

REPUBLIC OF LITHUANIA

LAW ON

PROTECTION AGAINST DOMESTIC VIOLENCE

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Vilnius

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall aim at protecting persons against domestic violence, which, due to damage caused to society, is attributable to the acts of public importance, promptly responding to arising threats, undertaking prevention measures, applying protection measures and providing appropriate assistance.

2. Domestic violence shall be an act of violation of human rights and freedoms. This Law shall define the concept of domestic violence, establish the rights and liability of subjects of domestic violence, implementation of prevention measures, provision of assistance in the event of domestic violence and application of protection measures to victims of violence. Protection of children against violence shall be regulated by this Law and other legal acts of the Republic of Lithuania.

Article 2. Definitions

1. **Domestic environment** shall mean the environment comprising the persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household.

2. **Non-governmental organisation** shall mean a public legal person independent of state and municipal institutions and operating on a voluntary basis for the benefit of society or a group thereof, the purpose of whose activities is not seeking profit or political power or implementing exclusively religious goals.

3. **Assistance to victims of domestic violence** (hereinafter referred to as “**assistance**”) shall mean psychological, legal, social, health care, educational, accommodation and other

necessary services provided by state, municipal institutions and non-governmental organisations to victims of domestic violence.

4. **Victim of domestic violence** (hereinafter referred to as “**victim of violence**”) shall be a person against whom domestic violence has been used, also a child who has become a witness of domestic violence or lives in an environment exposed to violence.

5. **Violence** shall mean an intentional physical, mental, sexual, economic or another influence exerted on a person by an act or omission as a result whereof the person suffers physical, property or non-pecuniary damage.

6. **Perpetrator of violence** shall mean a person who inflicts domestic violence.

7. **Subject of domestic violence** shall mean a victim of violence or a perpetrator of violence.

8. **Specialised comprehensive assistance to victims of violence** (hereinafter referred to as “**specialised comprehensive assistance**”) shall mean comprehensive assistance provided by specialised assistance centres to address the critical situation in the event of domestic violence, specialised assistance rendered by psychologists, legal and other assistance.

9. **Specialised assistance centre** shall mean an institution performing public functions and providing specialised comprehensive assistance to victims of violence.

10. Other concepts used in this Law shall be understood as they have been defined in other legal acts of the Republic of Lithuania.

Article 3. Principles of Protection against Domestic Violence

Protection against domestic violence shall be implemented in compliance with the following principles: co-operation, participation, comprehensiveness, accessibility and quality, solidarity, appropriateness, co-ordination, legality, protection of human rights and freedoms, proportionality, humanity, justice, effectiveness, impartiality and efficiency.

Article 4. Prevention of Domestic Violence

1. State and municipal institutions, agencies and non-governmental organisations shall, within the remit of their competence, prepare and implement the measures aiming at preventing domestic violence, act in compliance with the requirements of this Law and other legal acts.

2. Prevention measures shall be implemented in accordance with the programmes developed by the Government of the Republic of Lithuania (hereinafter referred to as the “Government”) and the institutions authorised by it as well as municipalities and financed from the state budget and municipal budgets and funds of international programmes. The Government shall finance the prevention activities carried out by non-governmental organisations.

3. State and municipal institutions, agencies and non-governmental organisations shall, aiming to prevent domestic violence and within the remit of their competence, take the following prevention measures:

- 1) organise public education and awareness campaigns promoting zero tolerance of violence;
- 2) organise training and in-service training courses for judges, prosecutors, police officers, specialists and other persons working in the field of prevention of domestic violence and assistance under the programmes developed by the Government and institutions authorised by it as well as municipalities and financed from the state budget and municipal budgets and funds of international programmes;
- 3) organise legal education of the public concerning the acts considered as domestic violence, the legal consequences of these acts and inevitability of liability for commission thereof;
- 4) organise research, collection of statistical data on domestic violence and analysis of these data;
- 5) organise courses teaching the ways of peaceful resolution of domestic conflicts;
- 6) refuse to issue an authorisation to keep (carry) a weapon or annul the authorisations currently held;
- 7) take other prevention measures.

CHAPTER TWO

PROTECTION OF A VICTIM OF VIOLENCE

Article 5. Measures Ensuring the Protection of a Victim of Violence

1. Where the fact of an incident of domestic violence is established, the following measures of protection of a victim of violence shall be imposed:

- 1) the obligation for the perpetrator of violence to temporarily move out of the place of residence, if he resides together with the victim of violence;
- 2) the obligation for the perpetrator of violence not to approach the victim of violence, not to communicate and not to seek contact therewith.

2. The measures specified in subparagraphs 1 and 2 of this Article shall be applied until completion of examination of a case, unless a pre-trial investigation judge imposes the pre-trial supervision measures specified in the Code of Criminal Procedure of the Republic of Lithuania, namely, detention or the obligation to reside separately from the victim. These measures shall be imposed by a ruling of the pre-trial investigation judge not later than within 48 hours.

3. The measures specified in subparagraphs 1 and 2 of paragraph 1 of this Article shall be imposed in combination with the punishment, with the exception of the cases when the convict is subject to arrest or imprisonment.

4. The measures referred to in subparagraphs 1 and 2 of paragraph 1 of this Article shall not be imposed if the perpetrator of violence is a minor.

5. In imposing the measures referred to in subparagraphs 1 and 2 of paragraph 1 of this Article, where a victim of violence or perpetrator of violence cannot be deprived of care due to their physical or mental defects or properties, the issue of care of these persons shall be resolved in accordance with the procedure laid down by legal acts of the Republic of Lithuania.

