**Desk analysis. Legal framework in LITHUANIA**

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This desk analysis was done using the following means to gather information:

* internet, looking at the involved ministries’ national websites, possible existing legal databases of public and private institutions;
* contacts with lawyers or organizations dealing with domestic violence and its victims.
* direct research on the legal codes, statutes and resolutions.

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| **Content** | **YES** | **NO** | **Notes** |
| **1. Laws specifically targeted to domestic violence** | ***YES*** |  | Republic of Lithuania Law on protection against domestic violence. 26 May 2011 No. XI-1425 Vilnius |
| 1.a If 1 is yes, targeted both to women and children | ***YES*** |  | According to the Article 2 of aforementioned law**Victim of domestic violence** (hereinafter referred to as “**victim of violence**”) can **be a person** against whom domestic violence has been used, also a child who has become a witness of domestic violence or lives in an environment exposed to violence.So yes, this law is targeted to women, children, man and other relatives in the family. |
| 1.b If 1 is yes, what are the main provisions of the law | *-* | *-* | **1.**It abolished the procedure of private litigation that existed in domestic violence cases from the restitution of the Independence and according to which is a person became a victim of domestic violence it should go though procedure of private litigation and represent it’s own rights in court. (Article 6. Application of Measures Ensuring the Protection of a Victim of Violence claims that in case of domestic violence police officers must react immediately, initiate a pre-trial investigation and notify the prosecutor if the prosecutor’s order is necessary to initiate the pre-trial investigation).**2**.Article 5. Measures Ensuring the Protection of a Victim of Violence1. Where the fact of an incident of domestic violence is established, 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 (if he resides together with the victim of violence, police offices shall immediately ensure the moving out of the perpetrator of violence. Article 7 of the law.);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 should be imposed by a ruling of the pre-trial investigation judge not later than within 48 hours. These measures are not applied if the perpetrator is a minor or has physical or mental defects**3.** Municipal institutions and non-governmental organisations shall, in accordance with the procedure laid down by laws, render and implement long-term assistance services. (Article 8. P 5 Management of Assistance) |
| 1.c If 1 is yes, the provisions are only focused on punishment |  | ***NO*** | There are some provisions aimed at assistance of domestic violence victims and prevention of domestic violence. |
| 1.d If 1.c is NO, the provisions are also focused on prevention and support to the victims | ***YES*** |  | The provisions focused on the prevention and support to the victims are the following:*-* **Assistance to victims of domestic violence** (hereinafter referred to as “**assistance**”) mean psychological, legal, social, health care, educational, accommodation and other necessary services provided by state, municipal institutions and non-governmental organisations to victims of domestic violence. (*Article 2. P 3)**-* **Specialised comprehensive assistance to victims of violence** (hereinafter referred to as “**specialised comprehensive assistance**”) means comprehensive assistance provided by specialised assistance centres to address the critical situation in the event of domestic violence, specialised assistance rendered by psychologists, legal and other assistance. (*Article 2. P 8.)*- **Specialised assistance centre** is an institution performing public functions and providing specialised comprehensive assistance to victims of violence. *(Article 2. P 9)* |
| **2. Laws tackling violence on women and/or children** |  | **NO** | Violence on women and/or children are regulated by general laws. (Such as laws aimed at protection of domestic violence or protection of children rights.  |
| 2.a If 2 is yes, what are the main provisions of the law | *-* | *-* |  |
| 2.b If 2 is yes, there are specific commas related to domestic violence |  |  |  |
| 2.c If 2 is yes, the provisions are only focused on punishment |  |  | *……* |
| 2.d If 2.c is NO, the provisions are also focused on prevention and support to the victims |  |  |  |
| **3. General laws tackling domestic violence, sexual crimes, stalking** | **YES** |  |  |
| 3.1 Law on the Approval and Entry info force of the Criminal Code, Criminal Code[[1]](#footnote-1) | **YES** |  |  |
| If 3.1 is yes, what are the main provisions of the law |  |  | **Physical violence** as a consequence of gender – based violence can be classified as:* Severe Health Impairment (Article 135 of the Criminal Code of Lithuania),
* Non-Severe Health Impairment (Article 138 of the Criminal Code of Lithuania) or Causing Physical Pain or a Negligible Health Impairment (Article 140 of the Criminal Code of Lithuania).

Usually after being assaulted by a family member women are afraid to go to police and doctor, due to that they have no or almost no significant official prove of the action of violence. **Sexual violence** as a consequence of gender – based violence can be classified as an offence of:* Rape (Article 149 of the Criminal Code of Lithuania);
* Sexual assault (Article 150 of the Criminal Code of Lithuania);
* Sexual abuse (Article 151 of the Criminal Code of Lithuania).

It is worth mentioning that in Lithuania sexual relationship with spouse is considered as a duty of a wife, so complaints of women that experience sexual violence from her husband is usually not taken as a serious crime not even in society but in public institutions as well.**Psychological violence** as a consequence of gender – based violence can be classified as an offence of:* Threatening to Murder or Cause a Severe Health Impairment to a Person or Terrorisation of a Person (Article 145 of the Criminal Code of Lithuania);
* Restriction of Freedom of a Person’s Actions (Article 148 of the Criminal Code of Lithuania);
* Libel (Article 154 of the Criminal Code of Lithuania).

