

# LITHUANIA

## Recommendations to improve data collection on intimate partner violence by the police and justice sectors



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at a meeting on 6 June 2017 in Vilnius, Lithuania. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

## 1. Legislative and policy recommendations

### Strengthen political commitment

Political commitment is crucial to improving administrative data collection on intimate partner violence. It provides a catalyst for change and ensures the sustainability of systematic and harmonised data collection practices on intimate partner violence in the police and justice sectors.

Since 2016, Lithuania has developed policies on comprehensive domestic violence data collection. An important step was taken in implementing the Law on Protection against Domestic Violence, and key supplementary strategic policy developments were suggested. One proposal was that the Department of Statistics (Statistics Lithuania) formulate a list of indicators for data collection and analysis of the domestic violence phenomenon in Lithuania and identify the relevant indicators to measure the effectiveness of the preventive measures in the area of domestic violence. Statistics Lithuania is the leading institution of the interministerial working group comprising statisticians, experts and specialists from the police, justice, and social support and healthcare sectors. This group developed a list of indicators which will be used for official statistics on the measurement of domestic violence. The data will be collected from various administrative sources from relevant institutions. Statistics Lithuania will disseminate the domestic violence statistics in the Official Statistics Portal.

**It is recommended** to strengthen political commitment to ensure that progress on the improvement of administrative data collection is sustainable, and that current proposals relating to data collection — such as giving data collection authority to Statistics Lithuania — are prioritised.

### Ratify the Istanbul Convention

Lithuania signed the Istanbul Convention on 7 June 2013; however, the country has not yet ratified it. In June 2017, the Human Rights Committee of the Parliament of the Republic of Lithuania launched discussions on the ratification process. As the Istanbul Convention is the most significant and comprehensive legally binding text addressing violence against women, its immediate ratification is strongly recommended. Ratifying the convention would enable Lithuania to meet its minimum data requirements for international comparisons and assist its policymakers and practitioners in their efforts to combat intimate partner violence and rape.

**It is recommended** that the necessary steps be taken to ensure a swift ratification of the Istanbul Convention.

### Recognise intimate partner violence within the concept of domestic violence

Domestic violence is criminalised in national legislation. However, the concept as it is defined and criminalised includes relationships beyond just intimate partners. Data regarding intimate partner violence can be retrieved from the statistical card No 50 of the Register of Criminal Offences, which records the relationship between the victim and the perpetrator (categories include spouse and partner).

**It is recommended** that intimate partner violence be recognised as a distinct offence, separate from the less specific concept of domestic violence within Lithuanian legislation. Policy documents should reflect this distinction.

### Set up a working group to assess the need to improve data collection on economic intimate partner violence

The Law on Protection against Domestic Violence introduces the concept of economic violence when outlining that violence covers action and inaction that makes physical, psychological, sexual, economic or other effects to a person intentional, incurring physical, material or non-pecuniary damage. However, the police and justice sectors face difficulties in registering and investigating incidents related to economic intimate partner violence. Article 180 of the Criminal Code ('Robbery') has recently been considered as a possible indicator to collect data on economic intimate partner violence (as 'violent robbery in domestic environment'). However, using this sole article would not encompass all aspects of economic intimate partner violence.

**It is recommended** that policy discussions be organised to prioritise a potential way to improve the legal concepts on which data collection on economic intimate partner violence could be based.

## Improve legislation to accommodate the concept of psychological intimate partner violence

Psychological violence is covered by the Criminal Code, but its definition is narrow. Currently, incidents of psychological intimate partner violence fall under Article 145 of the Criminal Code, which covers crimes that include threatening to murder, causing severe health impairment to a person or the terrorisation of a person. Law enforcement experiences difficulties in initiating a pretrial investigation solely on the basis of this article. Similarly, instances of stalking are difficult to prove within a legal framework.

**It is recommended** that an amendment to the Criminal Code be adopted or a separate law on specific forms of psychological intimate partner violence (such as stalking) be passed in order to provide a stronger legal foundation to criminal investigations of offences that include aspects of psychological violence.

## Take steps to estimate the costs of intimate partner violence to the police and justice sectors

Violence against women in general and intimate partner violence in particular have far-reaching impacts on societies. A considerable amount of human and financial resources is devoted to dealing with cases of violence within the police and justice institutions. No studies have been undertaken that endeavour to estimate the economic burden of intimate partner violence on the police and justice sectors. By developing an action plan to do so, the phenomenon could be understood in the context of the economic burden it creates.

