

**AMENDMENT LAW OF THE LAW ON THE PROTECTION OF MINORS  
AGAINST DETRIMENTAL EFFECT OF PUBLIC INFORMATION OF  
THE REPUBLIC OF LITHUANIA**

\_\_\_\_\_ 2009 No.  
Vilnius City

(Official Gazette, 2002, Nr. 91-3890; 2003, Nr. 108-4813; 2006, Nr. 111-5393)

**Article 1. New version of the Law on the Protection of Minors Against Detrimental  
Effect of Public Information of the Republic of Lithuania**

To amend the Law on the Protection of Minors Against Detrimental Effect of Public Information of the Republic of Lithuania and to word in it a following way:

**THE LAW ON THE PROTECTION OF MINORS  
AGAINST DETRIMENTAL EFFECT OF PUBLIC INFORMATION OF  
THE REPUBLIC OF LITHUANIA**

**Article 1. Purpose of the Law**

This Law shall establish the criteria for public information that may cause detrimental effect on the mental health, physical, intellectual or moral development of minors, the procedure of its dissemination, and the rights, duties and liability of the producers, disseminators and their participants, journalists and institutions regulating their activities.

**Article 2. Basic Definitions of the Law**

**1. Hypnosis** refers to a temporary mental condition, alteration of consciousness and strong concentration to the content of the suggestion and/or self-suggestion during which the behaviour, self-control or self-awareness of a person changes.

**2. Computer game** is an entertainment electronic software for computers, end-user electronic devices stored and distributed in a media and/or public networks of computers (in the internet).

**3. Minor** means a person under 18 years of age.

**4. Paranormal phenomena** refer to physical events, occurrences, phenomena and facts that cannot be explained by science, and abilities of people that are not proved by experimental methods.

5. Other basic definitions used in this Law shall conform to the definitions set forth in Article 2 of the Law on Provision of Information to the Public.

### **Article 3. Fundamental Principles of Protection of Minors Against Detrimental Effect of Public Information**

In establishing the provisions of the protection of minors against detrimental effect of public information, and the liability for violations thereof, the following shall be taken into consideration:

- 1) the interests of minors, their parents (caregivers, custodians) and society;
- 2) the self-regulation and obligations of public information producers, disseminators and participants, journalists and their trade unions;
- 3) the principle of the adequacy, efficiency and proportionality of the liability measures.
- 4) the principle of reasonableness

### **Article 4. Public Information That Causes Detrimental Effect to the Development of Minors**

1. Public information that causes detrimental effect on mental health, physical, intellectual or moral development of minors, shall be deemed to be the information:

- 1) which is related to portrayal of physical or psychological violence: when the killing, mutilation or torture of people and/or animals is portrayed in detail;
- 2) which displays deliberate damage or destruction of property;
- 3) which displays a dead or cruelly mutilated body of a person, except in cases when such a portrayal is necessary for identification purposes;
- 4) which is erotic in nature: when sexual desire is aroused, sexual intercourse is suggested, sexual intercourse or an imitation thereof or other sexual gratification and genitals and sex paraphernalia are displayed;
- 5) which arouses fear or horror;

6) which encourages gambling, encourages and suggests participation in the games of chance, lotteries and other games that imply easy win;

7) in which addiction to drugs, psychotropic substances, tobacco or alcohol is favourably displayed and the use, production, dealing or acquisition thereof is promoted;

8) which encourages self-mutilation or suicide; portrays suicide measures or circumstances in detail;

9) in which criminal activity is assessed favourably or criminals are idealised;

10) which is related to the simulation of criminal activity;

11) which portrays mockery of a person;

12) which contains mockery or humiliation on grounds of nationality, race, gender, origin, disability, sexual orientation, social status, language, religion, belief or attitudes;

13) that demonstrates paranormal phenomena providing an impression these phenomena are true;

14) that agitate for homosexual, bisexual and polygamous relations;

15) that distorts family relations, scorns its values;

16) in which obscene language, words and gestures are employed;

17) that instructs on how to produce, acquire or use explosives, drugs and psychotropic substances as well as other items hazardous for life or health;

18) that promotes bad eating, sanitary and physical passivity habits;

19) that displays a hypnosis session;

20) which is defined in Article 6 herein.

