

POLICY AND PRACTICE DEALING WITH DOMESTIC VIOLENCE CASES IN LITHUANIA

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Introduction

Domestic violence becomes a high priority for all European countries in their criminal policies. Specifically, under the provisions of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 the EU member states should establish some minimum standards on the rights, support and protection of victims of crime (Victims' Directive). Most EU member states have recognized domestic violence as a serious problem and adjusted the protective measures accordingly. In the cases of domestic violence – protection is usually needed immediately after the violent deed or threat when the police arrive at the home of the victim and the perpetrator. To give protection in these situations new measures have been acquired. Several member states have enacted emergency restraining orders which give the police or other body the possibility authority to remove the perpetrator from the home and to prohibit him from returning. The emergency restraining orders have been found to be a necessary tool in protecting the victims of domestic violence. The breach of order should allow an immediate reaction by the police. One may add that the breaches are common and the credibility of the system requires a prompt reaction¹.

Further, the Council of Europe Convention on preventing and combating violence against women and domestic violence² is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women. The obligation of the state is to fully address it in all its forms and to take measures to prevent violence against women, protect victims and prosecute the perpetrators. Failure to do so would make it the responsibility of the state. The convention leaves no doubt: there can be no real equality between women and men if women experience gender-based violence on a large-scale and state agencies and institutions turn a blind eye.

Because not only women suffer domestic violence parties to the convention are encouraged to apply the protective framework for men, children and the elderly who are exposed to violence within the family or domestic unit. Still, it should not be overlooked that the majority of victims of domestic violence are women and that domestic violence against them is part of a wider pattern of discrimination and inequality.

Domestic violence is a pervasive social problem in Lithuania. Eurobarometer report shows that domestic violence rates in Lithuania are the highest of all countries in EU. 48% respondents in Lithuania reveal that they know a female victim of domestic violence within their circle of friends and family, followed by respondents in Latvia (39%), Estonia (39%), Sweden (39%), Finland (38%) and the UK (38%). The results are similar for those saying they are aware of a victim in their immediate area or neighbourhood, in Lithuania (43%) and Latvia (47%) scores are the highest³. Such results were also confirmed by a survey organized by European Union Agency for Fundamental Rights in 2014. A survey shows that women in Finland (56%), France (52%) and Lithuania (49%) are most likely to be aware of women victims of intimate partner violence in their circle of friends or family. 51% of women in Lithuania experience psychological violence during their relationships (EU average – 43%), 24% suffered from physical violence (EU average – 20%), 4% of women were subjected to sexual violence (EU average – 7%). European Union Agency for Fundamental Rights data also reveals reasons why victims of violence do not contact the police. 30% of women feel ashamed or embarrassed about what had happened (EU average – 14%), 47% dealt with it by themselves (EU average – 39%), 27% of women do not contact the police because they were afraid of reprisal (EU average – 13%)⁴.

During past several years Lithuanian Government has taken more active steps in combating domestic violence. New regulations

against domestic violence were adopted. Several important changes in this field were introduced by adopting the new Law on Protection against Domestic Violence and making some amendments in the Criminal Code of the Republic of Lithuania (CC). The Law on Protection against Domestic Violence aims at protecting persons against domestic violence as it obliges police and other institutions to respond promptly to arising threats, undertake prevention measures, apply protection measures and provide victims an appropriate assistance⁵. The purpose of amendments in the Criminal Code was to exclude these criminal offences from the category of private prosecution cases⁶.

The aim of this article is to present current legal regulation of domestic violence in Lithuania and to evaluate the practices of combating domestic violence cases. Practices of dealing with domestic violence cases are presented by analysing official statistical data and interviews with law enforcement institutions. In depth, semi-structured interviews were done with 15 pre-trial investigation police officers, prosecutors and judges who work with these cases. It should be noted that specialization in domestic violence cases is only among pre-trial investigation police officers and some prosecutors, hereupon among judges the specialization dealing with criminal cases does not exist. Informants were selected by using targeted sampling method. All interviews were carried out on September and October, 2014. Interviews with informants were focused on their attitudes towards legal regulation of domestic violence cases; their opinion on ensuring the rights of victims of domestic violence and; proposals for combating domestic violence cases. Interviews were processed and the most important groups of problems raised by respondents were singled out. However, this article is not focused on separate types of domestic violence.