Article 6. Application of Measures Ensuring the Protection of a Victim of Violence

1. Upon recording an incidence of domestic violence, a police officer shall immediately take measures to protect a victim of violence and, taking account of the circumstances, initiate a pre-trial investigation and notify the prosecutor if the prosecutor's order is necessary to initiate the pre-trial investigation.

2. Procedural actions shall be subject to accelerated proceedings where the circumstances of an incident of domestic violence are clear, and a criminal case concerning the commission of this act must be heard by a district court.

Article 7. Functions of Police Officers

1. On receipt of a notice of an incident of domestic violence and on arrival to the place of the incident or being witnesses to the incident, police officers shall record the fact of occurrence of the incident of domestic violence and initiate pre-trial investigation. A victim of violence shall not file a complaint.

2. Police officers shall organise provision of assistance in accordance with the procedure established in paragraphs 1 and 3 of Article 9 of this Law.

3. Where an obligation is imposed on the perpetrator of violence to temporarily move out of the place of residence, if he resides together with the victim of violence, police offices shall immediately ensure the moving out of the perpetrator of violence. The procedure for evicting the perpetrator of violence shall be laid down by an institution authorised by the Government.

4. Police officers shall notify a specialised assistance centre of an obligation imposed by court on the perpetrator of violence to temporarily move out of the place of residence immediately, and in no case later than the next working day following adoption of the decision. Where, upon imposing on the perpetrator of violence the obligation to move out, a minor is left without care, the police officers shall notify thereof a children's rights protection division.

5. Police officers shall control execution of a court's decision. Control shall be exercised in accordance with the procedure laid down by an institution authorised by the Government.

CHAPTER THREE

MANAGEMENT AND ORGANISATION OF ASSISTANCE

Article 8. Management of Assistance

1. Management of assistance shall include planning, administration, organisation of assistance measures, allocation of responsibilities and securing of funding.

2. The Government shall approve a long-term state programme for the provision and funding of assistance developed by an institution authorised by the Government and financed from the state budget and municipal budgets and funds of international programmes.

3. The institutions authorised by the Government shall be responsible for development of a programme for specialised assistance centres. The specialised assistance centres shall be established with priority given to non-governmental organisations.

4. Specialised assistance centres shall provide specialised comprehensive assistance.

5. Municipal institutions and non-governmental organisations shall, in accordance with the procedure laid down by laws, render and implement long-term assistance services.

6. Provision of assistance shall be under supervision of competent authorities.

Article 9. Organisation of Assistance

1. On arrival to the place of an incident of domestic violence, police officers shall inform a victim of violence of the possibilities of receiving assistance and, upon informing him, report the incident to a specialised assistance centre.

2. Upon receipt of a report from police officers, a specialised assistance centre shall forthwith contact a victim of violence and offer him specialised comprehensive assistance.

3. Police officers shall forthwith, but in no case later than the next working day, give a notice to a children's rights protection division where a minor is exposed to domestic violence, becomes a witness thereof, lives in an environment wherein violence is inflicted or where a person suspected of inflicting violence is a minor.

CHAPTER FOUR

RIGHTS OF SUBJECTS OF DOMESTIC VIOLENCE

Article 10. Rights of a Victim of Violence

1. A victim of violence shall have the right to:
 - 1) obtain from a police officer and from a specialised assistance centre information on the institutions providing assistance under this Law;
 - 2) receive specialised comprehensive assistance provided for victims of violence;
 - 3) apply for and receive assistance in accordance with the procedure laid down by this Law and other legal acts of the Republic of Lithuania.
2. The rights stipulated in paragraph 1 of this Law shall be granted also if a person does not apply to the police concerning domestic violence.

Article 11. Rights of a Perpetrator of Violence

A person suspected of inflicting violence shall have the right to:

- 1) obtain from a police officer information on the institutions providing accommodation services, if the person is imposed an obligation to move out from the place of residence;
- 2) submit explanations concerning domestic violence;
- 3) apply for and receive assistance in accordance with the procedure laid down by other legal acts of the Republic of Lithuania.

CHAPTER FIVE

LIABILITY FOR DOMESTIC VIOLENCE

Article 12. Liability For Domestic Violence

1. Violence shall incur criminal liability.
2. A perpetrator of violence who causes damage to a person's health, property, environment, also inflicts non-pecuniary damage must compensate the victim of violence for the damage incurred in accordance with the procedure laid down by legal acts of the Republic of Lithuania.

Article 13. Liability for a False Report

A person who files a false report on an incident of domestic violence or abuses the rights of a victim of violence shall be held liable in accordance with the procedure laid down by legal acts of the Republic of Lithuania.

CHAPTER SIX

FINAL PROVISIONS

Article 14. Entry into Force and Application of the Law

1. This Law, with the exception of Article 15, shall enter into force six months after the publication thereof in the official gazette *Valstybės žinios*.

2. The provision of paragraph 4 of Article 8 of this Law shall apply after the Government or an institution authorised by it approves a programme for specialised assistance centres within the time limits specified in paragraph 3 of Article 15 of this Law.

Article 15. Proposals to the Government

1. The Government shall, within three months from publication of this Law in the official gazette *Valstybės žinios*, submit to the Seimas of the Republic of Lithuania draft amendments to the laws related to implementation of this Law.

2. The Government or an institution authorised by it shall adopt the legal acts implementing this Law prior to the entry into force of this Law.

3. The Government or an institution authorised by it shall, within six months from publication of this Law in the official gazette *Valstybės žinios*, approve a programme for specialised assistance centres.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ

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