



**The Compliance of LITHUANIA with the Convention on the Elimination of All forms of  
Discrimination Against Women  
Alternative Report on Violence Against Women**

**Submitted by The Advocates for Human Rights**

A non-governmental organization in special consultative status with ECOSOC since 1996  
and

**Vilnius Women's House**

**The Center for Equality Advancement  
for the**

**74<sup>th</sup> Session of the Committee on the Elimination of Discrimination Against Women**

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**The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization (NGO) committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has published 31 reports on violence against women as a human rights issue, provides consultation and commentary on draft laws on domestic violence, and trains lawyers, police, prosecutors, and judges to effectively implement new and existing laws on domestic violence.

**Vilnius Women's House** (VWH) is a Vilnius-based Special Assistance Center for victims of domestic violence. Established as an NGO in 1993, VWH has long been a leader in the work against domestic violence in Lithuania. VWH was the first crisis center in the Baltic region for women experiencing domestic violence. VWH works to improve the legal framework, train systems professionals, convene international voices, and monitor governmental bodies. It is recognized at the national and international levels as a leader on domestic violence issues.

**The Center for Equality Advancement** (CEA) is a Lithuania-based NGO established in 2003. Through training and local advocacy and leadership, CEA works to raise awareness of equal rights for women and men, strengthen democracy through encouraging equal representation of women's and men's interests in the decision-making processes, promote the value of open democracy through open gender dialogue, and change stereotypes based on gender, age, nationality, ethnicity, ability or other social status.

## EXECUTIVE SUMMARY

1. Domestic violence, rape, sexual assault, sexual harassment, and other forms of violence against women are forms of discrimination against women and constitute a violation of women's rights under CEDAW. Domestic violence violates a woman's rights to freedom from discrimination, equal protection and equality with men before the law, and equality in all matters relating to marriage and family relations. When a state fails to ensure that its criminal and civil laws adequately protect women and consistently hold abusers accountable, or that its agents such as police and prosecutors consistently implement the laws that protect victims of domestic violence, that state has not acted with due diligence to prevent, investigate, and punish violations of women's rights. This report focuses on Lithuania's obligations under CEDAW, Articles 1, 2, 3, 5, 14, 15, and 16.
2. Domestic violence is a serious problem in Lithuania. In 2014, 31% of women reported having experienced domestic violence, while in 2016, police documented at least 45,000 domestic violence calls. Although Lithuania has taken some steps toward combating violence against women, it is not adequately fulfilling its obligations under the Convention. Lithuania has failed to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Although it amended its Criminal Code to criminalize marital rape, Lithuania has not trained police and prosecutors on how to enforce the law, nor has it implemented effective public information campaigns to change existing public opinion that sexual violence against a partner should not be criminalized. Victims of domestic violence continue to lack consistent access to civil or criminal protection orders. A civil protection order can only be obtained if a divorce proceeding has been commenced, while criminal protection measures require reporting domestic violence to police to initiate a criminal proceeding. Domestic violence victims often receive inadequate protection as a result.
3. Lithuania has made some progress in structuring a criminal response to domestic violence. Amendments to both the Law on Protection against Domestic Violence and the Criminal Code have improved legal constructs to enhance the safety of domestic violence victims. In practice, however, these measures have fallen short. The police routinely fail to thoroughly investigate what they perceive as "minor" domestic violence complaints, lacking an understanding of the power dynamics of domestic violence. Prosecutors and judges likewise, fail to coordinate efforts, working independently without the common goals of victim safety and perpetrator accountability. As a result, too few cases are prosecuted, and insufficient resources are allocated to aid victims.
4. In its Concluding Observations following the fifth periodic report of Lithuania in 2014, the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) expressed concern that implementation of domestic violence legislation is lacking due to its gender neutral scope. The Committee also expressed concern about ineffective monitoring and enforcement of protective measures, the low number of

prosecutions and sentences handed down for domestic violence cases, and the use of reconciliatory mediation for victims of domestic violence.<sup>1</sup>

