

**Law on the Protection of Minors against Detrimental Effect of Public Information**

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<b>Aprašantieji terminai:</b> informacijos skleidimas, vaikų apsauga
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Official Translation  
REPUBLIC OF LITHUANIA

LAW ON THE PROTECTION OF MINORS  
AGAINST DETRIMENTAL EFFECT OF PUBLIC INFORMATION  
September 10, 2002. No. IX – 1067.

Vilnius

**Article 1. Purpose of the Law**

This Law shall establish the criteria of public information, which might cause physical, mental or moral detriment to the development of minors, the procedure of making available to the public and dissemination thereof and also, the rights, obligations and liability of the producers, disseminators and their owners, journalists and institutions regulating their activities.

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

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

2. The 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 a detrimental effect of public information and liability for violations thereof, the following shall be taken into consideration:

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

**Article 4. Public Information Which Causes Detrimental Effect to Development of Minors**

1. Public information, that causes physical, mental or moral detriment to the development of minors, shall be deemed to be information:

- 1) which relates to portrayal of physical or psychological violence: when the killing, mutilation or torture of people and animals are portrayed in detail, also vandalism, a positive assessment of violence and coercion or cruelty are being indulged in;
- 2) which displays a dead or cruelly mutilated body of a person, except in cases when such a portrayal is necessary for identification purposes;
- 3) which is erotic in nature: when sexual desire is aroused, sexual intercourse or an imitation thereof or other sexual gratification and genitals and sex paraphernalia are displayed;
- 4) which arouses fear or horror;
- 5) in which addiction to drugs, psychotropic substances, tobacco or alcohol, is favourably assessed and the use, production, distribution or acquisition thereof is promoted;
- 6) which encourages self-mutilation or suicide;
- 7) in which criminal activity is assessed favourably or criminals are idealised;
- 8) which is related to the imitation of criminal activity;
- 9) which contains an incitement to discrimination on the basis of nationality, race, gender, origin, disability, sexual orientation, religion or other affiliation;
- 10) in which obscene language, words and gestures are frequently employed;
- 11) which is defined in Article 5, paragraph 1 of this Law.

2. The making available to the public and (or) dissemination of information which shall match one of the criteria set forth in paragraph 1 of this Article, may be prohibited or restricted.

3. It shall be prohibited to make available to the public or disseminate public information, which may seriously impair the physical, mental or moral development of minors, particularly the portrayal of pornography and (or) gratuitous violence, except in the cases stated in Article 7 of this Law.

**Article 5. Public Information, Linked to Making Personal Data Available to Public, Causing Detrimental Effect to Development of Minors**

1. Public information that is considered to cause detrimental effect to the development of minors shall be as follows:

1) in relation to criminal activities or other violations of the law making available to the public of the personal data of a minor, who is not hiding from the law enforcement institutions or the court following the perpetration of a crime by a suspect, accused, being tried, judged, convicted, or a minor who has been the victim of a criminal action or other violations of the law, on the basis of which, his personal identity could be established.

2) making public of the 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) in providing information about a minor, his dignity is degraded and (or) his interests are violated;

4) in abusing the credulity and inexperience of minors the opinions and assessments by minors as well as their photos or filmed material concerning them are presented in a context of negative social phenomena.

2. It shall be prohibited to openly communicate to the public the information described in paragraph 1 of this Article.

**Article 6. 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 shall conform to the criteria described in Article 4, paragraphs 1 and 10 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 view or is necessary for research or instruction;

3) a public interest exists for making it available to the public;

4) its scope and effect are of little significance.

**Article 7. Prohibition and Restriction to Make Available to Public and Disseminate Information that Causes 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 described in Article 4, paragraph 1, sub-paragraphs 1 and 10 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 in employing technical means, conditions are created for the persons responsible for the upbringing and care of the children to ensure the possibility to limit the offering of such public information to minors.

2. Programmes and broadcasts, which match one or more of the criteria described in Article 4, paragraph 1, sub-paragraphs 1 and 9 of this Law and are assigned to the category of public information, making available to the public and dissemination whereof are restricted, which is broadcast between 2300 and 0600 hours or technical measures are being employed, creating the conditions for those persons who are responsible for the upbringing and the care of children to ensure the possibility of limiting the supply of such public information to minors. If such programmes and broadcasts shall be broadcast from 2300 to 0600 hours without employing the aforementioned measures, announcements should be made by audio and (or) visual means about the broadcasting thereof throughout the entire duration of the broadcast.

3. The Government shall establish the procedure of making available to the public and dissemination of the information, which causes detriment to the development of minors and that is assigned to the public information category, which shall be restricted from being made available to the public and dissemination, as well as the system of audio and visual facilities provided for in this Article.

**Article 8. Advertising and Announcements (self-advertising)**

Restrictions, imposed on public information assigned to causing detriment to the development of minors, shall also apply to self-advertising, announcements and goodstrade marks.

**Article 9. Institutions Responsible for 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 observance thereof;

2) analyse the application of this Law;

3) initiate that producers, disseminators of public information and owners thereof, as well as journalists should assume voluntary obligations based upon self-regulation with respect to the protection of minors against a detrimental impact of public information;

- 4) cooperate with all the State and municipal institutions and agencies and other legal persons, striving to ensure the implementation of the provisions of this Law;
  - 5) submit recommendations to the producers, disseminators of public information and the 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, shall devise a system of audio-visual measures of labelling public information which causes detriment to the development of minors;
  - 7) draft and submit to the responsible institutions drafts of legal acts, relating to the implementation of the provisions of this Law;
  - 8) examine the claims which concern violations and failure to adhere to the provisions of this Law;
  - 9) publish his decisions in the supplement "Informational Bulletin" ("Informaciniai Pranešimai") to "Official Gazette" (Valstybės Žinios);
  - 10) annually, by March 15<sup>th</sup> publish a report on its work and every two years prepare analytical material regarding the implementation of the provisions of this Law.
3. In performing the functions indicated in paragraph 2 of this Article, the Inspector shall have the right to:
- 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 specific producers, disseminators of information and the owners thereof and journalists or other persons fail to adhere to the provisions of this Law or mutual agreements;
  - 3) punish in accordance with administrative procedure the producers, disseminators of public information and the owners 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, 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 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 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 adopted by the group itself and 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 Controller for the Protection of the Rights of the Child.
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 shall cause 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 natural or legal 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**

By November 1, 2002 The Government of the Republic of Lithuania shall:

- 1) draft the amendments to the Code of Administrative Offenses, which are necessary for the implementation of this Law;
- 2) establish the procedure of announcement and dissemination of information which causes detriment to the development of minors and which is assigned to the category of public information and also the audio-visual system facilities provided for in paragraph 2 of Article 7 of this Law.
- 3) adopt other implementing legislation of this Law.

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