



RESTRICTED EXPRESSION:

GUIDELINES AND RECOMMENDATIONS

for LGBT activists in hostile environments



LITHUANIAN
DEVELOPMENT
COOPERATION

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URM

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INTRODUCTION



Media is one of the most powerful sources of representation. Well-organized media relations can be of great importance to many organizations and movements, and the LGBT movement is certainly no exception. Close cooperation between the mass media and LGBT organizations can help to promote democratic processes and raise awareness on LGBT issues – something that is very important for many European countries which have only recently embraced democratic values and aspired to create more open societies.

Against this international framework, however, a rise of a number of anti-LGBT propaganda laws, legislative initiatives aimed at limiting representation of LGBT people in the public sphere, can be observed.

In the past five years, nine countries in Central and Eastern Europe, and Central Asia have tried to pass laws restricting the rights and wellbeing of LGBT people in the name of “protecting children”, “upholding family values” or defending national identities. In some cases, notably, Russia, they have succeeded, ushering in a crackdown on LGBT activists, restricting people from gathering, and legitimising homophobic behaviours – including violence - across societies.¹

This publication looks at legislations, both enacted and proposed, aimed at limiting the freedom of speech and expression in Lithuania, Belarus and Ukraine. The publication also provides guidelines and recommendations for LGBT activists in respective countries aiming to gain publicity, raise awareness and foster social acceptance.

¹ IGLYO, *Expression Abridged: A Legal Analysis Of Anti-Lgbt Propaganda Laws*, Brussels, 2018, <http://www.iglyo.com/resources/>, p. 6.

ANTI-LGBT PROPAGANDA LEGISLATIONS

Nine countries in Central, Eastern Europe and Central Asia have attempted (and some have succeeded) to pass legislation which claims to protect children from exposure to information that can harm their well-being and development. Nonetheless, the public information which has been censored is mostly related to LGBT issues. In other words, these laws have been passed in order to limit the enjoyment of freedom and speech and expression for the local LGBT communities.

Enactment of anti-LGBT propaganda laws severely limited possibilities to gather, organize and take part in public and community events, and access information. Therefore, the anti-LGBT propaganda laws are used to further discrimination, with chilling effects on LGBT people, mostly under the pretext of protecting the wellbeing and healthy development of children.²

LITHUANIA



The Law on the Protection of Minors against the Detrimental Effect of Public Information was enacted on 10 September 2002, and was last amended on 22 December 2009.

Article 4.2.16 of 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 of the Republic of Lithuania and the Civil Code of the Republic of Lithuania”.³ In the period between 2013 and 2014 the provision in

² IGLYO, *Expression Abridged: A Legal Analysis Of Anti-Lgbt Propaganda Laws*, Brussels, 2018, <http://www.iglyo.com/resources/>, p. 9.

³ *Supra* 2.

question was applied on three different occasions with the view of interfering with the right to freedom of expression of LGBT persons.

In May, 2013 the National LGBT rights organization LGL approached the national broadcaster LRT with an inquiry about the possibility of broadcasting promotional videos for the *Baltic Pride 2013*⁴ on national television. On 4 July 2013 the national broadcaster indicated that the videos can be broadcasted only during the restricted timeframes and marked with corresponding age indexes.

In 2014 two Lithuanian commercial channels refused to air a video clip, produced by LGL, which was a part of a social campaign “Change It”.

In 2014, the Lithuanian publisher of “Amber Heart” (“Gintarinė širdis”), a children’s fairytale book featuring two stories with gay protagonists, removed the book from circulation on the grounds of an opinion given by the Inspector of Journalist Ethics.

The application of this law with the view of censoring LGBT related public information has caused a chilling effect among the online media outlets, as they have started branding news items pertaining to LGBT issues as suitable only for adults. It can be concluded that the limited positive information about LGBT issues in the public sphere further reinforces a socially hostile atmosphere for LGBT people in Lithuania.

BELARUS



The Belarussian anti-LGBT propaganda law (“The Law on the Protection of Children from Information Harmful to their Health and Development”) was due to take effect in July 2017. While it does not specifically refer to information relating to sexual orientation or gender identity, it seems to

be an export of similar anti-LGBT propaganda legislation passed in Russia.

⁴ The videos in question can be seen here: (A) https://www.youtube.com/watch?v=8rDP_t2QcmI and (B) <https://www.youtube.com/watch?v=wCaGtQEYYow>.