1. Legal measures dealing with domestic violence cases in Lithuania

Generally, existing solutions can be grouped into three criminal legal models for the regulation of domestic violence according to the fact how the domestic violence problems are dealt with on the basis of criminal law⁷:

1) Equal protection model according to which the criminal codes do not specifically provide for the liability for domestic violence. Violence in the family and outside the family is treated equally significantly. Equal protection is

guaranteed to the person, regardless of whether his rights were violated at home, in the family or outside it due to the actions of stranger. This model is characterized by a wider use of civil law measures, as well as the development of prevention for separate laws on domestic violence (Austria, Spain and Great Britain).

2) The model of regulation of domestic violence in the Criminal Code on the basis of which a separate criminal offense is provided for in the Criminal Code, regulate the responsibility of domestic violence (Norway, Poland). Provisions of the Code are usually the evolution of the rights from the tolerance and ignorance of phenomenon to its definite treatment as a result of the offense.

3) The model of greater protection against domestic violence according to which the provision *expressis verbis* defining stricter liability for the domestic violence than for a similar offense committed outside the family (Sweden) is provided for in the Criminal Code. A higher standard of protection and stricter sanction are explained by the fact that abuse is in the family which must establish the conditions for the integrity and security protection. The third model is based on the provision that domestic violence is a particularly harmful act, posing a threat to the legal good such as life, security, property, family honour, consequently, under the conditions where a person has a particular right to expect the protection from the infringement on these goods. Unlike the first model, which guarantees equal protection for everyone, the third model recognizes the house as a place where a person especially has the right to expect security and respect. Sweden provides for a special protection to women as generally becoming the victims of domestic violence.

As for protection against the domestic violence in close environment, according to the laws of Lithuania (Criminal Code does not provide for a separate offence of domestic violence; the Law on Protection against Domestic Violence adopted on 26 May 2011), it can be said that the Lithuanian model is based on an equality of protection. Although, it should also be noted that Lithuanian Criminal Code contains some elements related to the resistance to domestic violence (e.g., Art. 140 of the CC was supplemented with the provision on 2 July 2013 establishing criminal liability

for infliction of minor bodily injury or causing physical pain to a close relative or a family member⁸). On 15 December 2011 the new Law on Protection against Domestic Violence came into force. This Law has significantly changed the legal framework of criminal liability for domestic violence as it has excluded these criminal offences from the category of private prosecution cases. If the notice of the fact of domestic violence has been received by police, the pre-trial investigation must be undertaken even without formal complaint of the victim.

It would be appropriate to present the attitude of the law enforcement institutions towards the legal regulation of domestic violence. The opinions of informants about the need of the Law on Protection against Domestic Violence diverged. Some informants (usually prosecutors and judges) stated that separate Law regulating domestic violence was not necessary, it was sufficient to supplement the existing regulatory legislation. According to some prosecutors and judges they continue following Criminal Code and Code of Criminal Procedure (CCP) in their work after the entry into force of this Law, since this Law substantially detailed the provisions of these standard legal acts.

However, most of the informants, including all pre-trial investigation police officers, stated that the Law was necessary, although it had many drawbacks. In particular, as noted by the informants, the Law was adopted without coordination with the legislative framework in force (CC and CCP), but after a certain period of time, these drawbacks were corrected though, e.g., Art. 140 of the Criminal Code was supplemented with Part 2 (infliction of physical pain or minor bodily injury to a close relative or family member).

At the same time, despite the mentioned drawbacks, informants identified positive aspects of this Law. Firstly, the Law actually raised the issue of domestic violence to the public, encouraged an increased interest in cases of violence, helped to include more public organizations in domestic violence problem-solving, so it can be assumed, it also contributed to the protection of victims' rights and the strengthening of protection.

Some informants believe that the institutions providing social and psychological assistance, municipalities and non-governmental organizations had to pay more attention to the phenomenon of domestic violence, but not the representatives of law enforcement institutions. At

that time, as noted by one judge, law enforcement only has to "fight" with the manifestations of this phenomenon, but not the causes.

Changes in the legal regulation and abolition of private prosecution have resulted in changes of working practices of law enforcement institutions. One of the main changes is increased workload especially for the pre-trial investigation police officers and prosecutors who have to record and analyse each case of domestic violence.

Many victims of domestic violence have an increased need of protection from the offender. Emergency restraining orders play a prominent role in most Member States that incorporated them. Emergency restraining orders usually include: 1) an obligation to leave the home and to stay away, and 2) a prohibition to contact the person staying behind. They can be imposed immediately in emergency situations, independent of the wishes of the victim and independent from criminal proceedings. What is more, Lithuania has recently introduced temporary restraining orders, yet do not classify as such, because the police are not authorized to impose them immediately. The police have to forward their findings to a court that will in turn evaluate in accelerated proceedings whether the offender can be temporarily barred⁹.