5. The Committee recommended that Lithuania implement the law on protection against domestic violence “in a gender-sensitive manner,” work to effectively enforce and monitor protective measures for victims, and improve prosecution and punishment of perpetrators. The Committee also called on Lithuania to end reconciliatory mediation for victims altogether, and to criminalize marital rape.<sup>2</sup>

### **Lithuania fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women with respect to domestic violence.**

#### **I. Lithuania’s legislation and policies require further reforms.** (List of Issues, paragraph 3)

6. **Lithuania has not ratified the Istanbul Convention.** On June 7, 2013, Lithuania signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).<sup>3</sup> It has not yet ratified it, however.<sup>4</sup> Ratification of the Istanbul Convention requires Member States to define violence against women as a gender-based violation of human rights.<sup>5</sup> Ratification would emphasize the role of NGOs and the government’s obligation to allocate sufficient funds to the assistance of domestic-violence victims, would advance the exchange of expertise with European counter-parts and set up a comprehensive monitoring scheme.<sup>6</sup> Opponents argue, however, that the Istanbul Convention would change the traditional concepts of gender and would, based on widespread misperceptions, permit changes to the treatment

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<sup>1</sup> Convention on the Elimination of All Forms of Discrimination against Women, *Concluding observations on the fifth periodic report of Lithuania* (24 Jul 2014) U.N. Doc CEDAW/C/LTU/CO/5, 7.

<sup>2</sup> *Ibid.*

<sup>3</sup> Council of Europe, Parliamentary Assembly, *The Istanbul Convention on Violence Against Women: Achievements and Challenges*, by Zita Gurmai (Strasbourg, France, June 8, 2019), para. 19. <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=27718&lang=2>

<sup>4</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, by Cmm’r Nils Muiznieks (Strasbourg, Council of Europe, 19 April 2017), para. 38. <https://rm.coe.int/168070a746>

<sup>5</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women’s House (September 29, 2019) (on file with authors); Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 41.

<sup>6</sup> *Ibid.*

of same-sex relationships.<sup>7</sup> For example, the Lithuanian Conference of Bishops opposes the Convention, claiming it is an attack on “family values.”<sup>8</sup>

7. **Marital rape is illegal but the law is rarely enforced.** A recent change to the law against rape affirmed that rape as an act of domestic violence is unlawful.<sup>9</sup> Police, however, are not well-trained on an appropriate response to such reports.<sup>10</sup> An interview with an expert on violence against women revealed that police are not adept at asking the questions that could develop a complete report on domestic violence that involves rape.<sup>11</sup>
  8. **The Criminal Code does not prohibit unwanted stalking.** Approximately 8% of women in Lithuania have experienced stalking.<sup>12</sup> Although efforts are underway to criminalize stalking, such behavior is not outlawed at this time.<sup>13</sup> A draft stalking law is currently being reviewed for passage; it would penalize stalking as a misdemeanor.<sup>14</sup>
- A. **Lithuania has made progress in structuring a criminal response to domestic violence.** In 2011, Lithuania enacted the Law on Protection Against Domestic Violence (LPADV).<sup>15</sup> 2013 Amendments to the Criminal Code and to the Code of Criminal Procedure sought to harmonize them with the LPADV.<sup>16</sup> The amendments required police to initiate a pre-trial investigation where the offense establishes elements of

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<sup>7</sup> INTLAWGRRLS, “Debating the Istanbul Convention in Lithuania: The Term “Gender” is Not Alien,” accessed September 24, 2019 <https://ilg2.org/2018/07/13/debating-the-istanbul-convention-in-lithuania-the-term-gender-is-not-alien/>; BNS, *Lithuania Won't Reach Compromise on Istanbul Convention Soon*, EN.DELFI, March 29, 2018, <https://en.delfi.lt/politics/lithuania-wont-reach-compromise-on-istanbul-convention-soon-socmin.d?id=77563653>

<sup>8</sup> BNS, *Lithuania Won't Reach Compromise on Istanbul Convention Soon*, EN.DELFI, March 29, 2018, <https://en.delfi.lt/politics/lithuania-wont-reach-compromise-on-istanbul-convention-soon-socmin.d?id=77563653>.