The law prohibits information which “discredits the institution of family and marriage” to child, but leaves such information undefined – this means the scope of interpretation by the authorities is potentially very wide.⁵

UKRAINE



In 2012, two draft laws aimed at protecting children from “homosexual propaganda” were submitted to the Ukrainian parliament for consideration. These draft laws aimed to prohibit information which “promoted homosexuality” with specific measures such as banning of rallies, parades and other mass gatherings aimed at disseminating any positive information about the local LGBT community. The proposed draft law had enjoyed support from all major political parties and the public at the time, and was due to move for a second round of reading in the Ukrainian parliament. However, under international criticism, it was removed from parliamentary consideration in 2014.⁶

⁵ IGLYO, Expression Abridged: A Legal Analysis Of Anti-Lgbt Propaganda Laws, Brussels, 2018, <http://www.iglyo.com/resources/>, p. 12.

⁶ IGLYO, Expression Abridged: A Legal Analysis Of Anti-Lgbt Propaganda Laws, Brussels, 2018, <http://www.iglyo.com/resources/>, p. 13-14.

BUILDING A FRUITFUL COLLABORATION WITH THE MEDIA



The first thing to be understood by any LGBT NGO is that not everything that is important to organization will be of interest to the mass media. In contrast, little of what is of interest to the LGBT community will be interesting to a mass-market newspaper, magazine, online news portal or broadcast programme. It must be remembered that the LGBT community represents only a small share of society, and even though the broader questions of tolerance, inclusiveness and human rights are of interest to all people, LGBT issues will not always attract due attention.

Moreover, the number of publicly known LGBT people who have opened up about their sexuality remains very limited. This furthers the notion that the LGBT community is a smaller group than it could be considered if there were large numbers of openly LGBT people in the country.

This means that the LGBT community gains media attention during wide scale community events, such as pride events. In some countries though, pride events are associated with conflicts and violence. The media also may focus on LGBT community when the government or the parliament considers a legislation concerning the community.

However, it does not mean that it is impossible to gain media attention in other instances. Well-timed press releases about certain activities of LGBT organizations might also help to gain the desired media attention.

Recently more and more LGBT people are speaking out about their sexuality in publicly. LGBT organizations might also remind the public about their activities by commenting important events and news on TV, or by having a say on more general civil society matters, such as the need to foster social acceptance and tolerance.⁷

⁷ National LGBT rights organization LGL, *A Media for Diversity: LGBT in the news – a guide for better reporting*, Vilnius, 2008, <http://www.lgl.lt/en/files/A-Media-for-Diversity-2007.pdf>, p. 28-29.

TIPS FOR LGBT ACTIVISTS WHEN DEALING WITH THE MEDIA



Establishing a contact

- Note the journalists who write about LGBT issues. Write them a thank you message in order to establish a contact.
- Assign a specific person in your organization willing to establish contacts and give interviews to media professionals. Make sure this person is authorized to speak on behalf of the organization and the local LGBT community and is available to speak within reason, at all times. In most cases, journalists work under time pressure, so they cannot wait for information.
- When asked, provide useful information related to the latest LGBT rights developments in Europe to the journalists. This will encourage Eastern European journalists to look at the big picture and raise awareness on the fact that homophobic attitudes are not universal in Europe and the world.
- Invite friendly journalists to attend the LGBT community events so that they can deepen their understanding of day-to-day operations of the organization.

Identify your allies and enemies

- Support the journalists with facts and knowledge in order to make them write relevant articles in high standard. A journalist who is confident about the subject is more likely to write than one who is not.
- Try to find allies not only amongst journalists, but also activists from other human rights NGOs. Finding “objective” voices will help you to spread your word.
- Find out who your enemies and competitors are. Keep track of their activities, analyse possible risks and think about potential counter arguments.

Use personal contacts

- You may provide information only to journalists that you know are your allies. Providing exclusive information will help you to get your story published. Do not promise exclusive information to more than one journalist or news outlet.
- Create a press list and send your press releases to selected e-mail addresses.



Decide on your message

- All representatives of your organization should agree on the main message prior to providing comments to the media. It is important to provide your organization with “a face”. When representing organization you must put aside all personal opinions.

- Be aware of the fact that everything you say to the journalist might get published.
- Any fact must represent reality. Your credibility depends on it. You should never discredit organization you represent.
- Keep your story short, simple and easy to comprehend. Every journalist wants a story that makes news.

