

ORAL QUESTION WITH DEBATE O-0083/09

pursuant to Rule 115 of the Rules of Procedure

by Michael Cashman, Claude Moraes and Emine Bozkurt, on behalf of the S-D Group
to the Council

Subject: Lithuanian Law for the Protection of Minors against the Detrimental Effects of Public Information

On 11 June 2009 the Lithuanian Parliament approved amendments to the Law on the Protection of Minors against the Detrimental Effects of Public Information. The law asserts that 'a detrimental effect on the development of minors' is caused by 'public information that agitates for homosexual and bisexual relations' (Art. 4.14) and that 'defies family values' (Art. 4.15). Such a provision puts information about homosexuality on a par with issues such as the portrayal of physical violence, the display of a cruelly mutilated human body, and information that encourages self-mutilation or suicide. The law results in the banning of any information on homosexuality if it can be accessed by minors.

The President of Lithuania vetoed the law on 26 June 2009, as it was drafted in vague and unclear terms, and asked the Parliament to reconsider it to ensure that it complied with 'the constitutional principles of the rule of law, legal certainty, and legal clarity' and was 'not in conflict with the guarantees of an open society and pluralistic democracy'. The Parliament overruled the veto of the President on 14 July 2009. Human rights NGOs and MEPs have repeatedly called on EU institutions to intervene and the Seimas to review the draft law, while an appeal will be filed with the Constitutional Court. Furthermore, amendments to the penal and administrative codes which criminalise acts by private or legal persons 'propagating homosexuality' in public areas, to be punished either by public works, or by a fine of up to 1 500 Euros, or by arrest, will be examined in the autumn.

Has the Council discussed the above-mentioned issues with the Lithuanian authorities? Does the Council not think that such a law and such amendments are incompatible with human rights and fundamental freedoms as enshrined in international and European conventions and notably with freedom of expression, which includes the right to seek, receive and impart information, and that it is incompatible with EU law and policies on anti-discrimination? Does the Council not think that such a law contravenes the EU Charter of Fundamental Rights, Article 6 TEU and Article 13 TEC, i.e. the fundamental values on which the EU is based? Will the Council ask the Fundamental Rights Agency to assess the law and the amendments? What will the Council do to ensure that Lithuania respects its obligations under the EU Treaties, European and international law? Is it ready to activate the procedure provided for in Article 7 TEU if necessary?

Tabled: 28.08.2009

Forwarded: 31.08.2009

Deadline for reply: 21.09.2009