<sup>9</sup> CRIMINAL CODE art. 149, art. 151 (Lithuania, 2018); Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>10</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>11</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>12</sup> European Agency for Fundamental Rights, *Violence Against Women: an EU-wide survey*, (Luxembourg, Publications Office of the European Union, 2014). [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf)

<sup>13</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>14</sup> Telephone Interview with Erika Leonaite', Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019.

<sup>15</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 13.

<sup>16</sup> *Ibid.*

domestic violence.<sup>17</sup> This procedure is mandatory, even in the absence of a complaint by the victim.<sup>18</sup>

9. **The LPADV permits police, without first requiring consent from the victim, to share the victim’s contact information with local specialized assistance centers (SACs).**<sup>19</sup>

Those SACs then contact victims to offer support, information, and resources.<sup>20</sup> In 2014, the Provision of Assistance to Victims for 2014-2020 plan was adopted.<sup>21</sup> Finally, amendments to LPADV in 2016 appeared aimed at improved inter-agency coordination, multi-disciplinary trainings, and for protection of victims where no pre-trial investigation is begun.<sup>22</sup> However, the 2016 amendments concerned some victim-rights organizations.<sup>23</sup> Passed without consultation with domestic-violence NGOs, part of the 2016 amendments placed on the victim the responsibility to draft a written statement to get protection, in the event there is “not enough evidence to prove that violence has occurred.”<sup>24</sup> This removes from the government its obligation to gather evidence and prove domestic violence, seen as a retreat from 2011 improvements that strove to remove bureaucratic impediments.<sup>25</sup> Some connect the recent legal changes with a drop in domestic-violence reports. From a high of 66,547 reports in 2016, the number has dropped to 47, 941 in 2017; pre-trial investigations have remained consistent at about 10,000, regardless of the number of calls.<sup>26</sup> The domestic-violence statistics for 2018 have not been made publically available, according to one source.<sup>27</sup>

10. **The government does not currently provide Special Assistance Centers adequate funding.** Domestic violence affects thousands of women annually in Lithuania.<sup>28</sup> A

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<sup>17</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, (OECD Publishing (Paris, France, 2019), para. 2(b) <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/LT.pdf>.

Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 13..

<sup>18</sup> *Ibid.*

<sup>19</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 13.

<sup>20</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>21</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b).

<sup>22</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 13.

<sup>23</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women’s House (September 29, 2019) (on file with authors).

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 22, 29.

survey in 2014 determined that 31% of women experienced domestic violence or sexual violence after the age of 15.<sup>29</sup> But government funding for aid to those victims has not kept up with the numbers. The SACs are tasked with providing assistance, counseling, resources, and information to all domestic violence victims who request it. Yet the government does not fund them adequately to meet the challenge.<sup>30</sup> The 17 SACs around the country share an annual budget of €1.5 million – averaging around €88,000 per center.<sup>31</sup> The SACs collectively served 12,758 domestic-violence victims in 2018, 90% of which were women.<sup>32</sup> One SAC served 2000 people in a year with a staff of only 7 people.<sup>33</sup> Further, there are no shelters specifically for victims of domestic violence; those that need housing must stay at general homes for women and children where resources specific to domestic violence issues are lacking.<sup>34</sup>

## **II. Current law and policy do not guarantee victims adequate access to justice and protection.** (List of Issues, paragraphs 4-5)

- 11. In practice, current measures have not succeeded in establishing an acceptable level of safety for domestic violence victims.**<sup>35</sup> When a victim contacts the police, she may not receive immediate protection.<sup>36</sup> For example, police can detain a perpetrator for up to 48 hours, but often do so only for as little as 4 or 6 hours.<sup>37</sup> Furthermore, police investigations of domestic violence cases are often inadequate. Sources disagree as to whether police regularly comply with the law by gathering information at the time of the initial call regardless of whether the victim declines to complain or to request criminal

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<sup>29</sup> European Agency for Fundamental Rights, *Violence Against Women: an EU-wide survey*, *supra* note 12.