The Law on Protection against Domestic Violence provides two measures for perpetrators which are assigned in order to protect the victim of domestic violence if the fact of domestic violence was determined:

- 1) The obligation to move temporarily from the residence if the perpetrator lives with the victim;
- 2) The obligation to stay away from the victim, not to communicate, not to seek contact.

The draft laws developed by the Ministry of Justice of the Republic of Lithuania were presented during the meeting of the Seimas of the Republic of Lithuania on 14 April 2015 where the Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order¹⁰ was transferred to the national law, which would allow the protection of persons from criminal offenses of other persons in all EU Member States. After the adoption of these amendments by the Seimas, the interdict of the Court of Lithuania preventing the offender from approaching the victim would be valid throughout the European Union. Analogically, the decisions adopted by other competent authorities of the EU Member States will be in force in our

country as well¹¹.

The above mentioned provisions of the Directive establish the prohibitions or restrictions, i.e., the prohibition from entering certain localities, places or regions inhabited or visited by the protected person, the prohibition in any form, including by phone, electronic or ordinary mail, fax or other means for the contact with the protected person or regulation of such contacts or prohibition on approaching the protected person closer than within defined distance. It should be noted that the European protection order may be issued only in cases when a protection measure by which a person causing danger has one or more prohibitions or restrictions defined was previously imposed in the issuing country. In Lithuania such prohibitions or restrictions are provided for in the Criminal Code, Code of Criminal Procedure and the Law on Protection against Domestic Violence.

2. Practices dealing with domestic violence cases in Lithuania: findings from official statistical data and interviews with law enforcement institutions

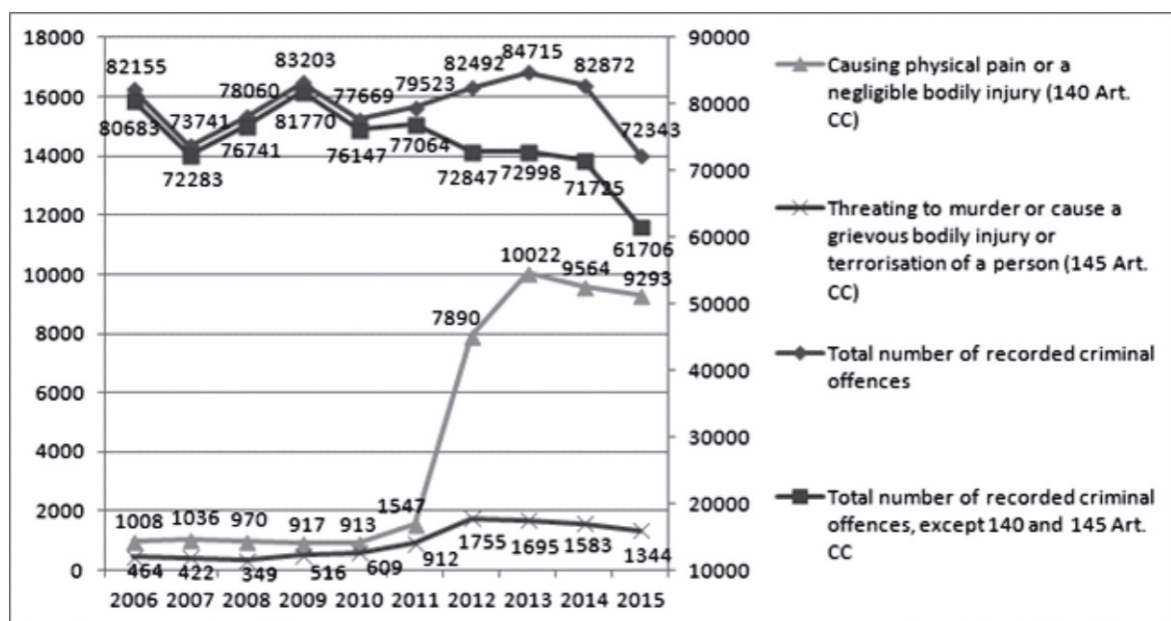
By changing legal measures it was expected that these changes will influence on the improvements of protecting persons against domestic violence. It is assumed that proposed new legal measures are the most important thing and

that implementation will naturally follow without problems. However, practice has shown different situation. Not all initiatives, at first sight well documented in laws, are good acting in practice. By analysing statistical data and interviews with representatives of law enforcement institutions some positive changes in practical level and problems resulted from the implementation of new regulations combating domestic violence cases in Lithuania are discussed below.

