

**BRIEFING NOTE –  
Lithuanian Law for the Protection of Minors  
against the Detrimental Effects of Public Information**

On 14 July 2009, the Lithuanian Parliament - the Seimas - adopted a new “**Law on the Protection of Minors against the Detrimental Effect of Public Information**”. The law has been widely criticised as institutionalizing homophobia, violating the freedom of expression and the right to be free from discrimination. It has been denounced by ILGA-Europe, Amnesty International, Human Rights Watch, the International Gay and Lesbian Human Rights Commission, members of the European Parliament, the Council of Europe Secretary General and Commissioner for Human Rights, among others.

When it enters into force on 10 March 2010, the law will in effect allow for the banning of any information related to homosexuality and bisexuality, such as websites, exhibitions, demonstrations and other public events related to LGBT issues if these could be accessed by minors.

More recently, **further legislative amendments** have been put forward for consideration during the parliamentary session which begins on 10 September 2009. These legislative proposals go further as they would **criminalise the “promotion of homosexual relations in public places”**. According to Amnesty International, there is a real risk that these amendments will be adopted. A final vote on the amendments is expected towards the end of the Autumn Session (which ends on 23 December 2009).

Below is detailed information about these events, content of the laws and reaction to these legislative developments in Lithuania.

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## 1. Details of events

### Law on the Protection of Minors against the Detrimental Effect of Public Information

On 2 June 2009, the Seimas, the Lithuanian Parliament, approved the draft law at a first reading. The majority of parliamentarians were not present for the vote, but of those that were 57 voted in favour of the law, two against and eight abstained.

On 16 June 2009, the Seimas adopted – with 67 votes for, 3 against and 4 abstentions – an amendment to the existing Law on the Protection of Minors against Detrimental Effects of Public Information which prohibits “information which agitates for homosexual, bisexual and polygamous relations” (article 4, sub-section 13).

On 26 June, President Adamkus vetoed the bill and sent it back to Parliament for a second reading. According to the Lithuanian Constitution, the President of the Republic can either sign and officially promulgate a law, within ten days of receiving a law adopted by the Seimas, or shall refer it back to the Seimas together with relevant reasons for reconsideration (art. 71).

On 14 July 2009, the Seimas overruled the presidential veto and adopted the amended Law on the Protection of Minors against the Detrimental Effect of Public Information.

On 15 July, the Liberals Movement Political Group of Lithuanian Parliament announced that they would file and appeal with the Constitutional Court of Lithuania concerning the compliance of the adopted Law on the Protection of Minors against the Detrimental Effect of Public Information with constitutional norms of freedom of expression and right to get information. According to information received, this appeal has however not been filed yet.

On 16 July, during a press conference with the Swedish Prime Minister, Lithuania's newly elected President Dalia Grybauskaite emphasised that human rights were an issue close to her heart, but said that she had no choice but to follow Lithuania's constitution and sign the law. She added “But I will make use of the right I have to propose changes to the law to make it compatible with basic human rights”<sup>1</sup>.

A working group was set up by the President of Lithuania to review the law but there are no indications at the moment about the working group's indications to make new proposals to the Seimas.

### Proposed amendments to the Penal and Administrative Codes

The Seimas has also been considering another legislative change in recent months.

On 9 July 2009, at a first plenary reading, 42 members of parliament across all the major parties voted in favour of amendments to the penal and administrative codes which

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<sup>1</sup> Press conference by Fredrik Reinfeldt and Dalia Grybauskaite (Lithuanian President) during her 1st official foreign visit to Sweden, both talk about homophobic law in Lithuania  
[http://www.se2009.eu/en/meetings\\_news/2009/7/16/fredrik\\_reinfeldt\\_in\\_talks\\_with\\_lithuania\\_s\\_president?localLinksEnabled=false](http://www.se2009.eu/en/meetings_news/2009/7/16/fredrik_reinfeldt_in_talks_with_lithuania_s_president?localLinksEnabled=false)

criminalise the “promotion of homosexual relations in public places (of those present, eight MPs voted against, whilst 16 abstained).

The amendments of penal and administrative codes suggest that a person propagating homosexual relationships in public areas is committing a criminal action to be punished either by public works, or by a fine, or by arrestment. The amendments stipulate that a legal person also is to be responsible for such actions. (See below for proposed amendments)

The initiators of the amendments are members of the group Order & Justice, representatives of the group of the Nation Resurrection Party, and conservatives. Only the Liberal Movement Alliance and the Liberal & Centre Alliance had no representatives who supported these amendments.

The amendments have been put on the agenda of autumn session of the Parliament (10 September – 23 December 2009). The amendments have now passed to the committee stage. The amendments are currently being examined in the Committee for Legal Affairs and are likely to be considered by the Committee of Human Rights as well. A vote is expected towards the end of this parliamentary session.

## **2. Content of the laws**

### **Law on the Protection of Minors against the Detrimental Effect of Public Information**

Article 4 of the law adopted on 14 July lists 19 categories of detrimental public information. Sub-section 13 prohibits “*Information which agitates for homosexual, bisexual and polygamous relations*” from schools or public places and media where they could be viewed by children.