<sup>30</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>31</sup> Telephone Interview with Erika Leonaite, Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>32</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women's House (September 29, 2019) (on file with authors).

<sup>33</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>34</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>35</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>36</sup> *Ibid.*

<sup>37</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

proceedings.<sup>38</sup> Police have prioritized domestic violence emergency calls for immediate response.<sup>39</sup>

**12. Police, however, often fail to complete the investigation.**<sup>40</sup> The law against domestic violence prohibits all forms of domestic violence – psychological, sexual, and economic harm, and physical violence, even if it results in minor injuries or “mere” pain.<sup>41</sup> Nonetheless, the investigator assigned to follow up on the initial complaint may not always complete an investigation if injuries are minor, “mere” pain is reported, or the victim declines to cooperate.<sup>42</sup> Indeed, some domestic violence investigators only too willingly allow the domestic violence victim to sign a document retracting her previous statements of abuse, as investigators complain they have too many cases already.<sup>43</sup> With the recantation, the investigation is stopped. Even more problematic, if the same domestic violence victim calls for police help in the future, the fact that she recanted her previous statement may lead police deem her an unreliable witness and question her new report.<sup>44</sup>

**13. Too few cases are criminally prosecuted.** With some individual exceptions, the prosecutors do not appear to understand the dynamics of domestic violence.<sup>45</sup> Some prosecutors do move forward with prosecution even without the consent or cooperation of the victim.<sup>46</sup> However, once a pre-trial investigation is initiated, some prosecutors will use the reconciliation procedures of Article 38 to dismiss domestic violence cases.<sup>47</sup> This general-crime provision provides a procedure in which the victim may be required to meet in person with the perpetrator and assert that a crime occurred.<sup>48</sup> Because of the imbalance of power in domestic violence cases, this can result in the victim recanting her

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<sup>38</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women’s House (September 29, 2019) (on file with authors).

<sup>39</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>40</sup> *Ibid.*

<sup>41</sup> CRIMINAL CODE art. 140, para. 2 (2018).

<sup>42</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>43</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>44</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>45</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>46</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>47</sup> CRIMINAL CODE art. 38 (Lithuania, 2019).

<sup>48</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

earlier report of violence, leading to dismissal of the criminal case.<sup>49</sup> In 2016, more than half of domestic violence investigations were terminated, with about 43% sent to the courts.<sup>50</sup> At the outset of a case of criminal prosecution, judges also can ask the parties if they wish to reconcile, but have moved away from using this practice in domestic violence cases.<sup>51</sup> There has been much criticism of this practice given the imbalance of power between partners in domestic violence.<sup>52</sup> A concerning new provision of the mediation law could require the parties seeking a divorce because of “family disputes” to engage in mediation before finalizing the divorce.<sup>53</sup> If it becomes effective as planned on January 1, 2020, this measure would have similar negative implications for domestic-violence victims as the Article 38 reconciliation procedure.<sup>54</sup>

**14. Professionals Working on Domestic Violence Cases Do Not Coordinate Their Efforts and Victim Safety is Not Paramount.** Despite legal reforms that appear aimed at better inter-agency cooperation, professionals in the criminal justice system do not effectively coordinate their efforts against domestic violence.<sup>55</sup> Rates of prosecution for domestic violence remain low.<sup>56</sup> Rather than working cohesively toward victim safety and offender accountability, police, prosecutors, and judges fulfill their roles independently in domestic violence cases.<sup>57</sup> NGOs are not seen to have authority to convene multi-disciplinary work groups, and no other agency takes the lead to do so.<sup>58</sup> Thus, each agency works independently and with disparate goals, not as a team seeking safety for victims.<sup>59</sup> Rather than addressing domestic violence as a system of ongoing power and control, criminal-justice personnel often treat each act individually and fail to

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<sup>49</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b); Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 32; Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>50</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 33.