2. Dissemination of information to which at least one of the above criteria in paragraph 1 applies shall be prohibited or restricted.

3. It shall be prohibited to disseminate public information prohibited by other laws that may impair mental health, physical, intellectual or moral development of minors, in particular, the portrayal of pornography and/or gratuitous violence.

#### **Article 5. Non-assignment of Public Information to Category of Information which Causes Detriment to Development of Minors**

Public information may be non-assigned to the category of information, which causes detriment to the development of minors, if it conforms to the criteria described in sub-paragraphs 1 to 18 Paragraph 1 Article 4 of this Law, however:

- 1) its contents are comprised only of information about events, political, social, religious beliefs or world-views;
- 2) this information is significant with regard to its scientific or artistic value or is necessary for research or training;
- 3) there exists public interest for making it available to the public; and
- 4) its scope and effect are of low significance.

#### **Article 6. Prohibition to Disseminate Public Information, Related to Making Personal Data Available to Public, Causing Detrimental Effect on the Development of Minors**

1. The dissemination of public information, related to making personal data available to public, causing detrimental effect on the development of minors in mass media shall be prohibited, if this information:

- 1) in relation to criminal activities or other violations of the law, displays personal data of a minor, who is not hiding from law enforcement institutions or the court following the commitment of a crime, and who is a suspect, indictée, convict, or a minor who has been the victim of a criminal action or other violations of the law, on the basis of which his/her personal identity could be established;
- 2) makes public personal data of a minor who has mutilated himself or has attempted this, has committed suicide or has attempted it, according to which, his personal identity may be established;
- 3) by providing personal data would humiliate a minor's dignity and/or infringe his/her interests;
- 4) by abusing the trust and inexperience of minors, it presents the opinions and assessments of minors as in the context of negative social phenomena; and
- 5) presents photos or filmed material of minors in a context of negative social phenomena that can lead to identification of these minors.

#### **Article 7. Restriction on the Dissemination of Information Having Detrimental Effect on Their Development**

1. It shall be prohibited to directly disseminate to minors, offer to them, transfer or otherwise permit personal use of the information described in sub-paragraphs 1 to 18 Paragraph 1 Article 4. 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 means, the persons responsible for the upbringing and care of the children are enabled to have the possibility to limit the accessibility of such public information to minors.

2. Programmes and shows containing public information to which one or more of the criteria described in sub-paragraphs 1 to 18 Paragraph 1 Article 4 herein apply can be broadcasted without the use of technical means specified in Paragraph 1 herein if they are marked with indexes of viewer age group and broadcasted at the corresponding times:

1) programmes and shows containing information the content of which has a detrimental effect on the minors shall be marked by index 'S' and broadcasted only from 11 pm to 6 am.

2) programmes and shows containing information the content of which has a detrimental effect only on the minors who are younger than 14 years shall be marked by index 'N-14' and broadcasted only from 9 pm to 6 am.

3) programmes and shows containing information the content of which has a detrimental effect only on the minors who are younger than 7 years shall be marked by index 'N-7'.

3. Entities providing services of access to Internet shall ensure the introduction and functioning of filtering measures of the detrimental content of Internet having negative effect on minors, as prescribed by Information Society Development Committee under the Government of the Republic of Lithuania (hereinafter Information Society Development Committee).

On the proposal of Information Society Development Committee, the Government of the Republic of Lithuania shall determine the procedure of the use of the filtering measures obligatory in places of access to Internet.

4. Producers and/or distributors of computer games shall rate computer games according to users' age following the procedure set by the Government of the Republic of Lithuania.

5. Films shall be demonstrated on TV programmes in-line with the requirements of this Law.

6. The Government shall set the procedure of rating and dissemination of public information having detrimental effect on minors' development.

### **Article 8. Other Public Information to which the Restrictions of this Law Apply**

1. Restrictions, applicable to public information classified as causing detriment to the development of minors, shall also apply to advertising, self-advertising (announcements), trade marks, computer games and other public information.

2. Presentation or advertising of goods and services for persons from 18 years, from 14 years and from 7 years may not be broadcasted in parts of programmes for younger audience than the target audience of the presented or advertised goods or services.

