

14/04/2026, Vilnius

To: President of the European Commission Ursula von der Leyen,
Commissioner for Equality Hadja Lahbib,

**Urgent Request for European Commission Action Regarding Proposed Referendum on the
Constitutional Definition of Family in Lithuania**

We are writing to you on behalf of the undersigned organizations to express our profound concern regarding a legislative initiative currently under consideration in the Republic of Lithuania, which seeks to organize a referendum on amending Article 38 of the Constitution and redefining the concept of family.

This initiative, signed by 63 Members of the Seimas, was voted on in the plenary session on April 9 and received the support of 50 Members of Parliament. While it remains at the stage of consideration, **the voting results clearly demonstrate broad and cross-party political support**, indicating a significant likelihood that the initiative may proceed further. We would like to draw your attention to the fact that the proposal will very soon be considered in Seimas committees, with a plenary vote following deliberation **scheduled for May 21**.

The proposed advisory referendum would present the following question to the public: *“Do you approve that the Constitution should explicitly stipulate that legal family relations arise only from a marriage between a man and a woman, as well as from motherhood and fatherhood? Yes. No.¹”*

We are deeply concerned that both the substance of this proposal and the process chosen to advance it **raise serious issues of compatibility with the Constitution of the Republic of Lithuania, as well as with European Union law and international human rights obligations**.

The Legal Department of the Seimas (hereinafter - the Legal Department) has issued an extensive and highly critical assessment of this initiative², highlighting multiple constitutional, legal, and procedural concerns. Notably, it emphasizes that: *“From the principle of the supremacy of the Constitution arises an imperative not to submit to a referendum such possible decisions that would not comply with the requirements stemming from the Constitution.”*

In this regard, the Legal Department explicitly warns that the proposed amendment would violate the internal coherence of the Constitution: *“This provision, implying that families formed on grounds other than a marriage between a man and a woman, motherhood, and fatherhood should not be legally recognized or protected, if enshrined in the Constitution, would not merely alter the constitutional concept of family [...], but would violate and disrupt the internal coherence of the Constitution.”*

It further stresses that **such an amendment would disregard fundamental constitutional principles**, including respect for human dignity, private and family life, equality, and non-discrimination, as well as the aspiration for an open, just, and harmonious civil society.

¹ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/d88e8463275811f1aed4e578f20c50cc>

² <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/b94503402f4611f1aa25f92450b16e7d>

Crucially, the Legal Department underscores that constitutional amendments must respect Lithuania's international and European obligations: *"According to the Constitution, amendments may not negate the obligations arising from Lithuania's membership in the European Union, nor its international commitments."* It explicitly concludes that the proposed amendment: *"would clearly be incompatible with the obligations of the Republic of Lithuania under international law and those arising from its membership in the European Union, and would therefore violate the constitutional principle of respect for international law and the constitutional obligation to properly implement European Union law."*

The Legal Department also recalls that, under the jurisprudence of the European Court of Human Rights, the concept of "family" is not limited to relationships based on marriage and may include de facto family ties. In addition, it highlights that EU law — including Directive 2004/38/EC and the case law of the Court of Justice of the European Union — requires Member States to recognize certain family relationships, including those involving same-sex couples, at least for the purposes of ensuring the effective exercise of free movement rights.

The undersigned organizations raise serious concerns regarding the clarity and legal adequacy of the referendum question itself. Moreover, it questions the very rationale of organizing an advisory referendum on a matter that, under the Constitution, may be decided by a binding referendum, warning that this may distort the constitutional purpose of the referendum institution.

Taken together, these findings point not only to legal deficiencies but to a broader risk of systemic incompatibility with constitutional, European, and international legal standards.

In this context, we wish to **emphasize the essential role of the European Commission as the guardian of the Treaties**. The Commission has a clear mandate to assess the compatibility of Member States' legislative initiatives with European Union law and fundamental rights.

We respectfully submit that this **responsibility must be exercised proactively**. It is not sufficient to act only after a referendum has been formally announced or a constitutional amendment adopted. At that stage, the political and legal consequences may already be difficult to reverse.

The present situation calls for early engagement. The Commission's role in identifying risks, issuing warnings, and engaging in dialogue with Member States before political decisions are finalized is crucial in preventing violations of EU law and fundamental rights.

The Commission adopted its LGBTIQ+ Equality Strategy 2026–2030 on 8 October 2025, committing to mainstream LGBTIQ+ equality across all EU policies and to defend equality "whenever it is under threat." The Lithuanian initiative is precisely such a threat. It would, if advanced, place Lithuania on a structural collision course with the pending Regulation on the mutual recognition of parenthood, with Directive 2004/38/EC as interpreted in *Coman* (C-673/16) and *Pancharevo* (C-490/20), and with the Commission's commitment to ensure candidate-country alignment with CJEU and ECtHR case-law, while a current Member State moves in the opposite direction. We therefore respectfully ask the Commission to treat this as the first substantive test of the new Strategy's enforcement credibility.

We therefore urge the European Commission:

- to closely assess the compatibility of this initiative with EU law, including the principles enshrined in Article 2 of the Treaty on European Union;

- to engage without delay with Lithuanian authorities and relevant institutions;
- to provide clear guidance and, where necessary, formal warnings regarding the legal risks associated with this initiative;
- to take all appropriate steps within its mandate to prevent potential violations of fundamental rights and EU law.

We firmly believe that timely and decisive action by the European Commission can help ensure that the values of human dignity, equality, non-discrimination, and the rule of law are upheld across the European Union.

We remain at your disposal should you require any further information.

Respectfully yours,



Martynas Norbutas, director of the Lithuanian Youth Center

Coalition of Human Rights Organizations / The coalition members:

Diversity Development group
 Ambassadors of humanitarian ideas
 Diversity Education House
 Foundation FRIDA
 "Help me fit in"
 Lithuanian Jewish (Litvak) community
 Lithuanian Human Rights Center
 Equal opportunities development center
 National LGBTIQ+ Rights Organisation LGL
 "Mental health perspectives"
 Roma Community Center
 Tolerant Youth Association
 Human rights monitoring institute
 LGBTQ+ news portal GayLine.LT
 "Mothers for LGBTQ+ Children"
 University Lesbian, Gay, Bisexual, Transgender Group
 Association Trans Autonomija
 Family Association
 Lithuanian Skeptics Society
 Social Investment Management Center