<sup>51</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>52</sup> *Ibid.*

<sup>53</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women’s House (September 29, 2019) (on file with authors).

<sup>54</sup> *Ibid.*

<sup>55</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(a); Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>56</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b).

<sup>57</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>58</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>59</sup> *Ibid.*



see the act in its full context.<sup>60</sup> While NGOs desire better communication and coordination with police and the prosecution, other professionals fail to follow their lead in seeking better systems integration.<sup>61</sup>

### **III. Harmful and biased misperceptions about violence against women by both the public and systems actors prevail.** (List of Issues, paragraph 8).

15. **Despite the prohibition of spousal rape describe above, public misperceptions about marital rape prevail.** More than 25% of the Lithuanian population believe forcing a partner to have sex should not be criminalized, and only 57% believe that any form of sexual violence against a partner is or should be criminalized.<sup>62</sup> Recent governmental information campaigns about domestic violence have failed to address harmful beliefs that forced sex in marriage should not be punished.<sup>63</sup> Victims of sexual violence within a partnership or marriage remain reluctant to involve the authorities.<sup>64</sup>
  
16. **Stakeholders who have interacted with police on domestic violence issues have observed a lack of understanding of the psychological and emotional dynamics of domestic violence within a relationship.**<sup>65</sup> Police officers frequently perceive domestic violence victims as problematic and inconvenient, failing to understand why the women continue to stay in relationships where they need to call the police for help.<sup>66</sup> Police appear not to understand the significance of “minor” acts of violence within the context of an ongoing abusive relationship.<sup>67</sup> One SAC reports that their female clients are concerned that the police response will be ineffective, complaining of unprofessional and

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<sup>60</sup> Telephone Interview with Erika Leonaite', Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019; Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>61</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>62</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 24.

<sup>63</sup> *Ibid.*

<sup>64</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>65</sup> Telephone Interview with Erika Leonaite', Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019; Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>66</sup> *Ibid.*

<sup>67</sup> Telephone Interview with Erika Leonaite', Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

even hostile police interactions.<sup>68</sup> This can lead to victims asking to drop the case, or not contacting police at all.<sup>69</sup>

**IV. Lithuania’s legislative and policy-related measures do not adequately enhance victim protection and promote offender accountability.** (List of Issues, paragraphs 9-11)

17. As described above in section A., a number of steps remain for Lithuania to comply with the Convention and effectively counter gender-based violence against women. Lithuania has not yet ratified the Istanbul Convention. Although the law prohibits marital rape, implementation remains poor. While the LPADV has undergone a number of amendments, funding for SACs remains insufficient. Furthermore, access to protection measures is fraught with barriers, as discussed below.
18. **One of the greatest challenges in providing safety for domestic violence victims is the lack of consistent access to protective orders.** Lithuania does not have a standalone civil protective order specific to domestic violence.<sup>70</sup> While there is a civil protective order available if other legal proceedings such as divorce have been commenced, there is no mechanism absent those proceedings.<sup>71</sup> As a result, unmarried women and women not seeking a divorce cannot request protective measures for domestic violence without reporting an act of domestic violence to the police.<sup>72</sup>
19. **Efforts to create a standalone civil protection order have been unsuccessful to date.**<sup>73</sup> Policymakers have resisted adopting such a law based on biases that women will abuse the system if such a protective order becomes available.<sup>74</sup> As a result, victims of domestic violence do not receive adequate protection.

