



Grand Chamber hearing on case concerning children's book of LGBTI fairy tales

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 23 March 2022 at 9.15 a.m.** in the case of **Macatė v. Lithuania** (application no. 61435/19).

The case concerns a complaint by an author that her children's book containing LGBTI fairy tales was labelled as possibly harmful to children.

A recording of the hearing will be available this afternoon on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Neringa Dangvydė Macatė, was a Lithuanian national who was born in 1975 and lived in Vilnius. She died in March 2020 and her mother is continuing the proceedings in her place.

The applicant was a children's author who was openly lesbian and who wrote a book, aimed at nine-ten-year-olds, of six original fairy tales. Adapted from traditional fairy tales, they included characters from various marginalised social groups, such as Roma, persons from different racial backgrounds, persons with disabilities, divorced families, and stories around issues such as emigration and bullying. Two of the six fairy tales contained story lines of romantic relationships and marriages between persons of the same sex.

Soon after the book's publication, there were complaints from associations representing families, that stories about same-sex relationships were being presented to children. The Inspectorate of Journalistic Ethics concluded that the two fairy tales which depicted such relationships did not comply with section 4 § 2 (16) of the Act on the Protection of Minors from Detrimental Effects of Public Information. That provision states that any information which "expresses contempt for family values" or "encourages a different concept of marriage and creation of family than the one enshrined in the Constitution or the Civil Code" is considered as having a negative effect on minors.

The publisher subsequently added a warning label that the book might be harmful for children under 14 years of age. The applicant lodged civil proceedings against the publisher, but courts dismissed her claim, finding that the publisher had acted in line with the domestic law concerning the concept of family and protection of minors from harmful information.

Procedure

The application was lodged with the European Court of Human Rights on 22 November 2019.

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights taken alone and in conjunction with Article 14 (prohibition of discrimination), the applicant complains that the book was labelled as harmful to children for the sole reason that it contained a positive depiction of same-sex relationships. She also argues that section 4 § 2 (16) of the Act on the Protection of Minors from Detrimental Effects of Public Information, although seemingly neutral, was in reality aimed at limiting the dissemination of any positive information about LGBTI persons on the pretext of protecting children.

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

On 18 June 2020 the Lithuanian Government were given [notice](#)² of the application, with questions from the Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 31 August 2021.

ILGA-Europe, ARTICLE 19: Global Campaign for Free Expression and Professor David Kaye, acting jointly, and Háttér Society were granted leave to intervene in the written proceedings as third parties.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Robert **Spano** (Iceland), *President*,
Jon Fridrik **Kjølbro** (Denmark),
Síofra **O’Leary** (Ireland),
Yonko **Grozev** (Bulgaria),
Georges **Ravarani** (Luxembourg),
Marko **Bošnjak** (Slovenia),
Ganna **Yudkivska** (Ukraine)
Egidijus **Kūris** (Lithuania),
Branko **Lubarda** (Serbia),
Carlo **Ranzoni** (Liechtenstein),
Stéphanie **Mourou-Vikström** (Monaco),
Tim **Eicke** (the United Kingdom),
Arnfinn **Bårdsen** (Norway),
Erik **Wennerström** (Sweden),
Saadet **Yüksel** (Turkey),
Ana Maria **Guerra Martins** (Portugal),
Andreas **Zünd** (Switzerland), *judges*,
Iulia Antoanella **Motoc** (Romania),
Lado **Chanturia** (Georgia),
Peeter **Roosma** (Estonia), *substitute judges*,

and also Marialena **Tsirli**, *Registrar*.

Representatives of the parties

Government

Karolina **Bubnytė-Širmenė**, *Agent*,
Nika **Bruskina**, *Adviser*;

Applicant

Robert **Wintemute**, *Counsel*,
Marijus **Dingilevskis**, *Adviser*.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.