



NEWS REPORT

Update of flash report nr: 313-LT-7

Date: 29 January 2010

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Title: The law on the protection of minors amended

Country: Lithuania

Context

Issue at stake: The Parliament amends the Law on the Protection of Minors Against the Detrimental Effect of Public Information, excluding homosexuality from the list of sexual orientation

Ground of discrimination:

Source: legislation

Field: other

Legislative provisions: The Law on the Protection of Minors against the Detrimental Effect of Public Information, as last amended on 22nd of December, 2009 – No XI – 594. Available in English at http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc?p_id=363137

Content

Law: The Law on the Protection of Minors against the Detrimental Effect of Public Information passed by the Parliament on July 14, 2009 and later vetoed by the President, was amended on December 22nd, 2009, excluding notorious clause on homosexuality. The law, which comes into force on March 1st, 2010 defines public information, which might have a detrimental effect to minors, and sets the rules for its provision to the public.

Initial version of the law, passed on July 14th, 2009, among other clauses, contained a provision stating, that “propagation of homosexual, bisexual and polygamous relationship” as well as “information, which distorts family relationship and its values” were considered as having detrimental effect to minors. The law was widely criticised for its vague wording and the lack of clear definitions by local NGOs, the President, the international community as well the European Parliament.¹

¹ European Parliament resolution of 17 September 2009 on the Lithuanian Law on the Protection of Minors against the Detrimental Effects of Public Information, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0019&language=EN>

The President of the Republic of Lithuania formed a working group of experts, who prepared and presented amendments to the law on November 5th, 2009.² After lengthy debates, which focussed largely on the notorious clauses regarding homosexuality, the new version of the law was passed on 22nd of December. Although the latest version of the law has still been criticized for a vague wording and lack of precision, it does not explicitly mention that information on homosexuality is considered as causing detrimental effect to minors. However, Article 4 still addresses sexuality and family relations, stating (*inter alia*) that the following information is detrimental to minors:

“15) which promotes sexual relations;

16) which expresses contempt for family values, encourages the concept of entry into a marriage and creation of a family other than that stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania;”³

The lengthy debate around the adoption of this law and the arguments of its initiators unambiguously focussed on possibility of banning agitation for homosexuality from schools and public life.

² The stenograph of the Parloament sitting is available in Lithuanian at http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=357210&p_query=Nepilname%E8i%F8%20apsaugos%20nuo%20neigiamo%20vie%F0osios%20informacijos%20poveikio%20&p_tr2=2

³ Article 38 of the Constitution of the Republic of Lithuania provides that “Marriage shall be concluded upon the free mutual consent of man and woman.”