During past several years a rapid growth of recorded criminal offences could be observed. Since 2010 an increase from 77,669 offences to 84,715 offences could be seen. At the same time, there was a dramatic growth of minor bodily injury or causing physical pain offences (140 Art. CC) and a slight increase of threatening to murder or cause a grievous bodily injury or terrorisation of a person offences (145 Art. CC). Since 2014 the numbers of all police recorded criminal offences, as well as two early mentioned offences, have slightly dropped (see Figure 1).

Till 2011 bodily injury or causing physical pain offences consisted only 1-2% percent of all recorded criminal offences. Since 2012 these criminal offences accounted for more than 9% of all police recorded criminal offences (see Figure 1). Exactly domestic violence cases are mostly qualified as bodily injury or causing physical pain and threatening to murder or cause a grievous bodily injury or terrorisation of a person offences¹³. It thus appears that domestic

Figure 1. Police recorded criminal offences in Lithuania, 2006-2015¹².



violence criminal offences have become more visible since pre-trial investigation is initiated immediately without formal complaint of the victim. What is more, according to the opinion of interviewed representatives of law enforcement institutions these changes in criminal procedure could provide a psychological boost for victims of domestic violence to defend their rights since the status of private prosecutor deters victims from appeal to law enforcement institutions. Besides this, the evidence collection process might be easier. This situation is well illustrated by the prosecutor's statement:

"It is good that the prosecutor has all the power. He is a stronger actor in comparison with the average victim <...> in the private prosecution cases people come and there is no any other data apart from their testimony. So neither patrols, neither someone else could take any traces or even the next time you come to the mind not to go to or do not go to court medics" (Prosecutor).

Thus, according to the opinion of interviewed representatives of law enforcement institutions the new Law on Protection against Domestic Violence provides the better chances to avoid the criminal liability for perpetrators and makes easier to prove the guilt of the perpetrator and to defend violated rights of victims.

Although mostly all of interviewed representatives of law enforcement institutions highlighted the necessity of new Law because of the advantages mentioned above, some of them remarked a few problems while implementing it in practice. There is a gap between measures ensuring the protection of a victim of violence (Art. 5 p. 1) at the Law and remand measures (Art. 120) at the Code of Criminal Procedure. Measures set out in the Law have been provided in order to ensure that the perpetrator could not influence the victim and do not interfere the pre-trial investigation. However, according to the opinion of representatives of law enforcement institutions these measures actually overlap with the remand measures enshrined at the Code of Criminal Procedure (e.g., obligation to live separately from the victim, Art. 1321) and therefore number of problems arise while implementing it. First of all, informants noted that the process of setting and realization of measures enshrined in the Law was not considered well (e.g., the basis of setting measures, appeal procedures, etc.), therefore, in particular according to the opinion of prosecutors, it is more effective to appoint remand measures

enshrined at Code of Criminal Procedure because in failure of compliance appointed measure it is possible to impose a more severe or to change measures, etc. At the time, the Law on Protection against Domestic Violence does not provide such possibility. Secondly, as measures set out in the Law are applied by the pre-trial investigation police officer request, sometimes the necessity of appointment of these measures results in miscommunication between prosecutors and pre-trial investigation police officers. This situation is well illustrated by the police officer's statement:

"<...> Under the Law we have the right to apply. But courts strictly take into account Code of Criminal Procedure that only prosecutors could do this <...> those officials who have applied they simply did not get anything" (Pre-trial investigation police officer)

Talking about the rights and protection of victims is usual and not questionable. Domestic violence is perceived as violation of human rights and freedoms. Therefore, in the new Law a special attention is paid for provision of assistance in the case of domestic violence, application of protection measures to victims of violence, protection of children and implementation of preventive measures (Art. 4, 5, 6, 9, 10). However, another problem which was raised also while talking about the measures ensuring the protection of a victim of violence was the rights of perpetrator. The Law provides that a person suspected of inflicting violence has the right to obtain information on the institutions providing accommodation services from a police officer, if the person is imposed an obligation to move out from the place of residence (Art. 11 p. 1). According to police data, most perpetrators are men¹⁴. There is no doubt, that women itself has less options to protect themselves therefore is not questionable that they must be well protected and feel safe. But in Lithuania there is lack of places to stay temporarily for the men who are suspected of inflicting violence, e.g., there is lack of Crisis centres for perpetrators, while at shelters they cannot stay if they have declared place of residence. Thus, this problem is both legal and practical: laws regulating the provision of social services do not provide short-term social care for such persons, while at shelters could stay only people who have no declared place of residence, e.g., homeless, ex-prisoners, etc.¹⁵ Secondly, according to the opinion of some informants, by emphasizing

the rights and interests of victims sometimes the rights of perpetrators are left aside (e.g., the right to their own property):

