



Weekly Briefing

Lithuania political briefing:

Lithuania backtracks on the law allowing the same-sex partnerships

Linus Eriksonas


China-CEE Institute

Kiadó: Kína-KKE Intézet Nonprofit Kft.

Szerkesztésért felelős személy: Chen Xin

Kiadásért felelős személy: Huang Ping

 1052 Budapest Petőfi Sándor utca 11.

 +36 1 5858 690

 office@china-cee.eu

 china-cee.eu

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The 25th of May promised to become a memorable day in the history of Lithuania's parliamentarism and democracy. The Seimas was due to vote on the first reading of the bill on the Law on Partnership. If approved, the proposal would go on to the next stage of the legislative approval mechanism. There has been a lot at stake, including the right of the individuals to conclude partnerships, including same-sex partnerships, with all the legal rights that the married couples have and that are recognized by the state. However, the proposal drafted by the leaders of the governing coalition parties and their political allies across the benches did not overcome the resistance from the opposition and the dissenting voices inside their own parties. The bill failed to get the required number of votes.

Below is a brief overview of the continuing attempts to legalize the registered partnerships in Lithuania, including the main arguments that have been put forward at different times. It further discusses the potential impact of the political cleavages that have emerged during the recent debates on this so contentious issue.

Lithuania remains on the few countries in the EU where civil unions and registered partnerships equivalent or comparable to marriage are not recognized. Several other Central and Eastern European (CEE) countries, the EU Member States (Latvia, Poland, Slovakia, Romania, Bulgaria), continue to have such limitations. While the issue might seem trivial or non-relevant to most of the population bound by marriage ties, a sizeable part of society has been hampered by not exercising their rights to a shared life with another person outside the pre-defined civil marriage because of a personal choice. It has affected the same-sex couples and any other couples that did not create a married life but wished to pursue their shared lives together as suited to them.

The first aborted attempt to introduce registered partnerships in Lithuania took place seventeen years ago, few months before the country's accession to the EU in 2004. The rationale for this legislative initiative came from the realization that then recently revised Civil Code mentioned the existence of civil partnerships, and there was a need to provide legal clarification on how such partnerships could come be implemented. Thus, the proposers of the draft of this first Partnership Law had reasoned that the law sought to formalize the agreements between the cohabitating partners of different sexes that live together "with the aim to create

the family relations”. The proposal back then did not mention the possibility of a shared life outside of marriage and, or within a same-sex partnership. The 2004 initiative came to nothing.

Five years later, a new proposal on the Partnership Law reached the Parliament. This time around, it already reflected the needs of all those different types of duly attested long-term relationships between two people, including same-sex partnerships. The need for this legislation was based on the realization that the Law is required to provide the legal protection and security for any arrangements between two persons entering a shared life according to mutual agreement. However, this legislation initiative also failed. The arguments used against it included the opinion that same-sex partnerships might compromise the concept of the family as defined by the 38 Article of the Constitution that the family is a union between the man and the woman. Consequently, without a clear support from politicians, issue had been shelved again for more than five years.

In 2017 the proposal was tabled to amend the Civil Code and the Law on Population Register to allow the registration of civil partnerships. Without getting bogged down in constitutional matters, this initiative aimed to ensure that the rights of the citizens as individuals living in non-registered partnerships of their choice are upheld. According to the proposed changes, the partnership would be understood as the cohabitation of two persons (partners) in the form of a family relationship, without marriage being registered, “based on a stable relationship of emotional attachment, mutual understanding, responsibility, respect, joint rearing of children and, or similar ties, and on a voluntary decision to assume certain rights and obligations”. The governing majority rejected these changes opposing any attempt to legitimize the same-sex partnerships in the country.

When the former opposition parties, which have supported the introduction of registered partnerships in Lithuania, came to power last November, the preparations have been put in place to move forward with the Partnership Law again. The dissemination campaign has been carried out to explain the need for legislating partnerships, including same-sex partnerships. The governing parties have spared no time to push the agenda forward, yet the opposition has used every possible means to rally dissenting views across the society and within the political establishment. Thus, when the new Partnership Law reached the Parliament at the end of April, the window for consensus-making had been effectively closed with very strong opinions established.