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

1. The Inspector of Journalist Ethics (hereinafter - Inspector) shall exercise supervision of the implementation of the provisions of this Law.

2. The Inspector shall:

1) take care of the implementation of the provisions of this Law and supervise adherence thereof;

2) cooperate with state and municipal institutions, NGOs and other organisations for the purposes of ensuring the implementation of the provisions herein;

3) submit recommendations to the producers, disseminators of public information and its participants thereof as well as journalists and other interested persons regarding the application of the provisions of this Law, based on the opinions provided by the regulators and self-regulators of the activities of producers and disseminators of public information, experts and associations of minors' parents (caregivers, custodians);

4) draft and submit to the responsible institutions drafts of legal acts, relating to the implementation of the provisions of this Law;

5) examine the claims which concern violations and failure to adhere to the provisions of this Law;

6) publish their decisions in the supplement "Informational Bulletin" ("Informaciniai Pranešimai") to "Official Gazette" (Valstybes Žinios) and the website of the Office of Inspector of Journalist Ethics;

7) annually publish their activity report before 15 March.

3. In performing the functions indicated in Paragraph 2 of this Article, the Inspector shall have the right to make decision:

1) warn the producers, disseminators of public information and owners thereof as well as journalists and other persons about the violations of this Law and require that the provisions of this Law and agreements of this Law as well as the legal acts related to it be observed;

2) make public the fact that certain producers, disseminators of information and the owners thereof and journalists or other persons fail to adhere to the provisions of this Law;

3) within the scope of their competence, punish in accordance with administrative procedure the producers, disseminators of public information and the participants thereof and journalists and other persons for violations of this Law;

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

5) in the presence of elements of crimes, related to the provisions of this Law, to apply to law enforcement institutions for the institution of criminal proceedings;

6) obtain information free of charge, which is necessary in performing the functions of the Inspector, from the public information producers and disseminators, participants and journalists, State and municipal institutions and agencies and the institutions responsible for the supervision of the implementation of the provisions of this Law and also, to make use the observation (monitoring) data of the Radio and Television Commission of Lithuania.

4. The Inspector's decisions are made, appealed against made public in accordance with the procedure established by Law on provision of information

5. All interested natural or legal persons may address to the Inspector appeals regarding the violations of this Law.

6. A group of persons (of up to nine persons) of unblemished reputation who are experts having special knowledge, shall work under the Inspector and shall assess the effect of public information on minors and submit their findings to the Inspector. The Inspector shall appoint the experts, taking into account the suggestions of the institutions, listed in paragraph 7 of this Article. The group of experts shall work on a rotation principle in accordance with work Regulations approved by the Inspector. The activities of the experts shall be funded from the State Budget.

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 Radio and Television Council;

2) the Lithuanian Radio and Television Commission;

3) the Ministry of Culture;

4) the Lithuanian Ethics Commission of Journalists and Publishers;

5) the Office of the Ombudsman for the Protection of the Rights of the Child;

6) municipal executive institutions;

7) Information Society Development Committee under the Government of the Republic of Lithuania;

8) Police Department under the Ministry of the Interior.

8. The institutions listed in paragraph 7 of this Article may address the inspector with regard to the assignment of public information to the category of information, which causes detriment to the development of minors and shall cooperate and exchange information and within the scope of their competence, shall hold liable under the law persons, who fail to adhere to the provisions of this Law.

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

The persons who violate this Law shall be held liable according to the procedure established by laws.

**Article 11. Recommendations to the Government**

Within 6 months of the enforcement of the Law, the Government shall approve the following:

- 1) procedure of using filtering measures on Internet;
- 2) procedure for rating and disseminating public information having detrimental effect on minors' development;
- 3) other legislation required for the enforcement of this Law.

**Article 12. Law comes in force**

This law, except Article 11, comes in force 1 st March 2010.

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

**IMPLEMENTED LEGISLATION OF THE EUROPEAN UNION**

1. Council Directive 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 (89/552/EEC) (OL 2004, Special Edition, Chapter 6, Volume 1, p. 224).

2. Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OL 2004, Special Edition, Chapter 6, Volume 2, p. 321).

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

PRESIDENT OF THE REPUBLIC

Submitted by  
Member of Parliament  
Stundys

Valentinas