“If there will be appeals to higher instances or something I do not what would be decided if you were evicted from your property <...> I still do not understand how you can be thrown from your own property. Even if you hurt someone but it is still your property and if I have cohabiting partner then we nicely say: we can not live together then you go out” (Prosecutor)

After the adoption of new Law the number of pre-trial investigations has increased promptly. It was followed by increase of number of terminated pre-trial investigations due to the victim-offender reconciliation (38 Art. CC)¹⁶, penal order (418 Art. CCP)¹⁷ (see Figure 2) and other grounds like insufficient evidence of violence when the victim changes it’s testimony. Large and rapid increase in numbers of pre-trial investigations on domestic violence has altered the big picture of overall criminal statistics.

Since 2011 the number of penal orders growth from 4,382 to 11,967 in 2014. The data of terminated pre-trial investigations due to the victim and offender reconciliation (38 Art. CC) increased from 2,678 in 2011 to 6,977 in 2013 but during 2014 decreased to 6,778 (see Figure 2). Hence, a big part of domestic violence cases end in victim-offender reconciliation. Victim-offender reconciliation should be applied if it meets the interests of victims and is based on the free consent of victims taking into account the security of victims. What is more, full and clear

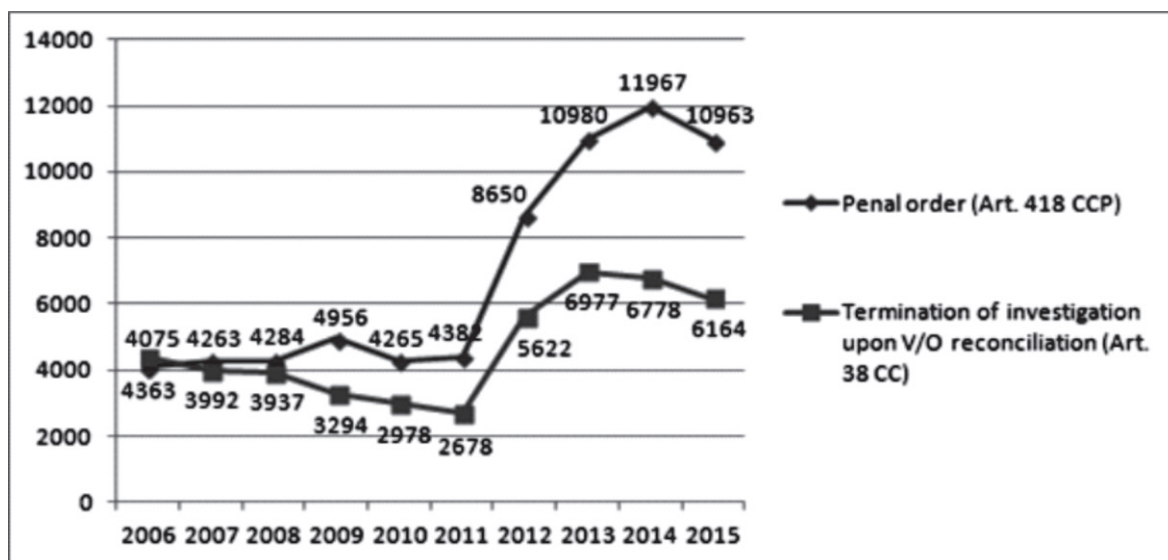
information about the reconciliation process and it’s possible consequences must be provided for the victim prior to the victim’s consent. One of the judges asked about victim-offender reconciliation cases has commented:

“<...> confession in reconciliation cases judges assess very strictly. The confession indeed must be complete, clear <...> In such cases when confession is and there is low possibility of later violence because often it is accidental violence case or even in relapse cases when man tends to change in order to prevent violence. Because when it is seen that the violence will continue and continue judges try to make that they would not meet later” (Judge)

Few informants expressed the opinion that there are two typical domestic violence cases. The first one, violence at the low education and low income those who abuse alcohol, families. In such families probability of recurrence of violence is very high. However, informants do not denied the existence of violence in higher social class families but perhaps in such families people more often solve their problems without the intervention of the police. Another, far less common type, the so called random cases (this concept was used by informants) when the probability of recurrence of violence is very low. All in all, it is seen that informants tend to think about the reconciliation process positively when violence occurs the first time:

“<...> I am looking at it [reconciliation] positively, especially if it is the first time and suspect was not convicted before, not punished by administrative sanction, fairly

Figure 2. Results of pre-trial investigation, 2006-2015¹⁸.