Develop a long-term plan

- In order to successfully cooperate with the media, create a long term communication plan for your organization. Think about what you can do and explore media opportunities. Consider all channels to be used to spread your message: your website, social media, newsletter, etc.

Address censorship

- Engage in advocacy activities in order to raise awareness about the laws that limit information related to LGBT issues. Keep the media professionals informed about specific limitations for the public information. In some cases, the journalists might limit LGBT content just because they are not very familiar with the specific provisions of the laws that are in place.⁸

⁸ National LGBT rights organization LGL, *A Media for Diversity: LGBT in the news – a guide for better reporting*, Vilnius, 2008, <http://www.lgl.lt/en/files/A-Media-for-Diversity-2007.pdf>, p. 31-36.

PROVIDING INFORMATION TO THE MEDIA



Press release

Press releases can be successfully used to provide concise information to news outlets. Amongst other things, it can be used to provide information about upcoming events, inform about proposed draft laws concerning LGBT human rights.

News outlets receive thousands of press releases daily. However, it is possible to attract media attention to your press release.

Tips:

- ✓ Send your press release on important occasions only;
- ✓ Decide what you want to communicate and keep the text concise;
- ✓ Save time for the person who receives your press release: include your organization's logo and stress that it is a press release;
- ✓ Take time to come up with the most concise and accurate headline possible;
- ✓ Keep the body of the release short. Provide some specific information about the topic and include statistic data in case it is needed;
- ✓ Include a quote from the representative of your organization;
- ✓ Include contact information at the bottom of the release in case journalists will have further questions;
- ✓ Send the press release to your country's news agency first. In case they do not distribute it, send the release to news outlets individually. You may also share your press release to partner organizations.



Press conference

The press conference will allow you to provide information in person and to numerous journalists at once. Again, the press conference should be organized on important occasions only.

Tips:

- ✓ When organizing the press conference make sure that you choose facilities that are large enough and well equipped;
- ✓ People who are wary of publicity should not be in the room;
- ✓ Choose representatives of your organization who are experts on the topic to take part in the conference;
- ✓ Think in advance what questions might be posed, particularly if you expect hostile journalists to attend the conference;
- ✓ Make sure to be available for follow-up interviews with journalists after the press conference;
- ✓ Prepare take-away materials for the participants of the conference.

Interviews

Make sure to take time to prepare for an interview, whether it is conducted by phone, face-to-face, TV or radio broadcast.

- ✓ Ask the journalist to inform you about the topics that will be discussed during an interview;
- ✓ Keep an eye contact with the journalist while you are speaking;
- ✓ You may also ask the journalist to send you the text before it is published;
- ✓ Before participating in a TV or radio broadcast, inquire about the topic and other participants of the show;
- ✓ It is your right to turn down a request for an interview from a hostile journalist or news outlet.

Use your own means of media



Whether it is the official website, newsletter or social media account of your organization, your own means of media will allow you to spread information without having to be dependent on journalists and news outlets.

- ✓ Newsletters may as well be used to disseminate information outside your

organization;

- ✓ It does not take a lot of resources to maintain your organization's website. You might find it useful to have a bilingual website in order to reach a wider audience;
- ✓ Webpages can also be successfully used for fundraising;
- ✓ Social media will allow you to easily keep in touch with the local LGBT community;
- ✓ Internet provides a space for homophobic hate speech. However, most countries have laws concerning incitement of hate.⁹

⁹ National LGBT rights organization LGL, *A Media for Diversity: LGBT in the news – a guide for better reporting*, Vilnius, 2008, <http://www.lgl.lt/en/files/A-Media-for-Diversity-2007.pdf>, p. 38-46.

ABOUT THE AUTHOR



Eglė Kuktoraitė was born in Kaunas (Lithuania) in 1989. She graduated in Lithuanian philology and promotion in Vilnius university and then completed Master in American studies in University of Turin (Italy). Eglė joined the National LGBT rights organization LGL in 2014 as Communications Coordinator. She predominantly works on maintaining LGL’s bilingual website www.lgl.lt (which serves as one of the main hubs of LGBT-related information in Lithuania) and its social media accounts. Eglė has in-depth experience in LGL’s activities related to communication, media, inclusive education and has been in the forefront of advocacy activities aiming to revoke the Lithuanian Law which restricts the freedom of self-expression for the LGBT community in Lithuania.