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Courtesy translation

LIETUVOS RESPUBLIKOS SEIMO PIRMININKĖ
SPEAKER OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA

Mr Thomas Hammarberg
Commissioner for Human Rights
Council of Europe

10 February 2010

Dear Mr Commissioner,

I have examined your opinion presented in a letter of 8 December 2009 on the Draft Law on the Protection of Minors Against the Detrimental Effect of Public Information, as well as draft amendments to the Code of Administrative Law Offences of the Republic of Lithuania and the Criminal Code of the Republic of Lithuania.

The Draft Law on the Protection of Minors Against the Detrimental Effect of Public Information has given rise to intense discussions in Lithuania. Therefore, thank you for your position on the Draft Law.

In response to the issues raised in your letter, it is worthwhile noting that opinions have been voiced in the public sphere that the Law may lead to an unacceptable discrimination of persons on the grounds of sexual orientation and that it restricts the freedom of expression. However, it is noteworthy that the Law does not involve any discrimination if we are to perceive discrimination as an introduction of certain differentiation, exceptions, or restrictions on the basis of sexual orientation, as the case may be. The Law neither discriminates against nor prohibits any type of relationship or lifestyle. Every individual has a freedom and a right to a private life. The Seimas of the Republic of Lithuania is making every effort to ensure the implementation of the rights and freedoms of citizens embedded in the national legislation and international commitments that Lithuania has undertaken.

On 22 December 2009, the Seimas of the Republic of Lithuania adopted amendments to the Law on the Protection of Minors Against the Detrimental Effect of Public Information. It should be noted that the adopted amendments have eliminated the provisions that in some or other way could be seen as an infringement of minority rights. On 24 December 2009, the President of the Republic of Lithuania signed the amendments to the Law to come into effect on 1 March 2010.

Moreover, several Members of the Seimas have registered draft amendments to the Code of Administrative Law Offences of the Republic of Lithuania and to the Criminal Code of the Republic of Lithuania. It should be noted that according to Article 68 of the Constitution of the Republic of Lithuania, the right of legislative initiative at the Seimas shall belong to the Members of the Seimas, the President of the Republic, and the Government. This is the right of Members of the Seimas with a free mandate. Article 59 of the Constitution of the Republic of Lithuania establishes that when in office, Members of the Seimas shall follow the Constitution of the Republic of Lithuania, the interests of the State as well as their own consciences, and may not be restricted by any mandates. The aforementioned drafts are currently at the stage of deliberations in Seimas Committees and are being assessed on governmental and non-governmental levels where respective governmental institutions and all interested parties are free to provide their comments. The final decision on the drafts should be made during the spring session in 2010. Certainly, without any doubt the provisions of the amendments will have to be filtered against the requirements of the international human rights enshrined in the documents of the Council of Europe and the United Nations.

Please find attached the Law on the Protection of Minors Against the Detrimental Effect of Public Information adopted by the Seimas of the Republic of Lithuania on 22 December 2009.

Please accept, Dear Mr Commissioner, the assurances of my highest consideration and hopes for further constructive cooperation.

Yours sincerely,

Irena Degutienė