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<sup>68</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women’s House (September 29, 2019) (on file with authors).

<sup>69</sup> *Ibid.*

<sup>70</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b).

<sup>71</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019; Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b).

<sup>72</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>73</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>74</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

20. **Police have the authority to request restraining measures.**<sup>75</sup> However, several sources described difficulty with the application of these measures.<sup>76</sup> Before a decision is made whether to initiate criminal proceedings, the police may request protective measures to 1.) require the perpetrator to leave the shared residence, and 2.) to have no contact of any kind with the victim.<sup>77</sup> However, there is no current agreement as to how such measures are, or should, be implemented by the police. When asked about the ability of police to request such measures, one lawyer indicated that police are not sure under what circumstances they are permitted to request such measures.<sup>78</sup> Consequently, police are not consistently pursuing protective measures on behalf of victims.<sup>79</sup> One NGO concurred that police, in practice, do not request these protections due to confusion about their role.<sup>80</sup> Instead, this NGO reported that police wait until a decision is made whether to pursue criminal charges.<sup>81</sup> However, another NGO indicated that even in the absence of a pending criminal investigation, police can and do request from court a no-contact protection measure.<sup>82</sup>
21. **Even if the evidence leads to commencement of a criminal investigation, the law can create delays in obtaining protection for victims.** When police determine they have sufficient evidence (usually only if there are observable injuries) and initiate a pre-trial investigation, the penal code takes precedence over police administrative powers.<sup>83</sup> The police must ask the prosecutor to apply to a pre-trial judge for restrictive measures such as holding the perpetrator in custody, house arrest, living separately from the victim, and no contact with the victim.<sup>84</sup> Unfortunately, police may need to wait 48 hours for judicial approval of a restrictive measure, although they are often not granted even within

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<sup>75</sup> *Ibid.*

<sup>76</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b)

Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Erika Leonaite, Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019.

<sup>77</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women's House (September 29, 2019) (on file with authors).

<sup>78</sup> Telephone Interview with Erika Leonaite, Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019.

<sup>79</sup> *Ibid.*

<sup>80</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>81</sup> *Ibid.*

<sup>82</sup> Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>83</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>84</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women's House (September 29, 2019) (on file with authors). Including the request for no contact and to live separately from the victim are dependent upon the competence and good will of the officer. *Ibid.*

that time frame.<sup>85</sup> In the meantime, the victim remains unprotected while waiting for a judicial decision.

**22. Judges “rarely” issue restrictive measures barring contact by the perpetrator.<sup>86</sup>**

Some judges interpret the Criminal Code of Procedure to exclude restrictive measures against former partners, or non-cohabitating partners.<sup>87</sup> The result is that many perpetrators are released from custody with nothing barring contact with the victim, leaving domestic violence victims vulnerable to retaliation and further violence.<sup>88</sup>

**23. Restrictive measures under the Criminal Code of Procedure are not protective orders aimed at safety for victims of domestic violence.<sup>89</sup>**

Rather, they are aimed at ensuring the suspected perpetrator’s compliance with court hearings and with the pre-trial investigation.<sup>90</sup> In addition, violations of the restrictive measures do not trigger swift penalties. While a suspected perpetrator might be required to leave the home and have no contact with the victim, violations are not always immediately sanctioned.<sup>91</sup> In practice, the police response is inconsistent, giving discretion to the individual officer rather than having clear protocols for arrest.<sup>92</sup> A violation of the measures might result in slightly greater punishment later, if there is a criminal conviction, but there is no immediate consequence.<sup>93</sup> NGOs worked with the police in 2018 to get some clarity in the form of the “Police Commissioner General’s Description of Procedures in Response to Reports of Domestic Violence,” but no internal monitoring occurs to review compliance with these provisions.<sup>94</sup>

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<sup>85</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>86</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b); Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>87</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, (OECD Publishing (Paris, France, 2019), para. 2(b).