positive person, who, according to the facts in the case, sincerely regrets for this situation, I look really positively and always try to go to the court to approve the decision to terminate the pre-trial investigation upon the victim and offender reconciliation <...> even more if they both want to be reconciled, of course, in more extreme cases I also evaluate whether it is necessary to impose penal sanctions¹⁹”
(Prosecutor)

Another common result of domestic violence cases in Lithuania is termination of pre-trial investigation because of the insufficient evidence of violence when the victim changes its testimony. Interviews with pre-trial investigation police officers, prosecutors and judges have shown that this decision is common for domestic violence cases because many cases involve minor spontaneous emotional conflicts between spouses and after emotions calm down victim often prefers to drop the criminal prosecution instead of imposing penal measures to the spouse and to their family as well. Tendency exists that women usually welcome their husbands back to their homes, are willing to make peace and live together. First of all, such behaviour could be explained by the fact that perpetrator and victim are often closely involved by economical social and psychological relations. Another reason of such behaviour is victims' perception of criminal law as a mean of discipline. This situation is well illustrated by the prosecutor's statement:

“<...> Most people just want to tame violence itself and only then to solve the problem. Therefore, they are looking at the criminal law, police more like a help for that day not as a pre-trial investigation. For most of them pre-trial investigation perhaps is incomprehensible, for part of them uninteresting. They call the police in order to tame today, then you look themselves what you want to do with him”
(Prosecutor)

All in all, the results of pre-trial investigation show that the domestic violence problem could not be solved only by criminal law. Informants views what kind of help (legal, psychological, social) is the most important for victims were different but most of them highlighted the necessity of psychological help. The fact that victims do not receive qualified psychological help is associated with the tendency to change testimony and feel unsafe even in such institutions like courts. This statement can be also well illustrated by one of the judge's view:

“<...> there is very bad tendency in the courts, probably in all courts, that in the court accused person feels much better than the victim. This is what I often see before court hearings that the victim stands somewhere far away from the hall, somewhere in the corner. Stands silently and is afraid even to move. While accused person like an eagle disperse everywhere „I am innocent...” “ I think that in the court everything should be vice versa. The accused person must stand somewhere in the corner while victim must be brave and so open to the court that the court will defend him”
(Judge)

Moreover, informants also argued that psychological help is necessary not only for victims but also for the perpetrators, e.g., to participate in the programmes addressing violent behaviour. Besides this, there are many cases that victims are often closely involved by economic ties with the perpetrator. Social help is also necessary for the victims who are financially depended. Thus, the problem of domestic violence could not be solved only by using penal measures. Only a complex of integrated and coordinated legislative, educational, social and psychological measures could create the right atmosphere for problem solution.

Conclusions

Because of the activity of international institutions more and more countries including Lithuania may recognize that combating domestic violence is a state responsibility. Rapid and effective measures to isolate perpetrator from the victim in the case of violence or threat of violence are necessary. It could be recognized that Lithuanian criminal laws and relatively recently adopted Law on Protection against Domestic Violence encourages to resist to domestic violence. However, domestic violence problem could not be solved only by criminal law. A complex of integrated and coordinated legislative, educational, social and psychological measures could create the right atmosphere for conflict resolution. This was also confirmed by representatives of law enforcement institutions. It is important that even the victims' ability to take advantage of the legislative measures heavily depends on other non legislative factors such as psychological or social assistance and public education about legal regulation of domestic violence.