In effect, it puts information about homosexuality and bisexuality on par with issues such as the portrayal of physical or psychological violence, the display of a dead or cruelly mutilated body of a person, and information that arouses fear or horror, or encourages self-mutilation or suicide.

In practice, this amendment leads to the prohibition of discussion of homosexuality in schools and bans any reference to it in public information that can be viewed by children. Indeed, in an explanatory note to the draft law, the authors of the proposed amendment wrote that “the propagation of a non-traditional sexual orientation and exposure to information containing positive coverage of homosexual relations may therefore cause negative consequences for the physical, mental and, first and foremost, moral development of minors.”

### **Proposed amendments to the Penal and Administrative Codes**

Two legislative amendments are currently being considered. These are:

#### **1. An amendment to the Penal Code (registered under number XIP-668(2))**

A new Article 310 entitled “Promotion of homosexual relations in public places” would state that:

- “1. A person promoting homosexual relations in public places is committing a criminal offence which is punishable with community work or a fine or imprisonment.
2. A legal person is also responsible for this criminal offence.”

## **2. An amendment to Administrative Code (registered under number XIP-667(2))**

A new Article 214, entitled “Promotion of homosexual relations or financing of promotion in public places” would state that:

“The promotion of homosexual relations or financing of the promotion in public places is to be punished by a fine from one thousand to five thousand litas.”

## **3. Reaction to the legislative developments**

Official statements, NGO letters to the Lithuanian authorities and media coverage on this case is available on ILGA-Europe’s website at [http://www.ilga-europe.org/europe/guide/country\\_by\\_country/lithuania/lithuania\\_and\\_the\\_law\\_against\\_ropaganda\\_of\\_homosexuality\\_and\\_bisexuality](http://www.ilga-europe.org/europe/guide/country_by_country/lithuania/lithuania_and_the_law_against_ropaganda_of_homosexuality_and_bisexuality)

NGOs which have denounced the law and the legislative proposals include:

- Lithuanian Gay League
- TJA – Tolerantiško Jaunimo Asociacija (Tolerant Youth Association)
- LSS – Lietuvos studentų sąjunga (Lithuanian National Union of Students)
- Lithuanian parliament of pupils
- Members of the Seimas such as Prof. Marija Aušrinė Pavilionienė, Algirdas Sysas, Vytenis Povilas Andriukaitis
- ILGA-Europe – European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association
- Amnesty International
- Human Rights Watch
- International Gay and Lesbian Human Rights Commission
- International LGBTQ Youth and Student Organisation (IGLYO)
- European Youth Forum
- OBESSU – The Organising Bureau of European Secondary School student Unions
- ANSO – Association of Nordic LGBTQ Student Organizations

Council of Europe

- Secretary General’s statement following the President’s veto  
<https://wcd.coe.int/ViewDoc.jsp?id=1466953&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE>
- Written Declaration of the Parliamentary Assembly:  
<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11969.htm>
- Resolution of the Human Rights Committee of the Conference of International Non-Governmental Organisations:  
[http://www.coe.int/t/e/ngo/public/CONF\\_HR\\_2009\\_RES\\_1\\_en.asp#TopOfPage](http://www.coe.int/t/e/ngo/public/CONF_HR_2009_RES_1_en.asp#TopOfPage)

#### **4. Background information on Lithuania**

The new legislation is part of a growing climate of intimidation and discrimination in Lithuania against lesbians, gay men and bisexual and transgender people. In the past years, municipal authorities have issued derogatory statements and several LGBT events were banned, including EU initiatives aimed at promoting diversity and combating discrimination.

On 21 May 2007, Juozas Imbrasas, mayor of Lithuania's capital city of Vilnius, refused to give permission for an EU-sponsored anti-discrimination truck tour which visited 19 EU member states. The purpose of the truck tour was to raise awareness and distribute information about the EU's "For Diversity. Against Discrimination" campaign, as well as the European Year of Equal Opportunities for All. The Vilnius City Council also voted unanimously to ban a tolerance campaign rally in support of human rights of various groups, including the rights of LGBT people, which was due to take place on 25 May, citing "security reasons". The European Commission commented on the ban stating that "the decision by the city authorities shows how much still needs to be done to change behaviour and attitudes towards discriminated groups and to promote awareness of diversity". The mayor of Vilnius further supported the decision by local bus drivers in Vilnius not to drive buses which had advertisements supporting LGBT rights on them. The mayor stated that "with priority for traditional family and seeking to promote the family values, we disapprove the public display of 'homosexual ideas' in the city of Vilnius." The advertisement had been paid for by the Lithuanian Gay League with money granted from the EU.

On 24 October 2007, the Vilnius City Council, refused to grant permission for the assembly of a group of LGBT rights activists at the hoisting of a 30-meter rainbow flag, a symbol of the LGBT rights movement, on the Town Hall Square. The hoisting of the flag was to be witnessed by an assembly of over 200 LGBT rights activists from around 40 different countries. The official reason why the event could not go ahead was that construction works carried out on the Town Hall Square could endanger the safety of those participating in the event. The square was however safe enough to be open to the public at all times, and no alternative venue was offered by the Vilnius City Council.