The government decided to go for a swift move – to get a very comprehensive legislation bill approved very rapidly, thus not to provide enough reaction time for the opposition to

organize a broad anti-coalition. The proposed Law defined the partnership as "the fact of cohabitation between two persons (partners), registered following the procedure laid down by law, to create and, or develop and safeguarding a relationship between the partners".

To the dismay of the staunch opponents, the proposed draft Law has almost entirely equated the registered partnerships to families. It foresaw that the civil registry offices would register the partnership in the same way as marriages are registered, and both partners could choose the other partner's surname as their common surname or choose a double surname. It further proposed that the property acquired by or on behalf of both or one of the partners during the period of the partnership shall be considered to be the common property of the partners, with a presumption that the partners' shares in the common property are equal unless proven otherwise. In one aspect, it went even further by proposing a more straightforward mechanism for dissolving a partnership than it would be in civil marriage, where the courts decide on divorces. It foresaw that a notary would suffice to dissolve a partnership if there are no children involved.

Though the leaders of the governing coalition parties have endorsed the proposed legislation, including the Prime Minister and several prominent Cabinet ministers, yet the bill did not receive the simple majority of votes and failed by three votes. Sixty-three members of parliament voted in favour, fifty-eight against, while seven abstained.

The vote has created cleavages across the parliamentary parties, with clear signs of disunity and, in some cases, even vociferous dissent emerging in several parties and their representatives in the Parliament. One can discern different levels of political consolidation and party discipline among the political parties involved in deliberations on this contentious issue.

The parties with a more uniform adherence of their members to the main ideological set of values and the high level of the party discipline due to a strong leadership showed unity in their resolve to vote in favour or against this bill. Those are the two liberal parties that supported the drafted Law (the Freedom Party and the Liberal Movement) and have shown an evident dedication of their MPs to the overall party line (except for two MPs from the Liberal Movement which voted against) and two opposing political factions (the Labour Party and the newly established Faction of Lithuanian Regions) which voted against the proposal, following the adopted party or the fraction line.

The parties which have nation-wide party organizations and occupy a broader range of ideological spectrum have shown the lack of a strong party discipline in rallying their backbenchers behind the proposed Law. It was the case of the largest governing party, the

Homeland Union – Lithuanian Christian Democrats (12 of their members of faction voted against the main party line), and the Lithuanian Social Democratic Party (6 social democratic MPs voted in favour of the bill, five against and two abstained from the vote). These two mainstream parties on the centre-right and the centre-left respectively failed to produce a uniform ballot as they tried to reflect the opinions of a wider base of their voters, including the culturally conservative ones.

The parties that have been trying to capture the populist vote have shown their resolute opposition towards the proposed Law with some minor dissenting voices amidst their ranks. Thus, the former governing party, the Lithuanian Greens and Farmers Union, has been a vociferous opponent of the same-sex partnerships and yet three of its members of parliament voted to support the proposed legislation. The Mixed Faction, which now includes only three parliamentarians after most of its initial members moved to the Faction of Lithuanian Regions, voted against the bill with one dissenting vote in favour.

The voting took place at the time of the heightened tensions in society over the rights of same-sex marriages widely discussed within the context of the Istanbul Convention. The poll conducted weeks before the voting at the request of the President's Office has shown that 54.8 per cent of respondents strongly oppose the Seimas of the Law on Partnership extending same-sex civil rights, and only 19,5 per cent of respondents endorsed it.

The governing coalition, though, is planning to relaunch the revised legislative initiative in the autumn session. However, it faces challenges from within its ranks (the dissenting part of the Homeland Union calls for the referendum to be held on this issue) and from the opposition fractions. Thus, in order to find enough support, it needs to strengthen the party discipline and show more readiness for dialogue. It can be achieved by a more informed debate involving the stakeholders from across the political spectrum and from different groups of society. The debates on the Partnership Law have increased the realization that there is a clear and urgent need to enable a significant part of society to have their shared lives in long-term partnerships recognized as a legitimate way of pursuing their rights to live with their beloved ones alongside other families.

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