



Executive summary of the public audit report

ORGANISING PROTECTION AGAINST DOMESTIC VIOLENCE

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DEFINITIONS

"CCP" refers to the Code of Criminal Procedure of the Republic of Lithuania.

"CC" refers to the Criminal Code of the Republic of Lithuania.

"PD" refers to the Police Department under the Ministry of Interior of the Republic of Lithuania.

"CPH" refers to the County Police Headquarters.

"PH" refers to the Police Headquarters.

"SSC" refers to the specialized support centre.

"CRPD" refers to the children's rights protection department.

"Remand measures" refer to the remand measures provided in the Code of Criminal Procedure of the Republic of Lithuania.

"Special measures" refer to the measures defined by the Law on Protection against Domestic Violence for ensuring protection of a person that has experienced violence.

"Perpetrator" (suspect) refers to a person committing acts of violence in domestic environment.

"Victim" refers to a person that has experienced domestic violence.

"Domestic environment" refers to the environment, which consists of persons related or formerly related by marital, partnership or other close relationships, as well as persons living together and managing a common household.

EXECUTIVE SUMMARY

At the end of 2011 Lithuania adopted the Law on Protection against Domestic Violence¹, the purpose of which was to create legal preconditions to use special measures to ensure the protection of persons that have experienced domestic violence and develop a system of specialised integrated support.

In 2012-2014 the Ministry of Social Security and Labour organised the implementation of the specialised support centre program². By implementing this program it was planned to develop and operating network of specialised support centres and ensure that each victim is offered and receives immediate help.

During the audit period the specialised integrated support was provided in total by 17 specialised support centres operating in the entire Lithuania. For the support in 2013 and 2014 the Government allocated almost 270 000 euros from the state budget each year.

In 2013 the Department of Internal Audit under the Ministry of Social Security and Labour performed an internal audit³ and evaluated the results of the implementation of the measures of the specialised support centre program and the efficiency of the use of the funds from the state budget, as well as provided recommendations to address identified weaknesses.

The police have been ordered to take measures to ensure the protection of persons that have experienced violence. Almost 70 000 reports about domestic violence were recorder in the period of 2012-2014 and the number is growing every year. After the police comes to the location of the incident, the protection of the victim may be ensured by temporarily detaining the suspect for 48 hours and, after beginning an investigation / after the court has examined the criminal case, by imposing remand measures on the suspect / convict or ensuring measures to protect the victim.

28 000 preliminary investigations regarding domestic violence were started and there is no systematised data on in how many cases the measures defined by the Law on Protection against Domestic Violence were used.

During the audit we assessed, whether the protection of persons that have encountered domestic violence is efficient and if they receive immediate help and support.

The audit was performed at the Ministry of Social Security and Labour and the Police Department under the Ministry of Interior of the Republic of Lithuania.

The audit includes the period of 2012-2014. The data required for the evaluations was collected from the institutions using the method of a survey and by analysing the material of preliminary investigations of the chosen period.

We have determined that the protection of persons that have encountered domestic violence is not always effective – every tenth victim was repeatedly subjected to violence. The specialised integrated support, which must be offered immediately, did not reach more than 10% of the victims and almost half of them received it later than the next day (in some cases later than as much as two weeks).

¹ The Law on Protection against Domestic Violence of the Republic of Lithuania, No. XI-1425, 26-05-2011.

² Approved by the order of the Minister of Social Security and Labour, the Minister of Health of the Republic of Lithuania and the Minister of Interior of the Republic of Lithuania, No. A1-534/V-1072/1V-931, 19-12-2011.

³ Audit report of the implementation of the measures of specialised support centre program No. A7-38, 22-11-2013.

In order to ensure protection of victims we have suggested the Government firstly to improve the legal acts in a way to create opportunities to always be able to apply protection measures for the victims that need them. Having evaluated the evidence collected during the audit, we provide the audit conclusions and recommendations, appropriate implementation of which would increase the number of persons that receive immediate support and reduce the number of the cases of repeated violence.