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- ⁶ Lietuvos Respublikos Baudžiamojo kodekso 140, 145, 148, 149, 150, 151, 165 straipsnių pakeitimo ir papildymo įstatymas [The Law on Amending and Supplementing Articles 140, 145, 148, 149, 150, 151, 165 of Criminal Code of the Republic of Lithuania]. Valstybės žinios [State Gazette], 2013, No. 75-3772. [reviewed 2016-02-04] <http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=452343>.
- ⁷ Płatek M. Karnoprawne modele przeciwdziałania przemocy w rodzinie [Penal Law Models for Family Violence Prevention]. *Archiwum Kryminologii* [Archives of Criminology], T. XXIX–XXX 2009, p. 601–616.
- ⁸ Since 2 July 2013 in the Criminal Code of the Republic of Lithuania some amendments were done: The Article 140 of the Criminal Code previously stating criminal liability generally for minor bodily injury was appended with infliction of negligible bodily injury or causing physical pain to a close relative or a family member (close relatives: parents, children, brothers, sisters; family member: spouse, cohabitant); The Article 145 of the Criminal Code stating criminal liability for threatening to murder or cause a grievous bodily injury or terrorisation of a person was appended with a stipulation that in the case of domestic violence pre-trial investigation must be started automatically (Supra note 6).
- ⁹ Supra note 1, p. 61, 64.
- ¹⁰ Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order, Official Journal of the European Union L 338, 21.12.2011.
- ¹¹ Smurtą patyrusios aukos bus apsaugotos ir kitose ES valstybėse [Victims of Violence will be Also Protected in Other EU Countries]. [reviewed 2016-02-05] <<http://www.tm.lt/naujienos/pranesimasspaudai/2206>>.
- ¹² Informatikos ir ryšių departamentas prie Lietuvos Respublikos Vidaus reikalų ministerijos. Duomenys apie nusikalstamas veikas, padarytas Lietuvos Respublikoje [Data on Criminal Offences Committed in the Republic of Lithuania]. [reviewed 2016-04-05] <<http://www.ird.lt/statistines-ataskaitos/?metai=2014&menu=12&idAta=1&rt=1&oldYear=2014&id=136&idStat=10®ionas=0&id3=1##Atas>>.
- ¹³ Unfortunately, statistical data of offences related with domestic violence are being collected only from March, 2012 when the new Law on Protection against Domestic Violence came into force. In 2012 (from March) police recorded 4,361 domestic violence offences, in 2013 – 8,855 offences, in 2014 and 2015 the numbers of these offences slightly decreased and accounted respectively 8,264 and 7,561. Mostly these cases were qualified as causing physical pain or a negligible bodily injury (140 Art. CC). In 2012 3,519 domestic violence cases were qualified as bodily injury or causing physical pain, in 2013 – 7,498, in 2014 – 6,985, in 2015 – 6,615. However, trends and changes

cannot be observed by analysing few years statistical data of domestic violence offences therefore in this article authors analysed general statistical data (Informatikos ir ryšių departamentas prie Lietuvos Respublikos Vidaus reikalų ministerijos. Duomenys apie ikiteisminio tyrimo įstaigose užregistruotas nusikalstamas veikas, įtariamus (kaltinamus) asmenis nusikalstamų veikų padarymu, susijusių su smurtu artimoje aplinkoje [Data on Recorded Criminal Offences, Persons' Suspected of (Charged with) Domestic Violence Criminal Offences in the Pre-trial Investigation Institutions]. [reviewed 2016-04-05] <<http://www.ird.lt/statistines-ataskaitos/?metai=2014&menu=12&idAta=2&rt=1&oldYear=2014&id=136&idStat=10®ionas=0&id3=1##Atas>>.

¹⁴ Official data of persons suspected of (charged with) domestic violence criminal offences shows that in the period of validity of Law from March, 2012 men accounted about 95 percent of all persons' suspected of (charged with) domestic violence criminal offences (Supra note 13).

¹⁵ Zaksaitė S. Apsauga nuo smurto artimoje aplinkoje [Protection against Domestic Violence]. In L. Beliūnienė, K. Ambrezevičiūtė, et al. (eds.). *Aktualiausias žmogaus teisių užtikrinimo Lietuvoje 2008-2013 m. problemos: teisinis tyrimas* [The Most Relevant Problems of Ensuring of Human Rights in Lithuania 2008-2013: Legal Research], 2014, p. 67. [reviewed 2016-04-10] <<http://www.teise.org/data/zmogaus-teises.-galutinis-2014-10-08.pdf>>.

¹⁶ Release from criminal liability upon the victim and offender reconciliation can be applied when a person who commits a misdemeanour, a negligent crime or a minor or less serious premeditated crime satisfies all these conditions:

- 1) he has confessed to commission of the criminal act, and
- 2) voluntarily compensated for or eliminated the damage incurred to a natural or legal person or agreed on the compensation for or elimination of this damage, and
- 3) reconciles with the victim or a representative of a legal person or a state institution, and
- 4) there is a basis for believing that he will not commit new criminal acts (Lietuvos Respublikos baudžiamasis kodeksas [Criminal Code of the Republic of Lithuania]. Valstybės žinios [State Gazette], 2000, Nr. VIII-1968. [reviewed 2015-12-09] <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=494077>.

¹⁷ The penal order is a judgement without court proceedings. Penal order is applied only in cases when offender compensates or makes an agreement on compensation of damages if the damages were done (Lietuvos Respublikos baudžiamojo proceso kodeksas [Code of Criminal Procedure of the Republic of Lithuania]. Valstybės žinios [State Gazette], 2002, Nr. IX-785. [reviewed 2015-12-09] <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=494011>. Commonly in practice the penal order is applied for minor offences when sanctions for offences are not high and among the sanctions imprisonment is not provided. The majority of domestic violence cases have such criteria.

