

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 14 July 2009 – No XI-333)

Vilnius

Version until 1 March 2010:

Article 1. Purpose of the Law

This Law shall establish the criteria of public information that has a detrimental effect on the mental health of minors, their physical, intellectual or moral development, the procedure for making available to the public and dissemination thereof, and the rights, obligations and liability of the information producers, disseminators and their owners, journalists and institutions regulating their activities.

Article 2. Definitions

1. **Minor** shall mean a person who is under 18 years of age.
2. Other main definitions used in this Law shall conform to the main definitions set out in Article 2 of the Law on the Provision of Information to the Public.

Article 3. Main Principles of the Protection of Minors Against the Detrimental Effect of Public Information

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

- 1) the interests of minors and the society;
- 2) the self-regulation and obligations of public information producers, disseminators and their owners, journalists and their trade unions;
- 3) the principle of adequacy, efficiency and proportionality of the liability measures;

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

1. Public information having a detrimental effect on the mental health, physical, intellectual or moral development of minors shall be considered the information:

- 1) which relates to the portrayal of physical or psychological violence or vandalism: when the killing, mutilation or torture of people or animals, property destruction or damage are portrayed in detail and violence is positively assessed, coercion or cruelty is enjoyed;
- 2) in which the body of a dead or cruelly mutilated person is shown, except when such a showing is necessary for establishing the person's identity;
- 3) which is of an erotic nature: when sexual desire is aroused, sexual intercourse or its imitation or other sexual gratification or the genitals or sex paraphernalia are displayed;
- 4) which arouses fear or horror;

- 5) which promotes gambling;
- 6) in which dependence on narcotic, toxic, psychotropic substances, tobacco or alcohol is positively assessed and the use, production, distribution or acquisition thereof is promoted;
- 7) which promotes self-mutilation or suicide;
- 8) in which criminal acts are positively assessed or criminals are idealised;
- 9) which relates to the imitation of criminal acts;
- 10) in which discriminatory treatment on grounds of nationality, race, sex, origin, disability, sexual orientation, religion or other dependence is promoted;
- 11) in which obscene sayings, words or gestures are frequently used;
- 12) which advises on how to manufacture, acquire or use explosives, narcotic or psychotropic substances as well as other items dangerous to life or health;
- 13) which promotes bad eating and hygiene habits and lack of physical exercise;
- 14) which is defined in paragraph 1 of Article 5 of this Law.

2. The making available to the public or/and dissemination of the information conforming to at least one of the criteria provided for in paragraph 1 of this Article may be prohibited or restricted.

3. Except for the cases provided for in Article 7 of this Law, the making available to the public or dissemination of public information that may be detrimental to physical, intellectual or moral development of minors, especially the portrayal of pornography and/or gratuitous violence shall be prohibited.

Article 5. Information Having a Detrimental Effect on the Development of Minors Related to Making Personal Data Available to the Public

1. Public information having a detrimental effect on the mental health, physical, intellectual or moral development of minors shall also be considered the information:

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 is the suspect, accused or convicted or a minor who has been the victim of a criminal act or other violations of the law, on the basis whereof his personal 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, has committed suicide or has attempted this, on the basis whereof his personal identity may be established;

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

4) in which, abusing the trust and inexperience of minors, the opinions and assessments by minors 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 personal identity may be established on the basis thereof.

2. It shall be prohibited to make available to the public the information defined in paragraph 1 of this Article.

Article 6. Non-assignment of Public Information to the Category of Information Having a Detrimental Effect on the Development of Minors

Public information may be non-assigned to the category of information having a detrimental effect on the mental health, physical, intellectual or moral development of minors where it conforms to the criteria set out in subparagraphs 1-13 of paragraph 1 of Article 4 of this Law, however:

1) its content is composed only 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;
- 3) there is a public interest to make it available to the public;
- 4) its scope and effect are minor.

Article 7. Prohibition and Restriction to Make Available to the Public and Disseminate Information Having a Detrimental Effect

1. It shall be prohibited to directly make available to the public or disseminate to minors: offer to them, transfer or otherwise permit personal use of the information defined in subparagraphs 1-13 of paragraph 1 of Article 4 of this Law. 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 the persons responsible for the upbringing and care of the children to ensure the possibility to limit the supply of such public information to minors.

2. The programmes and broadcasts which match one or several criteria provided for in subparagraphs 1-9 of paragraph 1 of Article 4 of this Law and assigned to the category of public information the making available or dissemination of which is restricted shall be transmitted only from 11pm until 6am or technical measures, creating conditions for the persons responsible for the upbringing and care of the children to ensure the possibility to limit the supply of such programmes and broadcasts to the minors, shall be used. If such programmes and broadcasts are transmitted from 11pm to 6am not using the said technical measures, the transmission thereof must be announced by audio and/or visual measures during the entire period of transmission of the broadcast.