CONCLUSIONS

1. The protection of persons that have experienced domestic violence is organised insufficiently:
 - 1.1. although the average reaction time of the police to domestic violence reports is becoming shorter and there is an increasing number of persons that receive protection for up to 48 hours after the incident of violence, there are still cases when the police comes to the location of the incident exceeding the limit of 20 minutes. Not all victims may receive immediate protection in 2015 either, since it is predicted that the police will appropriately respond (by coming to the location of the incident) to 76% of the cases (subchapters 1.1 and 1.2).
 - 1.2. the legal preconditions for ensuring appropriate protection measures for persons that have encountered violence are insufficient:
 - 1.2.1. the law does not define who should apply to the court to administer measures for protecting the victims (i.e. prosecutor and (or) investigating officers), the court practice is uneven, thus the preliminary investigations that were started in the second half of the year of 2014 did not involve any applications for protection measures (article 1.3.1);
 - 1.2.2. the law does not provide the court with a discrete right to decide on the protection measures for the victim in each individual case, because it obliges to apply the protection measures in each case when the suspect is not subject to remand (arrest or obligation to live separately from the victim or when the convict is not arrested or imprisoned). Therefore, the protection measures of the victim that has encountered violence may be applied in cases when there is no risk of repeated violence or when the same suspect has been already subjected to an analogous remand, such as an affidavit not to leave the country, an obligation not to visit the place of residence of the victim and (or) not to communicate with the victim and not to seek communication with the victim (articles 1.3.1 and 1.3.2.);
 - 1.3. Failure to ensure appropriate protection of victims that need protection increases the risk of repeated violence:
 - 1.3.1. in almost half (43%) of the cases of preliminary investigations analysed (started in the second half of the year 2014), the suspects were not subjected to any of the possible measures that would ensure victim protection and in 11% of the cases the victims experienced repeated violence (during the investigation) (article 1.3.1);
 - 1.3.2. 10% of the analysed preliminary investigations were started regarding persons that have already been convicted for domestic violence and no protection measures for the victim were applied together with the violator's punishment (article 1.3.2).
2. The operating support organisation system does not ensure immediate support for all victims that have encountered violence:

2.1. police officers must immediately inform specialised support centres about all persons that have encountered violence, but a specific term is not indicated. Therefore, there is no way to ensure that the centres receive the above-mentioned information from the police immediately. During the third quarter of the year 2014 the centres did not receive about 11% of the reports about victims of domestic violence and some of the reports were received four or more days after the violence incident (subchapter 2.1) (in the audited police headquarters);

2.2. the police reports to the specialised support centres not always meet the requirements defined by the Lithuanian Police Commissioner General and do not provide all the necessary data about the victims, which hinders the centres' ability to contact them. The centres contact the victims and offer support only on the phone and do not practice visiting the victims at their place of residence, which is also defined in the description of the activity of the specialised support centres. For this reason the centres did not contact 10% of the victims, reported by the police during the third quarter of the year 2014, and almost half (40%) of the victims were contacted later than on the next working day. In case of failure to contact the victim there is a risk that this person will not know where to get help, because police officers are not obliged to provide information on specialised support centres and the support they can offer (subchapters 2.1 and 2.2);

2.3. In case of children that have encountered domestic violence, witnessed domestic violence or live in such domestic environment, the police officers are obliged to inform the children's rights protection department no later than the next working day, but in the audited police headquarters about one third of the cases, when a child was a victim of domestic violence, were not reported and almost half (42%) reports were submitted to a children's rights protection department later than the next working day. As soon as a children's rights protection department receives a report from the police, it must initiate immediate support for the child, but the legal acts do not define the term in which the child must be contacted. In the cases analysed it took on average 6 calendar days for the audited children's rights protection departments to contact the children (or their representatives), reported by the police. Delays in contacting the children experiencing domestic violence increase the risk that they will not receive the needed help on time (subchapters 2.1 and 2.3).

RECOMMENDATIONS

To the Government of the Republic of Lithuania:

1. In order to ensure the protection of victims, it is necessary to improve the order of ensuring protection measures for persons that have encountered violence in a way that the decisions regarding the application of the above-mentioned measures would be made by evaluating the risk of repeated violence and applied remand (conclusions 1.2.2 and 1.3).

To the Police Department under the Ministry of Interior of the Republic of Lithuania:

2. In order to ensure timely police response to reports on domestic violence, it is necessary to take organisational measures, which would help to ensure that the police arrive on the scene in shortest time possible, without exceeding the pre-defined terms (conclusion 1.1).

To the Police Department under the Ministry of Interior, together with the Ministry of Social Security and Labour:

3. In order to provide immediate support for all domestic violence victims it is necessary to improve the support organisation system in a way to:

- 3.1. ensure that the victims are provided with written information on specialised support centres and the help that they can provide on the location of the incident (conclusion 2.2);
- 3.2. ensure that information about all victims of violence is provided to all specialised support centres and the information about children that experienced or witnessed violence, or live in such environment, is reported to the children's rights protection departments, at the same time providing all the available data needed to contact them (conclusion 2.1, 2.2 and 2.3);
- 3.3. determine a specific period of time, during which the police must inform the specialised support centre about a case of violence (conclusion 2.1);
- 3.4. ensure that upon receiving police reports about a case of violence the specialised support centres contact the victims no later than the next working day (conclusion 2.2);
- 3.4. determine a specific period of time, during which children's rights protection departments must contact the children that have experienced or witnessed violence, or live in such environment (or their representatives), as soon as the information was received from the police (conclusion 2.3).

The recommendation implementation plan is provided in the appendix No. 2.