**It is recommended** that a study using the purpose-built economic model developed by EIGE be conducted to estimate the costs of violence.

## 2. Data collection infrastructure and cooperation between different authorities

### Develop guidelines to improve the recording of important variables

Statistics recorded by the police and justice sectors are needed in order to obtain a comprehensive overview of how the criminal justice system deals with incidents of intimate partner violence against women. The interministerial group of specialists from different governmental sectors developed a draft list of statistical indicators on data collection on domestic violence. The draft list is currently under review for approval by the ministries and state institutions that will ultimately utilise it in their own data collection on domestic violence.

**It is recommended** that the developed list of indicators provide guidelines to collect data on both victims and perpetrators (including their sex and age) and on their relationship in order to identify intimate partner violence prevalence in Lithuania. Moreover, it is recommended that these guidelines be disseminated and used for training purposes.

### Improve the integrated electronic database that merges data from the police and justice sectors

In 2012, an important step was taken towards harmonising criminal data collected by the police and justice sectors by creating an integrated information system of criminal procedure. The aim of this integrated system was to digitalise the data collection and to merge the records of criminal procedure into a single system<sup>(1)</sup> from the Register of Police-Registered Events, the Prosecutor's Office information system, the Register of Criminal Offences, the courts' information system and the Register of Suspected, Accused and Convicted Persons.

However, there are challenges to merging registers due to their different functions. There is no possibility yet of following up on cases of intimate partner violence from the initial police report to court conviction. The police sector is equipped to provide administrative data on women victims of intimate partner violence (statistical card No 50); however, the integrated system lacks the necessary means to provide information on how a case was handled by the justice system in terms of protection provided, restriction measures applied and final judgments delivered.

**It is recommended** that steps be taken to ensure that the recording systems used by the justice sector provide information on the handling of cases of intimate partner violence and enable comparison with the data collected by the police sector. This will improve the capacity of the integrated electronic database.

(1) Order of the Minister of the Interior, of the Prosecutor General and of the Director of the National Courts Administration on regulations of the Integrated Information System of Criminal Proceedings (*Dėl integruotos baudžiamojo proceso informacinės sistemos įsteigimo ir jos nuostatų patvirtinimo*) No 1V-702/1-294/6P-101-(1.1), Vilnius, 2012 (<https://www.e-tar.lt/portal/lt/legalAct/TAR.36CF0FD8075B>) (not available in English).

## Make information on intimate partner violence reliable and publicly available

Information on crime statistics is made publicly available by the Information Technology and Communications Department under the Ministry of the Interior. However, information on intimate partner violence against women is not publicly available. Moreover, Statistics Lithuania publishes crime statistics gathered from the police and justice registers. This data provides breakdowns on the sex and age of the victims and of the perpetrators, but the relationship between them is not indicated.

**It is recommended** to provide further information for the data that is currently being made publicly available — by the Ministry of the Interior and Statistics Lithuania — by providing information on the relationship between the victim and the perpetrator to be able to differentiate intimate partners from other relationships in the domestic sphere.

## 3. Technical recommendations

### Ensure a systematic recording of the relationship between the victim and the perpetrator

A lack of information on the relationship between the victim and the perpetrator is a major obstacle when differentiating cases of intimate partner violence from other domestic violence offences. The recording of the relationship between the victim and the perpetrator is currently not mandatory at any stage of the criminal process. The Integrated Criminal Process System compiles data from both the police Database of Registered Incidences and the judicial Register of Court Information System, which enables the recording of the relationship between the victim and the perpetrator in an open text field, but this is left to the discretion of the officer in charge. Consequently, a significant amount of effort is required to differentiate intimate partner violence cases from other domestic violence cases, and the reliability of the data depends on the awareness of the staff recording the information.

The Register of Suspected, Accused and Convicted Persons does not offer the possibility of recording the relationship between the victim and the perpetrator, while the Register of Criminal Offences relies on the discretion of the investigator to tick the box about the offence of domestic violence. Such a system is prone to error. Work is in progress to improve recording systems and, since 2017, data is more reliable.