3. The procedure for making available to the public and disseminating the information assigned to the category of public information having a detrimental effect on the development of minors and the system of audio and visual measures provided for in this Article shall be established by the Government.

Article 8. Advertising and Announcements (Self-promotion)

The restrictions established for the public information assigned to public information having a detrimental effect on the development of minors shall also apply to advertising, self-promotion, announcements and trademarks.

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) take care of the implementation of the provisions of this Law and supervise compliance therewith;

2) analyse the application of this Law;

3) initiate that the producers, disseminators of public information and owners thereof, and journalists assume voluntary obligations based on self-regulation regarding the protection of minors against the detrimental effect of public information;

4) cooperate with all State and municipal institutions and agencies as well as other legal persons in order to ensure the implementation of the provisions of this Law;

5) submit recommendations to the producers and disseminators of public information, owners thereof as well as journalists and other interested persons regarding the application of the provisions of this Law;

6) taking into account the conclusions of the institutions of self-regulation and experts, devise a system of audio and visual measures of marking public information having a detrimental effect on the development of minors;

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

8) examine the complaints related to violations and failure to comply with the provisions of this Law;

9) publish his decisions in the supplement *Informaciniai pranešimai* to the official gazette *Valstybės žinios*.

10) annually, by 15th March publish a report on his work and every two years prepare analytical material regarding the implementation of the provisions of this Law.

3. In performing the functions specified in paragraph 2 of this Article, the Inspector shall have the right to:

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

2) make public the fact that specific information producers, disseminators and the owners thereof as well as journalists or other persons fail to comply with the provisions of this Law or mutual agreements;

3) punish, in accordance with the administrative procedure, the producers and disseminators of public information and the owners thereof as well as 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 criminal acts related to the provisions of this Law, apply to law enforcement institutions to initiate preliminary inquiry;

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

4. The decisions of the Inspector may be appealed in court within 30 days.

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

6. A group of experts (of up to nine persons) of unblemished reputation 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 experts shall be appointed by the Inspector, taking into account the suggestions of the institutions listed in paragraph 7 of this Article. The group of experts shall work based on the principle of rotation in accordance with the rules of procedure adopted by the group itself and approved by the Inspector. The activities of the experts shall be financed 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 Ethics Commission of the Lithuanian Journalists and Publishers;

5) the Children's Rights Ombudsman Institution;

6) the executive institutions of municipalities.

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 having a detrimental effect on the mental health of minors, their physical, intellectual or moral development and shall cooperate and exchange information and, within the scope of their competence, shall hold liable under the law natural or legal 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.

Article 11. Proposals to the Government

The Government shall, by 1 November 2002:

- 1) draft the amendments to the Code of Administrative Offences necessary for the implementation of this Law;
- 2) establish the procedure for making available to the public and disseminating information assigned to the category of public information having a detrimental effect on the development of minors, the making available to the public and dissemination of which is restricted, and the system of audio and visual measures provided for in paragraph 2 of Article 7 of this Law;
- 3) adopt other legal acts subordinate to this Law.

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

Version from 1 March 2010:

Article 1. Purpose of the Law

This Law shall establish the criteria of public information having a detrimental effect on the mental health of minors, their physical, intellectual or moral development, the information dissemination procedure, the rights, duties and responsibilities of the information producers, disseminators and their participants, journalists and the institutions carrying out the supervision of their activities.

Article 2. Definitions

1. **Hypnosis** shall mean a temporary state of mind – alteration of consciousness and strong focussing on the content of suggestion and/or autosuggestion during which the behaviour of a man, his self-control and self-awareness change and under the influence of which the man obeys the will of another person.
2. **Computer game** shall mean electronic entertainment software intended for computers, electronic communications terminal equipment, stored and distributed in information media 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. Other main definitions used in this Law shall conform to the main definitions set out in Article 2 of the Law on the Provision of Information to the Public.

Article 3. Main Principles of the Protection of Minors Against the Detrimental Effect of Public Information

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

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

- 4) the principle of reasonableness;
- 5) the principle of fairness;
- 6) the principle of decency.

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

1. Public information having a detrimental effect on the mental health, physical, intellectual or moral development of minors shall be considered the information:

- 1) which relates to the portrayal of mental (psychological, emotional) or physical violence: when the mutilation, torture or killing of people and/or animals is portrayed in detail;
- 2) which displays intentional property damage or destruction;
- 3) which displays the body of a dead, dying or cruelly mutilated person, except when such a display is necessary for establishing the person's identity;
- 4) which is of an erotic nature: when sexual desire is aroused, sexual intercourse is suggested, sexual intercourse or its imitation or other sexual gratification or the genitals or sex paraphernalia are displayed;
- 5) which arouses fear or horror;
- 6) which promotes gambling, encourages or offers to take part in gambling, lotteries and other games which form an impression of an easy win;
- 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 portrays mockery of a person;
- 12) in which a person is mocked at or humiliated on grounds of nationality, race, sex, origin, disability, sexual orientation, social status, language, religion, beliefs or views;
- 13) which demonstrates paranormal phenomena forming an impression that these phenomena are real;
- 14) whereby homosexual, bisexual or polygamous relations are promoted;
- 15) whereby family relations are distorted, its values are scorned;
- 16) in which obscene sayings, words or gestures are used;
- 17) which advises on how to manufacture, acquire or use explosives, narcotic or psychotropic substances as well as other items dangerous to life or health;
- 18) which promotes bad eating and hygiene habits and lack of physical exercise;
- 19) which displays a hypnosis session;
- 20) which is defined in Article 6 of this Law.

