

Situation in Lithuania following the adoption of the law on protection of minors

European Parliament resolution of 17 September 2009 on the Lithuanian Law on the Protection of Minors against the Detrimental Effects of Public Information

The European Parliament,

- having regard to international and European human rights obligations, including those contained in the UN conventions on human rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, and to the UN Convention on the Rights of the Child of 20 November 1989,
 - having regard to the European Union's provisions on human rights, in particular Article 6 of the EU Treaty, Article 13 of the EC Treaty and the Charter of Fundamental Rights of the European Union,
 - having regard to Article 13(1) of the EC Treaty, which provides that: 'without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation',
 - having regard to Council Directives 2000/43/EC¹ and 2000/78/EC² prohibiting direct and indirect discrimination on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation, to the Commission proposal of 2 July 2008 for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and to Article 21(1) of the Charter of Fundamental Rights of the European Union, which prohibits '[A]ny discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation',
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas the EU is a community of values based on human rights, fundamental freedoms, democracy and the rule of law, equality and non-discrimination, and whereas directives, including those concerning the fight against discrimination based on sexual orientation, have been approved and proposed in order to achieve this aim,
- B. whereas sexual orientation is a matter falling within the remit of an individual's right to privacy, guaranteed by international, European and national human rights law, and equality and non-discrimination should be promoted by public authorities, while freedom of

¹ OJ L 180, 19.7.2000, p. 22.

² OJ L 303, 2.12.2000, p. 16.

expression should be guaranteed for the media, non-governmental organisations (NGOs) and individuals,

- C. whereas on 14 July 2009 the Lithuanian Parliament approved amendments to the Law on the Protection of Minors against the Detrimental Effects of Public Information that will come into force on 1 March 2010, under which it will be prohibited 'to directly disseminate to minors' public information whereby 'homosexual, bisexual or polygamous relations are promoted', because it has 'a detrimental effect on the development of minors',
- D. whereas the wording of the law, with particular reference to Article 4 thereof, is vague and legally unclear and might lead to controversial interpretations,
- E. whereas, following the overruling of the President's of the Republic of Lithuania veto, the law is now under review by the Lithuanian national authorities,
- F. whereas it is unclear what kind of materials would fall within the scope of this law and whether its scope extends to books, art, press, publicity, music and public representations such as theatre, exhibitions or demonstrations,
- G. whereas the Swedish Presidency of the EU has discussed the amended law with the Lithuanian authorities, while the new President of the Republic of Lithuania has declared that she will act to ensure that the law is in conformity with EU and international requirements,
 - 1. Asks the European Union Agency for Fundamental Rights to give an opinion on the law and the amendments in the light of the EU Treaties and EU law;
 - 2. Reaffirms the importance of the EU fighting against all forms of discrimination, and in particular discrimination based on sexual orientation;
 - 3. Reaffirms the principle set out in the preamble of the UN Declaration of the Rights of the Child of 20 November 1959 that 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection';
 - 4. Welcomes the statements made by the new President of the Republic of Lithuania and the creation of a working group in Lithuania charged with evaluating possible changes to the law, and invites the President of the Republic of Lithuania and authorities to ensure that its national laws are compatible with human rights and fundamental freedoms as enshrined in international and European law;
 - 5. Notes that the Law on the Protection of Minors against the Detrimental Effects of Public Information approved by the Lithuanian Parliament on 14 July 2009 is not yet in force and needs to be reviewed before it enters into force;
 - 6. Instructs its committee responsible to follow up the issue;
 - 7. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and of the candidate countries, the President and Parliament of the Republic of Lithuania, the European Union Agency for Fundamental Rights and the Council of Europe.