

REPUBLIC OF LITHUANIA

LAW

ON THE PROTECTION OF MINORS AGAINST THE DETRIMENTAL EFFECT OF PUBLIC INFORMATION

10 September 2002 – No IX-1067

(As last amended on 22 December 2009 – No XI-594)

Vilnius

New version of the Law as of 1 March 2010:

Article 1. Purpose of the Law

This Law shall establish the criteria of public information which has a detrimental effect on minors, the procedure for the dissemination thereof, the rights, duties and liability of producers and disseminators of public information and participants thereof, journalists, as well as institutions carrying out the supervision of their activities. This Law shall apply to all public information.

Article 2. Definitions

1. **Hypnosis** shall mean a temporary state of mind – alteration of consciousness with a strong focus on the content of suggestion and/or autosuggestion, during which the behaviour of a man, his self-control and self-awareness change.

2. **Computer game** shall mean electronic entertainment software intended for computers, electronic communication terminals, held and distributed on a data medium and/or public computer networks (the Internet).

3. **Minor** shall mean a person who is under 18 years of age.

4. **Paranormal phenomenon** shall mean a physical occurrence, experience, phenomenon or fact that lacks a scientific explanation, human abilities that have not been proved by experimental methods.

5. **Exhortation** shall mean purposeful information which exhorts minors to take specific actions or urges them to acquire or change habits, views, dispositions or behaviour.

6. The other main definitions used in this Law shall conform to the definitions set forth in Article 2 of the Law on the Provision of Information to the Public.

Article 3. Key Principles of the Protection of the Interests of Minors in the Field of Provision of Information to the Public and Their Implementation

The key principles of the protection of the interests of minors in the field of provision of information to the public and their implementation shall be:

- 1) the interests of minors, their parents (guardians, custodians), the public and the State;
- 2) the self-regulation and obligations of producers and disseminators of public information, participants thereof, journalists and their trade unions;
- 3) the adjustment of the duties and liability in respect of the protection of the interests of minors among the State and state institutions, producers and disseminators of public information and participants thereof, journalists and their trade unions, and parents (guardians, custodians) of minors;
- 4) the promotion of dissemination of information which promotes social, mental and moral well-being of a child and encourages his physical and mental development;
- 5) the adequacy, efficiency and proportionality of the liability measures;
- 6) the reasonableness, fairness and decency.

Article 4. Public Information which Has a Detrimental Effect on the Development of Minors

1. Public information which has a detrimental effect on minors shall be considered such information which may be detrimental to the mental or physical health of minors, their physical, intellectual, mental or moral development.

2. The following public information shall be attributed to information which has a detrimental effect on minors:

- 1) of a violent nature, which encourages aggressiveness and disrespect for life;
- 2) which encourages the destruction or damage of property;
- 3) which shows close-ups of the body of a deceased, dying or cruelly mutilated person, except when such a showing is necessary for establishing the identity of the person;
- 4) of an erotic nature;
- 5) which invokes fear or horror;
- 6) which promotes gambling, encourages or offers to take part in gambling and other games which create an impression of an easy gain;
- 7) in which dependence on narcotic, toxic, psychotropic substances, tobacco or alcohol as well as other substances which are used or may be used for intoxication purposes are positively assessed and the use, production, distribution or acquisition thereof is promoted;
- 8) which promotes self-mutilation or suicide, specifies suicide measures and circumstances;

- 9) in which criminal acts are positively assessed or criminals are idealised;
- 10) which relates to the imitation of criminal acts;
- 11) which promotes behaviour degrading human dignity;
- 12) in which a person or a group of persons are ridiculed or humiliated on grounds of nationality, race, sex, origin, disability, sexual orientation, social status, language, religion, beliefs, views or on other similar grounds;
- 13) which demonstrates staged paranormal phenomena creating an impression that these phenomena are real;
- 14) which promotes sexual abuse and exploitation of minors, sexual relations between 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 stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania;
- 17) in which obscene sayings, words or gestures are used;
- 18) which advises on how to manufacture, acquire or use explosives, narcotic or psychotropic substances as well as other items dangerous to life or health;
- 19) which promotes bad eating and hygiene habits and lack of physical exercise;
- 20) which shows mass hypnosis sessions in which the influenced object is the audience of a mass medium;
- 21) which is defined in Article 6 of this Law.

