

Legal regulation of gender - based violence in Lithuania

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National Strategy for 2010-2012 aimed at decreasing violence against women

- improvement of the legal base in the field of combating violence against women;
- analysis of the situation in the field of domestic violence against women;
- effective prevention of domestic violence against women;

- provision of a complex set of assistance to victims of domestic violence against women;
- sanctions on perpetrators;
- Strengthening of institutional capacities.

Legal regulation

- Criminal and Administrative Codes of Lithuania;
- Law on protection against domestic violence 26 May 2011 (came into force December 2011) ;

Statistic:

About **10 000** calls to police about possible domestic violence incidents.

About **3000** Pretrial investigations have been started.

Law on protection against domestic violence

- This Law defines the concept of domestic violence;
- establish the rights and liability of subjects of domestic violence;
- implementation of prevention measures;
- provision of assistance in the event of domestic violence and application of protection measures to victims of violence.

- **Violence** -an intentional physical, mental, sexual, economic or another influence exerted on a person by an act or omission as a result whereof the person suffers physical, property or non-pecuniary damage.

Article 4: prevention

- 1) organise **public education and awareness campaigns** promoting zero tolerance of violence;
- 2) **organise training** and in-service training courses for judges, prosecutors, police officers, specialists and other persons working in the field of prevention of domestic violence and assistance under the programmes developed by the

- 3) organise **legal education of the public** concerning the acts considered as domestic violence;
- 4) **organise research, collection of statistical data** on domestic violence and analysis of these data;
- 5) **organise courses teaching** the ways of peaceful resolution of domestic conflicts;

Article 5 Measures Ensuring the Protection of a Victim of Violence

The following measures of protection of a victim of violence shall be imposed:

- 1) the **obligation for the perpetrator of violence to temporarily move out of the place of residence**, if he resides together with the victim of violence;
- 2) the obligation for the perpetrator of violence not to approach the victim of violence, not to communicate and not to seek contact therewith.

These measures will be applied until completion of examination of a case, unless a pre-trial investigation judge imposes the pre-trial supervision measures specified in the Code of Criminal Procedure of the Republic of Lithuania, namely, **detention or the obligation to reside separately from the victim**. These measures shall be imposed by a ruling of the **pre-trial investigation judge not later than within 48 hours**.

Article 6. Measures Ensuring the Protection of a Victim of Violence

- Upon recording an incidence of domestic violence, a **police officer shall immediately take measures to protect a victim of violence** and, taking account of the circumstances, **initiate a pre-trial investigation and notify the prosecutor** if the prosecutor's order is necessary to initiate the pre-trial investigation.
- Procedural actions shall be subject to accelerated proceedings where the circumstances of an incident of domestic violence are clear, and a **criminal case concerning the commission of this act must be heard by a district court.**

Article 7. Functions of Police Officers

- Police officers shall record the fact of occurrence of the incident of domestic violence and initiate pre-trial investigation. A victim of violence shall not file a complaint.
- Where an obligation is imposed on the perpetrator of violence to temporarily move out of the place of residence, if he resides together with the victim of violence, police offices shall immediately ensure the moving out of the perpetrator of violence.

- Police officers shall notify a specialised assistance centre of an obligation imposed by court on the perpetrator of violence to temporarily move out of the place of residence immediately, and in no case later than the next working day following adoption of the decision.

Article 9. Organisation of Assistance

1. On arrival to the place of an incident of domestic violence, **police officers shall inform a victim of violence of the possibilities of receiving assistance** and, upon informing him, report the incident to a specialised assistance centre.
2. Upon receipt of a report from police officers, a **specialised assistance centre shall forthwith contact a victim of violence and offer him specialised comprehensive assistance.**

- 3. Police officers shall forthwith, but in no case later than the next working day, **give a notice to a children's rights protection division where a minor is exposed to domestic violence**, becomes a witness thereof, lives in an environment wherein violence is inflicted or where a person suspected of inflicting violence is a minor.

Article 10. Rights of a Victim of Violence

- 1) obtain from a police officer and from a specialised assistance centre **information on the institutions providing assistance under this Law;**
 - 2) receive **specialised comprehensive assistance provided for victims of violence;**
 - 3) apply for and receive assistance in accordance with the procedure laid down by this Law and other legal acts of the Republic of Lithuania.
- *The rights stipulated in paragraph 1 of this Law shall be granted also if a person does not apply to the police concerning domestic violence.

Article 11. Rights of a Perpetrator of Violence

- 1) obtain from a police **officer information on the institutions providing accommodation services**, if the person is imposed an obligation to move out from the place of residence;
- 2) submit explanations concerning domestic violence;
- 3) apply for and receive assistance in accordance with the procedure laid down by other legal acts of the Republic of Lithuania.

Weaknesses

- New law on protection of domestic violence is still not incompatible with legal framework of Lithuania;
- Scheme of assistance to domestic violence victims is still unclear;
- Specialised assistance centre will be officially established after 2 months;
- Lack of financation from state budget.

Weaknesses

- Law does not use **gender-based violence** term and creates new definition of violence in private space.
- Also this law is not **aimed at protection of women and criminalization of gender – based violence** nevertheless almost 90 percent of victims of gender-based and domestic violence are women.