¹⁸ Informatikos ir ryšių departamentas prie Lietuvos Respublikos Vidaus reikalų ministerijos. Duomenys apie nusikalstamų veikų tyrimo rezultatus Lietuvos Respublikos prokuratūrose [Data on Results of Criminal Offences in the Prosecution Service of the Republic of Lithuania]. [reviewed 2016-04-10] <<http://www.ird.lt/statistines-ataskaitos/?metai=2014&menu=12&idAta=2&rt=1&oldYear=2014&id=136&idStat=10®ionas=0&id3=1##Atas>>.

¹⁹ Penal sanctions: 1) prohibition to exercise a special right; 2) deprivation of public rights; 3) prohibition to work a certain job or engage in a certain activities; 4) compensation for or elimination of property damage; 5) unpaid work; 6) payment of a contribution to the fund of victims of crime; 7) confiscation of property; 8) prohibition to approach the victim; 9) participation in the programmes addressing violent behaviour; 10) extended confiscation of property (Supra note 16).

Anotacija

Vardarbības ģimenē ierobežošana ir visu Eiropas valstu kriminālās justīcijas prioritāte. Pasākumi vardarbības ģimenē ierobežošanai pēdējos gados ir aktuāli arī Lietuvā. Šīs sociālās problēmas risināšanai ir pieņemts īpašs likums par aizsardzību no šādas vardarbības, kā arī izdarīti vairāki grozījumi krimināllikumā.

Pētījuma, kura rezultāti atspoguļoti rakstā, mērķis bija analizēt tiesisko regulējumu, kā arī analizēt

un novērtēt aktuālo praksi lietās par vardarbību ģimenē. Prakses analīzei izmantotas oficiālās statistikas ziņas, kā arī tiesībsargājošo iestāžu darbinieku intervijas. Kriminoloģiskas aptaujas ietvaros tika noskaidrots policijas darbinieku, prokuroru un tiesnešu viedoklis, kopumā aptaujājot 15 darbiniekus, kuri pieņem lēmumus lietās par vardarbību ģimenē.

Katram intervējamajam tika uzdoti sekojoši jautājumi: tiesiskā regulējuma vērtējums, viedoklis par vardarbības ģimenē upura tiesību īstenošanas iespējām, priekšlikumi attiecībā uz vardarbības ģimenē prevenciju.

Vardarbības ģimenē ierobežošanai būtu jābūt valsts atbildībai. Katrā konkrētajā gadījumā būtu jāveic nepieciešamais vardarbībā vainīgās personas izolēšanai no cietušā. Taču vardarbību nevar ierobežot tikai ar krimināltiesiskiem līdzekļiem. No rakstā atspoguļotajiem aptaujas rezultātiem izriet, ka tikai kompleksi veikti juridiska, sociāla un psiholoģiska rakstura pasākumi var radīt nepieciešamos apstākļus tāda konflikta risināšanai, kura pamatā ir vardarbība ģimenē.

Аннотация

Решение проблем домашнего насилия представляет приоритетную область уголовной юстиции всех европейских стран. Домашнее насилие является актуальной социальной проблемой также в Литве. В течение последних нескольких лет в Литве предприняты активные шаги по предотвращению насилия в семье. Был принят Закон о защите от домашнего насилия, внесены некоторые изменения в Уголовный кодекс Литвы.

Целью исследования, результаты которого описаны в данной статье, было представить актуальное правовое регулирование в области защиты от домашнего насилия в Литве, а также проанализировать и оценить практику по делам о домашнем насилии. Правовая практика представлена на основе анализа официальных статистических данных, а также интервью с представителями органов правопорядка. Был проведён криминологический опрос 15 лиц: сотрудников полиции, прокуроров и судей, принимающих решения по делам о насилии в семье. Каждому информанту были заданы следующие вопросы: его/её оценка правового регулирования в области домашнего насилия; мнение о реализации прав жертв домашнего насилия; предложения, касающиеся превенции домашнего насилия. Опрос осуществлялся методом полуструктурированного глубинного интервью.

Предотвращение домашнего насилия должно быть ответственностью государства. В каждом конкретном случае необходимы решительные меры по изолированию виновника такого насилия от его жертвы. Однако проблемы домашнего насилия не могут быть разрешены только при помощи мер уголовного порядка. Приведенные в данной статье результаты опроса показали, что только комплексные меры юридического, социального и психологического характера могут создать необходимую атмосферу для разрешения конфликта, каким является домашнее насилие.