3. Dissemination of information which has a detrimental effect on minors shall be prohibited or restricted in accordance with the procedure set forth by this Law.

4. It shall be prohibited to disseminate information which corresponds to subparagraph 12 of paragraph 2 of this Article and public information, especially of a pornographic nature, which is prohibited by other laws, as well as information which promotes sexual abuse and exploitation of minors and/or presents gratuitous violence.

Article 5. Derogations from Restrictions on the Dissemination of Information which Has a Detrimental Effect on Minors

1. Public information which has a detrimental effect on minors may be disseminated by way of derogation from the restrictions specified in Article 7 of this Law where:

- 1) its content is only comprised of information about events, political, social, religious beliefs or outlook;

2) the information is significant from a scientific or artistic point of view or it is necessary for research or education purposes;

3) there is a public interest to make it available to the public;

4) its scope and effect are minor.

2. The programmes, broadcasts or parts thereof which are subject to derogations provided for in paragraph 1 of this Article must be preceded by a visual or other announcement of the possible detrimental effect on minors of the subsequent programmes, broadcasts or parts thereof.

Article 6. Prohibition of the Dissemination of Public Information which Has a Detrimental Effect on the Development of Minors Related to Making Personal Data Available to the Public

It shall be prohibited to disseminate in the mass media information having a detrimental effect on minors related to personal data:

1) which, in relation to criminal acts or other violations of the law, makes available to the public the personal data of a minor who is not hiding from the law enforcement institutions or the court following the perpetration of the criminal act and who is the suspect, accused or convicted or a minor who has been a victim of a criminal act or other violations of the law, on the basis whereof his identity may be established;

2) which makes available to the public the personal data of a minor who has mutilated himself or has attempted this, who has committed suicide or has attempted this, on the basis whereof his identity may be established;

3) whereby, in providing data about a minor, his dignity is degraded and/or his interests are violated;

4) in which, abusing the inexperience and credulity of minors, their opinions and assessments are presented in the context of negative social phenomena;

5) in which the photos of minors or filmed material about them are presented in the context of negative social phenomena, where their identity may be established on the basis thereof.

Article 7. Restriction on the Dissemination of Information which Has a Detrimental Effect on the Development of Minors

1. It shall be prohibited to directly disseminate to minors – to offer to them, transfer or otherwise permit personal use of information which has a detrimental effect on minors. Such public information may be made available to the public only in places which are inaccessible to minors and/or during such times when minors would not be able to access it, or when, by employing

technical measures, conditions are created for persons responsible for the upbringing and care of children to ensure the possibility of limiting the supply of such public information to minors.

2. Programmes and broadcasts disseminating information which has a detrimental effect on minors may be broadcast without employing the technical measures specified in paragraph 1 of this Article where they are marked by indexes and broadcast at appropriate times. Such programmes and broadcasts:

1) must be marked by the index “S” and broadcast from 11.00 pm to 6.00 am where the information disseminated wherein has a detrimental effect on minors;

2) must be marked by the index “N-14” and broadcast from 9.00 pm to 6.00 am where the information disseminated wherein has a detrimental effect on minors who are under 14 years of age;

3) must be marked by the index “N-7” where the information disseminated wherein has a detrimental effect on minors who are under 7 years of age.

3. Persons providing services of access to public computer networks (the Internet) must ensure the installation and operation of filtering measures for the harmful Internet content which has a detrimental effect on minors approved by the Information Society Development Committee under the Government of the Republic of Lithuania (hereinafter referred to as the “Information Society Development Committee”). On the recommendation of the Information Society Development Committee, the Government shall establish the procedure for the use of mandatory filtering measures at points of access to public computer networks (the Internet).

4. Producers and/or disseminators of computer games must mark computer games according to the age requirements for consumers in the manner established by the Government.

5. Cinematographic films in television programmes must be shown in compliance with the requirements of this Law.

6. The procedure for marking and dissemination of public information which has a detrimental effect on the development of minors shall be established by the Government.

Article 8. Other Public Information Subject to Dissemination Restrictions under this Law

1. The restrictions set on the dissemination of information which has a detrimental effect on the development of minors shall also apply to advertising, self-promotion (announcements), trademarks, computer games and other public information.

2. The presentation or advertising of goods and services intended for persons from 18 years of age, 14 years of age and 7 years of age may not be broadcast in parts of programmes intended for viewers younger than the viewers of the presented or advertised goods and services.