2. Dissemination of information conforming to at least one of the subparagraphs of paragraph 1 of this Article shall be prohibited or restricted in accordance with the procedure set forth by this Law.

3. It shall also be prohibited to disseminate public information prohibited by other laws which may be detrimental to the mental health of minors, their physical, intellectual or moral development, especially information of pornographic content and/or information presenting gratuitous violence.

Article 5. Non-assignment of Public Information to the Category of Information Having a Detrimental Effect on the Development of Minors

Public information may be non-assigned to the category of information having a detrimental effect on the mental health, physical, intellectual or moral development of minors

where it conforms to the criteria set out in subparagraphs 1-19 of paragraph 1 of Article 4 of this Law, however:

- 1) its content is composed only 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;
- 3) there is a public interest to make it available to the public;
- 4) its scope and effect are minor.

Article 6. Prohibition to Disseminate Public Information Having 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 the information detrimental to the development of 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 is the suspect, accused or convicted or a minor who has been the victim of a criminal act or other violations of the law, on the basis whereof his personal 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, has committed suicide or has attempted this, on the basis whereof his personal 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 trust and inexperience of minors, the opinions and assessments by minors 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 personal identity may be established on the basis thereof.

Article 7. Restriction to Disseminate Information Having a Detrimental Effect on the Development of Minors

1. It shall be prohibited to directly disseminate to minors: offer to them, transfer or otherwise permit personal use of the information defined in subparagraphs 1-19 of paragraph 1 of Article 4 of this Law. Such public information must be disseminated 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, the dissemination of such information to minors is limited or conditions are created for the persons responsible for the upbringing and care of the children to ensure the possibility to limit the dissemination of such public information to minors.

2. Programmes and broadcasts in which the disseminated public information matches one or several criteria provided for in subparagraphs 1-19 of paragraph 1 of Article 4 of this Law may be transmitted without employing the technical measures specified in paragraph 1 of this Article where they are marked by indexes and transmitted at appropriate times. Such programmes and broadcasts:

- 1) must be marked by index "S" and transmitted from 11pm to 6am when the information disseminated wherein has a detrimental effect on minors;
- 2) must be marked by index "N-14" and transmitted from 9pm to 6am when the information disseminated wherein has a detrimental effect on minors who are under 14 years of age;
- 3) must be marked by index "N-7" when 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 introduction and functioning of filtering measures of the harmful Internet content having a detrimental effect on the minors approved by the Information Society Development Committee under the Government of the Republic of Lithuania (hereafter 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 distributors of computer games must mark computer games based on the user age restriction in accordance with the procedure established by the Government.

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

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

Article 8. Other Public Information on the Dissemination Whereof the Restrictions of this Law Apply

1. The restrictions set for the dissemination of information having 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 transmitted in parts of broadcasts 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) take care of the implementation of the provisions of this Law and supervise 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) taking into account the conclusions of the institutions of regulation and self-regulation of the activities of public information producers and disseminators, the conclusions of experts and the suggestions of associations of minors' parents (guardians, custodians), submit recommendations to the producers and disseminators of public information, the participants thereof, journalists and other interested persons regarding the application of the provisions of this Law;

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

5) examine the complaints (reports) related to 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 to:

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

2) make public the fact 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, impose administrative measures on the producers and disseminators of public information or other persons responsible for the content of the mass media 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 criminal acts related to the provisions of this Law, apply to law enforcement institutions to initiate preliminary inquiry;

6) obtain free of charge information which is necessary for the performance of the functions of the Inspector from the public information producers and disseminators, State and municipal institutions and agencies and the institutions responsible for the supervision of the implementation of the provisions of this Law as well as make use of the information observation (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 address to the Inspector complaints (reports) regarding violations of this Law.

6. A group of experts (of up to nine persons) of unblemished reputation having special knowledge shall work 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 suggestions of the institutions listed in paragraph 7 of this Article. The group of experts shall work based on the principle of rotation in accordance with the rules of procedure approved by the Inspector. The activities of the 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 Radio and Television Council;

2) the Lithuanian Radio and Television Commission;

3) the Ministry of Culture;

4) the Ethics Commission of the 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 address the Inspector with regard to the assignment of public information to the category of information having a detrimental effect on the development of minors, cooperate and exchange information and, within the scope of their competence, hold liable under the law 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.

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).

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

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS
