



**LIETUVOS RESPUBLIKOS NUOLATINĖ ATSTOVYBĖ
PRIE JUNGTINIŲ TAUTŲ BIURO
IR KITŲ TARPTAUTINIŲ ORGANIZACIJŲ ŽENEVOJE**

**PERMANENT MISSION OF THE REPUBLIC OF LITHUANIA
TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA**

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The Permanent Mission of the Republic of Lithuania to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to its Note Verbale of 14 April 2023, has the honor to provide the information for the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the thematic report on the investigation and documentation of gender-based killings of women and girls.

The Permanent Mission of the Republic of Lithuania to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

ENCLOSURE. 6 pages.



Geneva, 22 May 2023

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
Geneva

**Information provided by the Republic of Lithuania to
the Special Rapporteur on extrajudicial, summary or arbitrary executions
on the investigation and documentation of gender-based killings of women and girls**

Preventing and fighting against domestic violence and gender-based violence

Domestic violence, regardless of its type, is recognised as a criminal offence. For the purposes of defending persons from domestic violence, the **Law on Protection Against Domestic Violence** of the Republic of Lithuania (hereinafter – LPADV) has been adopted. The LPADV establishes procedural guarantees for victims of domestic violence. In 2022, a new version of the Law on Protection Against Domestic Violence of the Republic of Lithuania was adopted. By this law a new preventive measure of protection against domestic violence was established – domestic violence protection warrant. This measure is intended to protect a person at risk of domestic violence and by which an adult person who poses a risk of domestic violence is obliged to temporarily move out of the place of residence if he lives with a person at risk of domestic violence, not to visit this person's place of residence, not to approach him and together with adult persons and/or children living there, not to communicate with them, not to seek contact with them. A domestic violence protection warrant will be issued by a police officer for a period of 15 days after receiving a report of possible domestic violence and following a risk assessment, the risk of domestic violence has been determined. Moreover, the new LPADV includes a system of accreditation for specialised assistance centres (hereinafter – SAC) to ensure that they provide consistent services throughout the whole territory of Lithuania, including the ability to provide more in-person services rather than remote. The law enters into force on the 1 of July, 2023.

Lithuania is implementing the **Action Plan for the State Domestic Violence Prevention and Assistance to Victims** for 2022-2023 with the purpose to educate the society on preventing domestic violence, teaching to recognise signs of violence, develop intolerance to all types of violence, improving professional competences of employees of state and municipal institutions and other persons, working in the field of domestic violence prevention and support to victims of domestic violence, also create and implement domestic violence prevention measures. In 2021, following the adoption of the National Progress Plan, the Government adopted the Development Program of Social Cohesion for 2021-2030. In 2022, Advancement Measure for prevention of domestic violence, envisioning measures to improve competences of specialists working in the field and communication campaigns to reduce tolerance for domestic violence were adopted as well.

The project “**Domestic Violence: Prevention, Protection, Support and Cooperation**”, implemented by the Women’s Information Centre Association, seeks to raise public intolerance to violence, promote the recognition of various forms of violence, improve the professional competence of the employees, working in this field, at the same time increasing the accessibility and quality of support for victims of violence. The project involves activities targeting prevention of domestic violence, trainings for experts, offering comprehensive support for victims of domestic violence,

implementing domestic violence prevention and working in the field of protection against domestic violence, also supervisions for experts, providing support for victims of domestic violence, seminars for journalists on the specifics of informing the public on the topic of domestic violence, studies and surveys.

Victims of domestic violence are entitled to **guaranteed legal aid from the state**, which includes initial legal aid, secondary legal aid and state-guaranteed non-judicial mediation. Primary legal aid is available free of charge for all persons. Since 2019, when the amendments to the Law on State-guaranteed Legal Aid came into force, the scope of secondary legal aid for victims of domestic violence has been expanded. This type of aid is provided regardless of the assets owned or revenue throughout the full scope of the criminal proceedings and in civil matters. State-guaranteed non-judicial mediation for victims of domestic violence is also available in civil cases, since the victim is entitled to secondary legal aid.

Victims of domestic violence can address to **specialised assistance centres (SAC)**, which cover the entire country. Information on victims of domestic violence is also reported to the SAC by the police. The SAC offer specialised comprehensive support (consultations, legal aid) and, if needed, they may cooperate with other institutions, e.g. police, health care institutions or institutions, offering legal aid. In 2018, the SAC provided help for 12.3 thousand persons (10.3 thousand women, 1.9 thousand men and more than 400 children, including 501 disabled persons). In 2019, the SAC received EUR 1.5 million funding (in 2018 – EUR 750 thousand). Increasing funding helped to increase the scope and quality of the provided help. In 2022, the SAC provided help for 13,7 thousand persons (10.8 thousand women, 2,8 thousand men and more than 121 children, including 392 disabled persons). In 2022, the SAC also received 1.5 million EUR funding.

Since 2020 Police Department under the Ministry of Interior of the Republic of Lithuania together with partners has been implementing project „**Improving Work Quality and Enhancing Competences of the Justice Chain to Protect Victims of Domestic and Gender-Based Violence**”. The aim of the project is to improve the policy of prevention of domestic violence in courts and law enforcement institutions, to strengthen competencies and inter-institutional cooperation in order to achieve effective division of functions and to prevent domestic violence. The project focuses directly on increasing the competencies of representatives of institutions in law enforcement chains — judges, other court staff, prosecutors and assistant prosecutors, police officers. Another target group of the project is members of the public who will be introduced to the phenomenon of domestic violence, how to recognize it, how to react to the manifestations of violence in the environment, which will contribute to reducing the latency of domestic violence. The developed IT tool will allow to identify the households (persons) with the highest risk, where the re-victimization of domestic violence may occur and general, situational and individual prevention measures will be directed to them.

The risk person management system will be implemented during the project and designed to identify those most at risk who are prone to repeated domestic violence and it will allow to prevent possible incidents of domestic violence, and helps to systematically organize general and individual prevention. Joint training are carried out to promote co-operation in the justice chain and the search for solutions to common problems. Targeted meetings are being held with members of the community

to reach 50,000 people who will be less tolerant of domestic violence and report possible incidents to the police. Community officials will acquire skills and competencies that are designed to work with the community.

In order to ensure greater protection of victims of domestic violence, in 2013 the Code of Criminal Procedure of the Republic of Lithuania (hereinafter – CPC) was amended to provide that in the event that criminal acts (for which complaint by the victim is required) have the characteristics of domestic violence, a pre-trial investigation is initiated, regardless of whether or not there is a complaint from the victim or a statement from his / her legal representative. These changes ensured that the victim of domestic violence could not be intimidated so that he would not contact the pre-trial investigation officers or give up his complaint if intimidated by the perpetrator, whereas the previous legal regulations created conditions for victims who are unlawfully affected to simply withdraw their statement and pre-trial investigations were terminated.

The provisions of the CPC ensure comprehensive protection of victims from all criminal acts. The victim is considered one of the participants in the process. Part 2 of Article 28 of the CPC establishes the rights of the victim in criminal proceedings, where it is stipulated that the victim and his representative have the right to: receive information about the status of the criminal proceedings related to him; provide evidence; submit requests; to file challenges against pre-trial investigation officers, prosecutors or judges; participate in the assessment of his special protection needs; during the pre-trial investigation and in court to get acquainted with the case; participate in the trial; to appeal the actions of the pre-trial investigation officer, prosecutor, pre-trial investigation judge and the court, as well as to appeal the court verdict or order; to give a closing speech. Every victim is informed of the victim's rights with clarification. Article 45 of the CPC enshrines the general duty of the judge, prosecutor and pre-trial investigation officers to explain their procedural rights to the participants in the process and ensure the possibility of using them.

Furthermore, the national laws of the Republic of Lithuania fully ensure that every victim who has suffered damages from a criminal offence can effectively exercise their right to compensation. CPC ensures that every victim, regardless of the crime committed, is awarded both pecuniary and non-pecuniary damages. Article 117 of the CPC envisages that the prosecutor, supporting the prosecution, must file a civil lawsuit in court, if this has not been filed yet, in cases where the criminal act has caused damage to the state or to a person who, due to minor age, illness, dependence on the defendant, or for other reasons, cannot defend his/her legitimate interests in court. Furthermore, Article 118 of the CPC states that if the accused or persons materially responsible for his/her actions do not have the funds to compensate for the damage, in the cases and procedures provided for by law, the damage may be compensated from funds allocated by the state. The list of violent crimes for which the caused damages are compensated is approved by order of the Minister of Justice of the Republic of Lithuania and is published in the public register of legal acts. The Ministry of Justice of the Republic of Lithuania is responsible for compensation of damages caused by violent crimes, as well as for compensation in advance including compensation for damages caused to victims by domestic violence, trafficking in human beings and etc.

The current CPC legal regulation contains special mechanisms for victims, on the basis of which their necessary protection needs are determined. Part 1 of Article 186¹ of the Criminal Code (hereinafter – CC) stipulates that in each case, no later than during the first interview of the victim, the pre-trial investigation officer or the prosecutor assesses the **victim's special protection** needs. <...> The data collected during the assessment of the victim's special protection needs are taken into account when organizing criminal proceedings and in the cases established by this Code when deciding whether it is necessary to apply one or more guarantees established by this Code (CPC) to the victim due to his special protection needs. Article 36² of CPC establishes the definition of special protection needs. Special protection needs are the needs of the victim determined by personal characteristics, the nature of the crime or the circumstances of its commission, to use the guarantees established by the CPC, so that the victim is protected from mental trauma, criminal impact or other negative consequences. Article 56¹ of the CPC provides that the victim may be accompanied by a person of his choice during the criminal proceedings. This person must follow the established procedure during the pre-trial investigation and hearing in court. The participation of the person accompanying the victim in the criminal process or in its separate parts may be limited by the decision of the pre-trial investigation officer or prosecutor or by the decision of the pre-trial investigation judge or court when such participation is against the interests of the victim or interferes with the investigation or consideration of the case.

Victims and their family members who have the independent procedural status of witnesses and participate in criminal proceedings can also use all the guarantees of the CPC, which are designed to protect witnesses from negative effects and contact with the suspect or the accused. Articles 198, 199, 199¹ of the CPC establish the witness's right to request full or partial anonymity and establish the grounds for granting and applying this status. One of the essential conditions for applying anonymity to a witness is that the disclosure of certain data of the witness or the victim may have negative consequences for their rights and legal interests, their family members or close relatives. A witness who is subject to anonymity is interviewed in a closed court session with acoustic and visual barriers preventing other participants in the court hearing from determining the identity of the person being interviewed. If there are no opportunities to create acoustic and visual barriers in the courtroom, the witness, who is subject to anonymity, is interviewed not in the courtroom, but in another place without the presence of other participants in the court hearing. In individual cases, when the appearance of a witness, subject to anonymity, to the court would pose a great danger to his life, health or freedom, his family members or close relatives, he may not be invited to the trial session, and his testimony, given by this Code (CPC) the procedure established in Article 203 for the pre-trial investigation judge. Article 183 of the CPC stipulates that the personal data of the witness (except name, surname and year of birth) are stored separately from other material of the pre-trial investigation. Part 3 of Article 9 of the Criminal Code stipulates that it is allowed to hear the case in private when a witness or victim is interviewed, who are subject to anonymity. It should be noted that the victim and his family members may also be subject to the measures of protection against criminal influence provided for in the law on the protection of participants in the criminal process and criminal intelligence of the Republic of Lithuania, officials of justice and law enforcement institutions against criminal influence, if during a pre-trial investigation or when examining criminal cases for very serious crimes or serious crimes, as well as serious crimes provided for in this law, or after the completion of the criminal proceedings, verified data was obtained from public or confidential sources that the life or health of

persons is in real danger or their property may be destroyed or damaged. Taking this into account, there is no doubt that the legal regulation established by the CPC fully ensures the rights of victims during criminal proceedings.

Lithuania makes great efforts to ensure that every person affected by a criminal offence knows their rights and can use them effectively. The Ministry of Justice of the Republic of Lithuania, in accordance with Article 6, Paragraph 6, Clauses 1 and 2 of the Law on Assistance to Victims of Crime, prepared an electronic publication on the rights of victims which was approved by the order of the Minister of Justice of the Republic of Lithuania, the purpose of which is to ensure that victims of criminal offences know their rights and would be able to use them effectively, as well as would know how to contact the Service for assistance to persons affected by criminal acts and timely receive the necessary assistance.

The Article 129 of CC stipulates, that:

“1. A person who murders another person shall be punished by a custodial sentence for a term of seven up to fifteen years.

2. A person who murders

1) a young child;

2) a person in a helpless state;

3) his close relative or family member;

4) a pregnant woman;

6) by torturing or in another particularly cruel manner;

13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views

shall be punished by a custodial sentence for a term of eight up to twenty years or by a custodial life sentence.”

The Ministry of Health of the Republic of Lithuania prepared the Criteria for Recognizing Domestic Violence against Adults and Recommendations for Action on Suspected Domestic Violence Against Adults for employees of health care institutions, as well as the Criteria for Recognizing Sexual Violence Against a Female Victim and Examination Methodology for a Female Victim of Sexual Violence. The purpose of the Methodological Recommendations for Diagnosing Violence against Children is to provide knowledge and topical information for all experts, working at personal health care institutions, on recognising and diagnosing violence against children, providing the necessary help for the child and the family and, in case of a need, to report about improper behaviour involving the child to the institutions defending his/her rights.

To prevent violence and harassment at work, from 1st November 2022 amendments to the Labour Code will enter into force, providing for additional obligations for employers. An employer whose company has an average number of employees over 50 will be required to approve a violence and harassment prevention policy, publish it to employees and implement it.

In conclusion, the Law on Protection against Domestic Violence together with the “protection order“ serves as a remedy for the operative separation of a person at risk of violence from the abuser. Additional funding was allocated to strengthen emotional, psychological and counselling assistance for victims of domestic violence. A National Program, that includes information campaigns and training for specialists was launched. Stalking was criminalized in 2021, with the aim of prevention and greater protection of private life. These and other measures mentioned above further improve woman’s situation in Lithuania.