Article 9. Institutions Responsible for the Implementation of the Provisions of this Law

1. The supervision of the implementation of the provisions of this Law shall be carried out by the Inspector of Journalist Ethics (hereinafter referred to as the “Inspector”).

2. The Inspector shall:

1) ensure the implementation of the provisions of this Law and supervise the compliance therewith;

2) with a view to ensuring the implementation of the provisions of this Law, cooperate with State and municipal institutions, non-governmental and other organisations;

3) at the request of producers and disseminators of public information, participants thereof, journalists and other interested persons, provide recommendations with regard to the assignment of specific public information intended to be produced and/or disseminated by them to the category of information which has a detrimental effect on the development of minors, the marking of such information and the applicable restrictions on the dissemination thereof;

4) draft and publicly announce the recommended guidelines for the application of the criteria specified in Articles 4 and 5 of this Law and the restrictions set forth in Article 7 of this Law;

5) at least once a year, draft and publicly announce the summaries of the activities of the Inspector, other institutions responsible for the supervision of the implementation of the provisions of this Law and the judicial practice in relation to the application of this Law;

6) draft and submit to responsible institutions the drafts of legal acts related to the implementation of the provisions of this Law;

7) examine the complaints (applications) related to the violations of the provisions of this Law.

3. In performing the functions specified in paragraph 2 of this Article, the Inspector shall be entitled to decide:

1) to issue a warning to producers and disseminators of public information as well as other persons responsible for the content of the mass media regarding the violations of this Law and require that the provisions of this Law and other legal acts related to it be observed;

2) to publicly announce that specific producers and disseminators of public information or other persons responsible for the content of the mass media fail to comply with the provisions of this Law;

3) within the scope of his competence, to institute administrative proceedings against producers and disseminators of public information, as well as other persons responsible for the content of the mass media for the violations of this Law;

4) to apply to appropriate institutions so that, within the scope of their competence, they impose liability measures on the violators of this Law;

5) in the presence of elements of criminal acts related to the provisions of this Law, to apply to law enforcement institutions to initiate a pre-trial investigation;

6) to obtain, free of charge, information which is necessary for the performance of functions of the Inspector from producers and disseminators of public information, state and municipal institutions and agencies and institutions responsible for the supervision of the implementation of the provisions of this Law, and to make use of the information monitoring data of the Radio and Television Commission of Lithuania.

4. The decisions of the Inspector shall be adopted, announced and appealed against in accordance with the procedure established in the Law on the Provision of Information to the Public.

5. All interested persons may apply to the Inspector with complaints (applications) regarding the violations of this Law.

6. A group of experts (up to nine persons) of sufficiently good repute, possessing special knowledge, shall operate under the Inspector. The group shall assess the effect of public information on minors and submit its findings to the Inspector. The experts shall be appointed by the Inspector, taking into account the proposals of the institutions listed in paragraph 7 of this Article. The group of experts shall operate according to the principle of rotation in accordance with the rules of procedure approved by the Inspector. The activities of experts shall be financed from the allocations from the State budget assigned to the Office of the Inspector of Journalist Ethics.

7. The following shall also be responsible, within the scope of their competence, for the supervision of the implementation of the provisions of this Law:

- 1) the Lithuanian National Radio and Television Council;
- 2) the Lithuanian Radio and Television Commission;
- 3) the Ministry of Culture;
- 4) the Ethics Commission of Lithuanian Journalists and Publishers;
- 5) the Children's Rights Ombudsman Institution;
- 6) the executive institutions of municipalities;
- 7) the Information Society Development Committee;
- 8) the Police Department under the Ministry of the Interior.

8. The institutions listed in paragraph 7 of this Article may apply to the Inspector with regard to the assignment of public information to the category of information which has a detrimental effect on the development of minors, cooperate and exchange information and, within the scope of their competence, impose liability on persons who fail to comply with the provisions of this Law.

Article 10. Liability for Violations of the Provisions of this Law

Violations of the provisions of this Law shall incur liability in accordance with the procedure established by the law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

**Annex to
Republic of Lithuania
Law on
the Protection of Minors against the Detrimental Effect of
Public Information**

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ 2004, *special edition*, Chapter 6, Volume 1, p. 224) with the latest amendments done by Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 (OJ 2007, L 332, p.27).