

Adopting a New Domestic Violence Law in Lithuania
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On May 26, 2011, the Lithuanian Parliament finally adopted the law on Protection of Violence in Close Relations. The law will go into effect in six months because other related laws will need to be amended for consistency with this new law. The law is the result of almost 20 years of advocacy within the women's movement in Lithuania. Women's NGOs started raising the problem of domestic violence against women in 1991. They continued their advocacy after the United Nations Fourth World Conference on Women in Beijing, China, in 1995. However, until the passage of this law, the state continued to treat domestic violence as a private family issue.

The process of drafting the current law lasted for two years. The Ministry of Social Security and Labor drafted the first version of the law in 2009. That version allowed too much discretion for the police in deciding what particular protection measures to apply-- namely warning or eviction -- in cases of domestic violence. The draft law allowed police to issue a warning to the perpetrator upon the first report of domestic violence if the officer determined that there was no danger to the victim. It also included a provision on police authority to evict a perpetrator if a victim demonstrated extreme fear or if a victim was a pregnant woman. The draft law emphasized the equal treatment of a victim and perpetrator through the definitions of their rights and duties before the law.

The Ministry of Social Security and Labor did not invite any women's advocacy groups or human rights NGOs to work together in drafting the law on protection of domestic violence and to share expertise and knowledge in the field of violence against women. The first draft law provided unclear goals which aimed to encourage 'conflicting' parties to live together and solve the 'conflicts' in peace. It included provisions on warning a perpetrator by police. There was no language addressing the state's lack of commitment to prosecute domestic violence cases. The practice that requires victims to privately prosecute domestic violence cases was the primary focus of the revisions prepared by the Human Rights Committee at the Parliament of Lithuania. The Human Rights Committee composed a new working group for the revision of the draft law on protection of violence in the private sphere and invited experts from three NGOs to work together.

The Lithuanian NGOs, Center for Equality Advancement (CEA) and Human Rights Monitoring Institute participated in revising the first draft of the law. CEA submitted a request to The Advocates for Human Rights (AHR) for their commentary on the first draft law. The CEA received their comments and sent them to the working group under the Human Rights Committee at the Parliament. AHR's comments were very valuable in explaining the need to introduce civil protection orders for a victim, clear identification of provisions on perpetrator's eviction and no-contact orders, clear responses by police and judges in dealing with cases of domestic violence, necessary protection measures for a victim and securing financial means in effective implementation of the law. Unfortunately, not all suggestions were incorporated into the draft law by the

working group. However AHR's commentary provided experts' insights and arguments for law-makers on how and why effective practical provisions should be included in the draft law. The working group, under the supervision of the Human Rights Committee, rewrote the draft law in two months and submitted it to the Parliament for adoption. It took five months (from January till May 2011) for the Parliament to debate the draft law and finally adopt it.

The new law on Protection of Violence in Close Relations is based on human rights principles and covers the articles on prevention of violence in close relations, prosecution of perpetrator and protection of victims. Certain positive aspects can be identified. The law identifies domestic violence as a violation of human rights and as such damages the public good. This definition implies that private prosecution is inappropriate in domestic violence cases. A new provision that police should initiate a pre-trial investigation without a victim's complaint is included in the law. The law states that a child who witnesses domestic violence is a survivor of domestic violence. Administrative sanctions for perpetrators are introduced which encompass eviction and no-contact orders. The law introduces broad prevention measures: trainings for law enforcement, judges, and prosecutors, awareness-raising campaigns, legal education campaigns, research, collection of statistics, and restrictions on issuing permissions for guns and other weapons. For better protection of survivors, the law establishes specialized support centers and identifies improved financial mechanisms for crisis centers to provide immediate protection for survivors.

However, the law is the first step in the attempt to solve the problems of domestic violence against women in Lithuania. Many improvements are urgently needed for its effective implementation. The government should prepare the amendments to the Criminal Code and Criminal Procedure Code which will introduce immediate eviction and a no-contact order in cases of domestic violence when pre-trial investigation starts. Though police are not allowed to issue a warning upon a report of domestic violence, much discretion remains for the officer to decide whether to submit the case to the court. No clear time duration for eviction and the no-contact order issued by the court is identified in the law. There are no provisions on sanctions for perpetrators if the court order is violated or if domestic violence is repeated. The law contains provisions on duties and rights for a victim and perpetrator, and also provisions on deceptive calls about domestic violence. Police have the duty to inform the child protection institutions if a child has witnessed domestic violence. This might prevent a victim's call to police for the fear of losing the child.