<sup>88</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women’s House, Vilnius, Lithuania, September 23, 2019.

<sup>89</sup> *Ibid.*

<sup>90</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b).

<sup>91</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, *supra* note 17, para. 2(b); Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>92</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>93</sup> Organisation for Economic Co-Operation and Development, *Social Institutions & Gender Index*, (OECD Publishing (Paris, France, 2019), para. 2(b); Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019.

<sup>94</sup> Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women’s House (September 29, 2019) (on file with authors); Telephone Interview with Erika

24. **This lack of enforcement or monitoring of restrictive measure compliance leaves victims vulnerable to further violence.**<sup>95</sup> In 2015, the National Audit Office reviewed criminal investigations launched in the second half of 2014.<sup>96</sup> In 43% of those cases, there was no restrictive measure ensuring safety for the victim.<sup>97</sup> In 11% of the cases, the perpetrator committed additional acts of violence while the investigation was proceeding.<sup>98</sup> As a result of ineffective legal measures and inconsistent application, victims of domestic violence are largely unprotected from continued perpetrator contact or domestic violence regardless of whether they inform police of the violence.

**V. New procedures for the protection of children may chill domestic violence reports by victims.** (List of Issues, paragraph 19-20)

25. **In 2018, the government passed a new law providing for the protection of children, including banning corporal punishment.**<sup>99</sup> Some have criticized the measure as overly broad, imparting too much discretion with child protection workers.<sup>100</sup> In particular, victims may avoid calling police for help for domestic violence because they are concerned that child protection may determine that they are not able to properly protect the child.<sup>101</sup> Victims harbor very real fears that the worker may take the child from the home and begin an investigation into the victim's report of domestic violence in the home, accessing health, job, and private information about her.<sup>102</sup> It is well-documented that fear of losing their children deters victims from coming forward to report the

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Leonaite', Lawyer & Legal Program Manager, Human Rights Monitoring Institute, Vilnius, Lithuania, September 25, 2019.

<sup>95</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>96</sup> Council of Europe Commissioner for Human Rights, *Report Following His Visit to Lithuania From 5 to 9 December, 2016*, *supra* note 4, para. 31.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> Civil Liberties Union for Europe, "Public Outcry over Child Protection Reform in Lithuania," accessed September 24, 2019, <https://www.liberties.eu/en/news/public-outcry-over-child-protection-lithuania/16475>

<sup>100</sup> Linas Jegelevičius, *Lithuanian Lawmakers Set to Backtrack on 'Norwegian Type' Child Welfare Protection*, Baltic News Network, February 14, 2019, <https://bnn-news.com/lithuanian-lawmakers-set-to-backtrack-on-norwegian-type-child-welfare-protection-197137>

<sup>101</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019.

<sup>102</sup> Telephone Interview with Vilana Pilinkaite, Expert, Center for Equality Advancement, Vilnius, Lithuania, September 16, 2019; Telephone Interview with Lilija Henrika Vasiliauskienė, President, Association of Women's House, Vilnius, Lithuania, September 23, 2019. NGOs have, in fact, warned policy-makers that such actions could result in awards of reparations to women for such investigations, but the practice continues. Written Communication to The Advocates for Human Rights from Lilija Henrika Vasiliauskienė, President, Association of Women's House (September 29, 2019) (on file with authors).

violence.<sup>103</sup> Also, when authorities blame the victim for violence witnessed by their children, they re-victimize the woman by holding her responsible for the results of the perpetrator's violent conduct.

## **VI. Suggested Recommendations for the State Party**

### **26. Suggested recommendations related to Gender Neutrality**

At the present Lithuania has no gender-specific legal documents transposing the State's obligations to international community under the international law, including CEDAW and other regional instruments. Its Law on Protection Against Domestic Violence is gender-neutral.

