarks and comments based on common gender based stereotypes. Even if you want to be supportive, you can still make a LGBT+ person feel uncomfortable and/or insulted and reproduce stereotypes. For example, don’t say to a non-binary person that “he is such a beautiful/clever man” or “a beautiful/clever woman”. Or don’t say to a lesbian woman “that she is so beautiful and feminine” and that “you wouldn’t have guessed that she likes women”. Or don’t say to a transgender person that he/she “looks exactly like a man/woman”.

## Glossary <sup>7</sup>

- **Biphobia:** the fear, unreasonable anger, intolerance or/and hatred toward bisexuality and bisexual people
- **Gender Identity:** It refers to a person’s inner sense of their gender. For trans people, their own internal gender identity does not match the sex they were assigned at birth. Most people have a gender identity of man or woman (or boy or girl), but for some people it does not fit neatly into one of those two choices. Unlike gender expression, gender identity is not visible to others.
- **Hate crime:** Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria: First, the act must constitute an offence under criminal law; second, the act must have been motivated by bias
- **Hate speech:** The term “hate speech” shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive

<sup>7</sup> Theofilopoulos, T. & Paganis, Ph. (2019). “Basic concepts and guidelines for Media professionals and students” in Theofilopoulos, T. (ed.) Media reporting and reference guide on LGBT issues, Athens: KMOP Social Action and Innovation Center & Colour Youth Athens LGBTQ Youth Community. Retrieved from: <https://www.ethos-project.eu/wp-content/uploads/2019/06/Media-reporting-and-reference-guide-on-LGBT-issues.pdf>

nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

- **Homophobia:** fear, unreasonable anger, intolerance or/and hatred directed towards homosexuality
- **LGBT: Lesbian:** a woman who is sexually and/or emotionally attracted to women. **Gay:** a man who is sexually and/or emotionally attracted to men. Gay is sometimes also used as a blanket term to cover lesbian women and bisexual people as well as gay men. However, this usage has been disputed by a large part of the LGBTI community and gay is therefore only used here when referring to men who are emotionally and/or sexually attracted to men. **Bisexual:** when a person is emotionally and/or sexually attracted to persons of more than one gender. **Trans:** is an umbrella term, which includes those people who have a gender identity, which is different to the gender assigned at birth. It includes multiple gender identities, such as trans man, trans woman, non-binary, agender, genderqueer, genderfluid etc.
- **Prejudice:** Prejudice is to make a judgment about an individual or group of individuals on the basis of their social, physical or cultural characteristics. Such judgments are usually negative, but prejudice can also be exercised to give undue favor and advantage to members of particular groups. Prejudice is often seen as the attitudinal component of discrimination.
- **Sexual Orientation:** refers to each person's capacity for profound affection, emotional and sexual attraction to and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.
- **Stereotypes:** In sociology, the stereotype is always a social construction which may have some basis in reality but is a gross generalization (eg: women like romance novels). To stereotype is to apply these gross generalizations, to people or situations rather than seeing the individual variation.
- **Transphobia:** is a matrix of cultural and personal beliefs, opinions, attitudes and aggressive behaviours based on prejudice, disgust, fear and/or hatred directed against individuals or groups who do not conform to, or who transgress societal gender expectations and norms. Transphobia particularly affects individuals whose lived gender identity or gender expression differs from the gender role assigned to them at birth, and it manifests itself in various ways, e.g., as direct physical violence, transphobic speech and insulting, discriminatory media coverage, and social exclusion. Transphobia also includes institutionalized forms of discrimination such as criminalization, pathologization, or stigmatization of non-conforming gender identities and gender expressions

## About the ETHOS project

The European project “E.T.Ho.S: Eliminating Transphobic, Homophobic and Biphobic Stereotypes through better media representation” aims to address the long-lasting negative stereotypes and prejudices against LGBT+ people in the E.U. For this reason, its objective is to educate and raise awareness among media professionals and media students in order to combat the phenomenon of Transphobia, Homophobia and Biphobia (HBT) in the media and in particular about the direct or indirect (re)production of harmful stereotypes against LGBT persons.

The project is implemented in 3 countries (Greece, Croatia and Lithuania) and is funded by the Rights, Equality, Citizenship Programme of the European Union.

Project Coordinator is [KMOP-Social Action & Innovation Centre](#) (Greece) and partners are [Colour Youth – Athens LGBTQ Youth Community](#) (Greece), [Lithuanian Gay League – LGL](#) (Lithuania) and [Centre for Civil Initiatives Poreč](#) (Croatia).

The selection of the 3 partner countries was based on the findings from a survey about LGBT people in EU conducted by the EU Agency for Fundamental Rights. This survey shows that 60% of respondents in Croatia and Lithuania and 48% in Greece have been discriminated against or harassed on the grounds of their sexual orientation.

The activities of E.T.Ho.S include the Development of an LGBT Media Reporting Guide for media professionals and students, training for journalists and media students, advocacy and lobbying on LGBT rights and the elimination of discrimination against LGBT people, and awareness raising on HTB Media discourse.

E.T.Ho.S aims to increase awareness and knowledge among media professionals and students about non-discriminatory representation of LGBT people in Media, to increase awareness about the phenomenon of homophobic, transphobic and biphobic media discourse among decision makers, professionals and the public, and to improve the representation of LGBT people and rights by media and political parties.

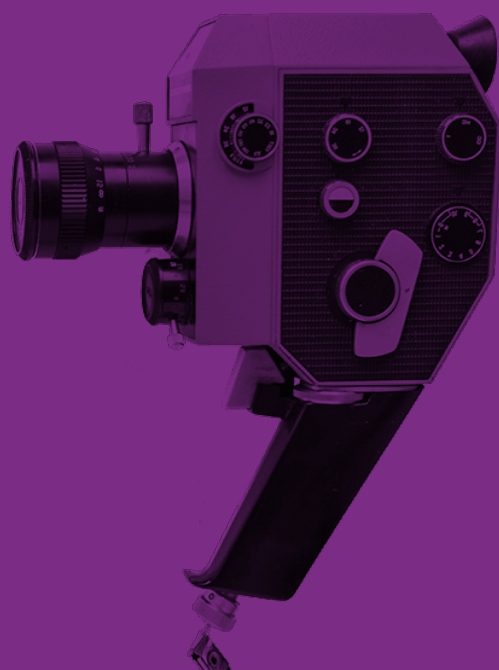
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**ETHOS** 



Funded by the European Union's Rights,  
Equality and Citizenship Programme  
(2014-2020)

This publication has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Commission.