**It is recommended** that the necessary changes be made to the recording systems to ensure that the relationship between the victim and the perpetrator is recorded as a mandatory separate variable. This predefined variable should include separate categories which can then be used to differentiate incidents that occur between current or former partners from other relationships that also fall under the general category of domestic violence.

### Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence <sup>(?)</sup> committed by men (aged 18 and over), as recorded by police

This information could be extracted from the Register of Criminal Offences, statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is in place. However, issues with reliability of data have been identified due to the non-mandatory recording of the relationship between the victim and the perpetrator.

### Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

Data is currently not available to populate this indicator. Data could be identified from the Register of Criminal Offences, statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is in place. Data on victims could be connected to the information on offences registered by the police (statistical card No 10). Due to the non-mandatory recording of the relationship between the victim and the perpetrator, data cannot currently be extracted.

<sup>(?)</sup> Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

#### **Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence <sup>(3)</sup> committed by men (aged 18 and over), as recorded by police**

This information could be extracted from the Register of Criminal Offences, statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is in place. However, issues with reliability of data have been identified due to the non-mandatory recording of the relationship between the victim and the perpetrator.

#### **Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence <sup>(4)</sup> committed by men (aged 18 and over), as recorded by police**

This information could be extracted from the Register of Criminal Offences, statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is in place. However, issues with reliability of data have been identified due to the non-mandatory recording of the relationship between the victim and the perpetrator.

#### **Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court**

Data on restriction measures for perpetrators in the case of intimate partner violence needs improvement. The general data on restrictive measures is available, but there is no systematic recording of the relationship between the victim and the perpetrator.

#### **For indicators 1, 2, 4, 6 and 10**

**It is recommended** to make the necessary adjustments to the respective recording systems to enable the systematic recording of the relationship between the victim and the perpetrator in order to differentiate intimate partners from other domestic relationships.

#### **Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)**

There is no breakdown on the relationship between a victim and their perpetrator in the Register of Suspected, Accused and Convicted Persons.

**It is recommended** to make the necessary adjustments to the Register of Suspected, Accused and Convicted Persons to enable the systematic recording of the relationship between the victim and the perpetrator (differentiating intimate partners from other relationships in the domestic sphere).

#### **Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence <sup>(5)</sup> committed by men (aged 18 and over), as recorded by police**

This information could be extracted from the Register of Criminal Offences, statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is in place. However, issues with reliability of data have been identified due to the non-mandatory recording of the relationship between the victim and the perpetrator. Moreover, the current legislative scope of psychological violence is limited.

**It is recommended** to make the necessary adjustments to the Register of Criminal Offences to enable the systematic recording of the relationship between the victim and the perpetrator — to differentiate intimate partners from other relationships in the domestic sphere — and to amend the legislative scope of psychological violence.

<sup>(3)</sup> Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

<sup>(4)</sup> Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

<sup>(5)</sup> Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

### **Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence (6) committed by men (aged 18 and over), as recorded by police**

There is no legal definition of economic intimate partner violence and data on this phenomenon is limited.

**It is recommended** that a way to improve the legal concepts on which data collection on economic intimate partner violence could be based be initiated.

### **Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape (7) committed by men (aged 18 and over), as recorded by police**

This data could be identified from the statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is available.

**No recommendation is needed.**

### **Indicator 9 — Women victims of intimate femicide (8) (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)**

This data could be identified from the statistical card No 50, where information about victims, about their age and sex, and about their relationship with their perpetrator is available. The number of women victims of homicide is also available.

**No recommendation is needed.**

### **Indicator 11 — Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women**

No data is available to populate this indicator. The Register of Suspected, Accused and Convicted Persons does not record the relationship between the victim and the perpetrator.

### **Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women**

No data is available to populate this indicator. The Register of Suspected, Accused and Convicted Persons does not record the relationship between the victim and the perpetrator.

### **Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty**

No data is currently available to populate this indicator. However, discussions are in progress on the opportunity to introduce this indicator in the statistics on domestic violence.

### **For indicators 11, 12 and 13**

**It is recommended** that information on both the victim and on the perpetrator as well as on the relationship between them be recorded to be able to differentiate intimate partners from other relationships in the domestic sphere. This should be done in parallel to the other processes that define which offences should be considered as constituting intimate partner violence.

(6) Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

(7) Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

(8) The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).



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