It is important to mention that the most common form of psychological abuse is insult, which is also a part of the process of private litigation. |
| 3.2 Administrative Code of the Republic of Lithuania[[2]](#footnote-2) | **YES** |  |  |
| If 3.2 is yes, what are the main provisions of the law |  |  | It is widely known that violence used against mother by a father have a negative impact on a child despite that the child is not abused. In Lithuania when perpetrator is abusing victim in front of the children police is able to apply article 181 of Administrative Code of Lithuania „Not using parental authority or using it in ways that are harmful for child“. Applying this article perpetrator can be taken off to police station for couple of hours to fill documents; this can help to avoid the act of violence. |
| 3.3 Civil Code of the Republic of Lithuania[[3]](#footnote-3)  | **YES** |  |  |
| If 3.3 is yes, what are the main provisions of the law |  |  | During the process of divorce according to the article 3.65 of Civil Code of Lithuania court allows victim to separate from perpetrator until the end of court process (court can prohibit for the perpetrator to live together with victim of gender – based violence and etc.). |
| 3.4 National Strategies aimed at decreasing violence against women | YES |  | The regulation of domestic violence is reflected in the National Strategy for 2010-2012 aimed at decreasing violence against women. The aim of the Strategy is to reduce, in a consistent, complex and systematic manner and on the national level, domestic violence against women.The main priorities of the Strategy are:* 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.

The goals of the Strategy have been set for the period until 2015, and measures for the implementation of the Strategy will be developed every three years. The main problem is that this Strategy does not contain clear legal framework that could help victims of domestic violence. |
| **4. General laws tackling violence against children and custody**  | **YES** |  |  |
| If 4 is yes, what are the main provisions of the laws |  |  | Lithuanian laws tackling violence against children and custody:**Codes:*** Civil Code of the Republic of Litahuania[[4]](#footnote-4);
* Law on the Approval and Entry info force of the Criminal Code, Criminal Code[[5]](#footnote-5);

**Statutes:*** **Law on Fundamentals of Protection of the rights of the Child[[6]](#footnote-6)** (Article 43 P 2 Administrative or criminal liability shall be applied for

demonstration  of physical and mental violence  to  children  andtheir inclusion into criminal or other illegal types of activity);* **Law on Child Guardianship[[7]](#footnote-7)**(Article 7 P 3 Temporary guardianship shall be established for the child when his both parents or the single parent do not take care of the child, neglect him, do not look after him, do not bring him up properly, use physical or mental violence and thereby endanger the child’s physical, mental, spiritual or moral development and safety (pending the court order to deprive the child of the family environment);

**Resolutions:*** **On the Approval of the State Family Policy Concept[[8]](#footnote-8). Which objectives are (Article 4):**

4.6.1.1. To upgrade the system of comprehensive, coordinated action and means, raising the parents' responsibility for implementing appropriate rights and duties for the child;4.6.1.2. to promote respect for the opinion of children and develop the child' capacity to take befitting according to age duties in the family;4.6.1.3. to promote child care in the family, seeking reduce the number of institutions engaged in child care;4.6.1.4. to prevent all forms of violence against children. To provide qualified comprehensive assistance to children who have been subjected to violence and their families, to promote rehabilitation of people inclined to violence;4.6.1.5. to support and develop the activity of free telephone service providing psychological assistance to children and youth;* **Articles of resolution tackling violence:** article 1 p 1.6.8; article 2 P 2.2.4 , P 2.5.3, P 2.5.4, P 2.6.2.

Matters of child protection are given to the Institution of the ombudsman for children rights of the republic of Lithuania[[9]](#footnote-9). |

Note: you should expand the table for every present law combating and preventing violence, sexual crimes, stalking, violence to children and custody of children.

1. Law on the Approval and Entry info force of the Criminal Code, Criminal Code. Link: <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=337361&p_query=&p_tr2=> [↑](#footnote-ref-1)
2. Administrative Code of the Republic of Lithuania: <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=429494> [↑](#footnote-ref-2)
3. Civil Code of the Republic of Lithuania. Link: <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=404614> [↑](#footnote-ref-3)
4. Civil Code of the Republic of Litahuania. Link: <http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=404614> [↑](#footnote-ref-4)
5. Law on the Approval and Entry info force of the Criminal Code, Criminal Code. Link: <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=337361&p_query=&p_tr2=> [↑](#footnote-ref-5)
6. Law on Fundamentals of Protection of the rights of the Child. Link: <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=30975&p_query=&p_tr2=> [↑](#footnote-ref-6)
7. Law on Child Guardianship. Link:<http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=71029&p_query=&p_tr2=> [↑](#footnote-ref-7)
8. Resolution On the Approval of the State Family Policy Concept. Link: <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=323058&p_query=child&p_tr2=2> [↑](#footnote-ref-8)
9. Institution of the ombudsman for children rights of the republic of Lithuania. Link: <http://www3.lrs.lt/pls/inter/vaikai?kalbId=2> [↑](#footnote-ref-9)