Recommendations:

- Without delay, re-enact the National Strategy for Combating Violence against Women, using the language of the CEDAW Committee, in particular General Recommendation No. 35 (2017), develop Action Plans on women's human rights for the coming years, and ensure sufficient allocation of financial resources for their implementation.
- Ensure that all calls for project proposals prioritize projects that recognize discrimination against women and the imbalance of power and equality between the sexes, as well as addressing the structural causes of men's violence against women in the family, i.e. power and control.
- Amend the Law on Protection Against Domestic Violence in a gender-sensitive manner to recognize the gender imbalance at the root of domestic violence.

### **27. Suggested recommendations related to Institutional mechanisms**

- Re-establish institutional mechanisms for gender equality:

Create a separate Ombuds institution responsible solely for implementing and monitoring measures for gender equality and measures for the advancement of women in all spheres of society;

Re-establish the position of advisor to the Office of the Prime Minister on women's issues and temporary measures for the advancement of women;

Re-establish the temporary women's Parliamentary group as the statutory Parliamentary group it formerly was to better highlight its authority and visibility at Parliamentary level.

- Amend the mandate of the Ministry of Social Security and Labour to reassume its function as a Ministry of Gender Equality, which would coordinate and monitor all policies and measures in the field of women's human rights and gender equality, including combating violence against women.

### **28. Suggested recommendations related to Policies and Law enforcement**

- Amend the Lithuanian domestic violence law to ensure it incorporates an emergency Protection Order that can be issued by a police officer, with no preconditions that a pretrial investigation have been initiated.
- Create a stand-alone, long-term civil protection order that can be issued by the Civil Court after the emergency protection order expires or in lieu of an emergency protection order. The Protection order remedies should include the following:

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<sup>103</sup> See e.g., The Advocates for Human Rights, *The Government Response to Domestic Violence Against Refugee and Immigrant Women in the Minneapolis/St. Paul Metropolitan Area: A Human Rights Report* (2004); The Advocates for Human Rights, *Implementation of Croatia's Domestic Violence Legislation* (2012).

Orders should be valid for at least two years, subject to renewal after a new hearing;

Orders should provide the option to remove the perpetrator from the victim's residence and require the maintenance of payment for rent/mortgage, child support, and utilities;

Orders should provide the option to prohibit contact of any kind with the victim, including indirect contact through third parties;

Orders should be available regardless of whether the victim has reported domestic violence to the police, and regardless of whether demonstrable or visible physical injuries exist;

A violation of the order should subject the respondent to immediate arrest and criminal charges separate and distinct from any criminal case of domestic violence already pending;

- In close collaboration and consultation with NGOs advocating women's human rights, review the Lithuanian domestic violence law with a view to amending the law with the goals of protecting victim safety and holding offenders accountable. For example, the law should include provisions urging State agencies to respond to domestic violence cases with the aim of prioritizing victims' safety and focusing on victims' rights, instead of the perpetrators.
- SACs should be adequately staffed and funded. The legal framework for the support for victims of domestic violence is commendable, but cannot be fully implemented if funds are insufficient. Policymakers should gather information from local providers as to what their financial needs are.
- Training for professionals should include local experts, including from SACs or relevant NGOs, to focus on issues that are specific to locales or regions.
- By forming a coordinated response to domestic violence, ensure that the three main implementing actors of the Lithuanian domestic violence law – the police, SACs, and child rights protection agency - prioritize safety for domestic violence victims and accountability for perpetrators.
- Without delay, revise the Child Rights Protection Law, to ensure it is harmonized with the domestic violence law, the Constitution of the Republic of Lithuania, international legal standards, and official policies on gender equality.
- Repeal the provisions of the Lithuanian Mediation Law that stipulates mandatory mediation in all cases of "family disputes;" upon amendment, adopt follow-up policies to hold mediators who breach this requirement responsible.
- Ensure municipal-level programs and measures to facilitate women's advancement toward the ultimate goal of gender equality.