



OBESSU Organising Bureau of European School Student Unions



President José Manuel Durão Barroso  
President of the European Commission  
European Commission  
1049, Brussels

CC: Commissioner Vladimír Špidla,  
Commissioner Jacques Barrot,  
Commissioner Jan Figel,  
Mr. Morten Kaerjum

Brussels, 22 June 2009

**Subject: Amendment of the law on the protection of minors against detrimental effect of public information in the Republic of Lithuania**

Dear President Barroso,

On behalf of young people in Europe, we are writing to call on you to urgently and publicly express the European Commission's regret on the adoption of the amendment of the law on the protection of minors against detrimental effect of public information of the Republic of Lithuania. We urgently call on you to take all necessary steps to convince President Adamkus to veto this amendment prior to its entering into force later this week.

We would like to give voice to the concerns already expressed by other civil society organisations, and to strongly condemn this piece of legislation as it blatantly violates the international obligations of the Republic of Lithuania. The bill is in breach of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), as well as the core principles of equality and non-discrimination enshrined in the article 6 of the Treaty of the European Union.

We strongly believe that protection of minors should be guaranteed by appropriate regulation of the audiovisual sector, and that firm action should be taken against child pornography and trafficking of young human beings. To this aim, the right to freedom of expression, which fully includes the right to seek, receive and disseminate information, might only be limited as far as international standards allow. These international standards have already been interpreted restrictively by the European Court of Human Rights (ECHR) in its jurisprudence on article 10 of the ECHR.

To consider information "that agitates for homosexual, bisexual and polygamous relations" detrimental to the physical and mental health of minors, as the amendment does, is strongly at odds with the fundamental right to freedom from discrimination. That is one of the fundamental principles of the European Union, and is likely to have a disproportionate

impact on the freedom of expression of minors, which is inconsistent with international standards according to which limitations to fundamental rights should be proportionate to the aim they pursue.

We are also extremely concerned about the scope of such legislation, which is very large and is likely to include not only the audiovisual sector, but also other key areas of life for the development of young people such as education<sup>1</sup>.

Such an amendment could further fuel stereotypes and prejudices against lesbian, gay and bisexual people in school, where they already bear extremely negative consequences because of their sexual orientation<sup>2</sup>.

President Barroso, young people have always striven to build a Europe where diversity is acknowledged, respected and valued. We, the young people of Europe, are convinced that further steps need to be taken to eliminate discrimination on any ground, including sexual orientation and age, and to achieve *de facto* equality in Europe. We *cannot* therefore accept the adoption of national laws contravening the fundamental principles upheld by international institutions such as the European Union, the Council of Europe and the United Nations, to all of which Lithuania is a member. An overwhelming majority of young people, moreover, strongly support these principles, and they would be deeply disempowered by a legislator who seeks to protect them in an inadequate manner.

The European Commission has certainly made decisive steps during its 2004-2009 mandate in combating discrimination and implementing principles of equal opportunities. We are confident that you will do everything in your remit to ensure that Lithuania fulfils its international obligations, and that such legislation is not adopted. Should the legislation still come to be adopted, we call on you to strongly express the European Commission's regret for the abovementioned reasons.

We are looking forward to receiving further information on the actions undertaken by you and the European Commission on this urgent issue.

**Tine Radinja, President, European Youth Forum (YFJ)**

**Simon Malievac, Chairperson, International Lesbian, Gay, Bisexual, Transgender and Queer Youth and Student Organisation (IGLYO)**

**Lukas Kaindlstorfer, Board Member, the Organising Bureau of European School Student Unions (OBESSU)**

**Vytautas Valentinavičius, Chairperson, Tolerant Youth Association (Lithuania)**

**Dainius Diksaitis, President, Lithuanian National Union of Students (Lithuania)**

**Darius Matas, President, YC In Corpore (Lithuania)**

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<sup>1</sup> See article 7 paragraph 1 of the amendment:

"[...] 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."

<sup>2</sup> Joint IGLYO and ILGA-Europe report: *Social exclusion of young LGBT people in Europe*. Brussels: ILGA-Europe, 2006. Available from [www.ilga-europe.org](http://www.ilga-europe.org) and [www.iglyo.com](http://www.iglyo.com).