

Challenges for Preventing Violence Against Women in Lithuania

VILANA PILINKAITĖ SOTIROVIČ

Lithuanian Social Research Center, A. Goštauto St. 9, LT-01108 Vilnius

Email: vilana@ces.lt

LAIMA VAIGE

Law Faculty, Uppsala University, Trädgårdsgatan 1, 753 09 Uppsala, Sweden

Email: laima.vaige@jur.uu.se

This paper aims to analyse whether gendered interpretations of domestic violence have an effect on the approach to victims' responsibilities and their role in protecting themselves against further violence. It employs a critical discourse analysis and includes a qualitative analysis of interviews with 10 victims and three court rulings. The analysis of the victims' narratives and court rulings revealed that women were often seen as key actors in continuing victimization. The findings obtained in this study may help academics and practitioners in the area of violence to understand that gender-neutral criminal justice systems are not necessarily separated from gendered social discourse.

Keywords: violence against women, gender-neutrality, victim-blaming, femicide

INTRODUCTION

Violence against women, including femicide, which is understood as the most extreme form of violence (murder), has been analysed by sociologists, feminists and criminologists. (For an overview please see Corradi et al. 2016; Hunnicutt 2009; Rodriguez-Menes, Safranoff 2012) The issue of prevention of violence against women has been integrated into international standards on human rights that democratic states have pledged to implement (Libal, Parekh 2009). One of the observed reasons for irresponsiveness is gendering of the blame, that is, the fact that the behaviour of the female victim is questioned and she is blamed for staying in a violent relationship (Berns 2001; Gracia, Tomás 2014; Meyer 2016; Thapar-Björkert, Morgan 2010).

The first special law to address domestic violence in Lithuania is rather recent (Law on Protection Against Domestic Violence, 2011). Previously, intervention under criminal law provisions was at the discretion of the prosecutor, who would initiate proceedings only when it was a case of public significance. Most domestic-violence cases were seen as private matters. Although the current law and subsequent documents are gender-neutral, the majority of the perpetrators in domestic-violence cases have been men (up to 92%) and the majority of the victims have been women (up to 80%; Bajorinas 2016). A recent European public opinion

study revealed that almost half of the respondents in Lithuania agreed that gender-based violence is often provoked by the victim (EU average: 17%). The survey showed that respondents in Eastern Europe were the most likely to agree with this statement (European Commission 2016). Furthermore, according to an empiric study on perceptions of police officers in Lithuania, one third of them had doubts whether they should intervene into domestic violence, which they saw as “private life” (Ruibytė, Velička 2012).

The legal discourse is not separate from the social discourse, regardless of any proclaimed neutrality. Hence, this paper aims to examine whether gendered interpretations of domestic violence have an effect on the approach to victims’ role in responsibility and protection against further violence. It explores 10 interviews with victims of domestic violence and three court rulings on femicide cases. The authors address attitudes toward the victim’s role in preventing violence, as expressed by professionals within the justice system and by abused women.

METHODOLOGICAL APPROACH

Critical-discourse analysis was used in this paper to address both the oral interviews and the written texts of the court rulings. It specifically relies on the Nancy Berns’ (2001) proposed framework of analysis of two main discursive strategies: de-gendering the problem of domestic violence and gendering the blame. The constructed public discourse, which supports victim-blaming attitudes, tends to normalize violence against women, shifts the focus from the abusers to the victims and misrepresents violence against women (Berns 2001).

The data were collected from in-depth interviews with 10 female victims of domestic violence [1]. Participating women were identified in collaboration with social workers, who had recently provided the women with counselling services. The interviewed victims were diverse in age, marital status, relationship duration, and education. Their mean age at the time of interview was 35.7 (range: 25 to 52). Eight of the interviewed women had suffered violence from their husband and two from partners to whom they were not married. Half of them had been in a relationship with their abusive husband/partner for 10–15 years, two for 3–5 years, two for 8–10 years, and one for 22 years. All interviewed victims had children with their abusive husbands/partners. Two respondents divorced their partner, but the violence did not stop. Two respondents were interviewed in a shelter where they were living temporarily. Four of the interviewed victims had no more than a secondary education, three held a vocational certificate, and three had a university degree. The semi-structured form of the interviews, which were conducted during September–November 2014, allowed victims to tell their stories, explain their behaviours, and reflect upon the broader social contexts that affected their decisions. The interview questionnaire included questions about the victim’s experience of intimate-partner violence (i.e. physical, sexual, psychological and economic), their attempts to seek support, experience of contacting the justice system for protection, and dealing with the justice system throughout the investigative process.

In addition, two resonant femicides, which had come before a regional court (one court ruling) and the Supreme Court (two court rulings), were analysed. It must be noted that the majority of the Lithuanian court judgments in this area follow a standard template and provide very little details on the court’s reasoning. Therefore, the social stand taken by the court is difficult to identify in the majority of cases. The rulings examined in this study were less formulaic and included richer discussion of their legal reasoning, which allowed the analysis of the social discourses that influenced these court judgments. Moreover, the Supreme Court of Lithuania sets precedents of utmost importance, which need to be

followed by the lower courts. The judgment of the regional court is also important, because it provides a clear example of the gendering language. The court rulings regarding these two femicides in Lithuania were analysed without a presumption that courts are purely neutral and objective justice-makers, instead recognizing that they do take a stand (Niemi-Kiesiläinen et al. 2007) and, like any other actors in the society, use gender as an interpretative category (Lazar 2007).

RESULTS

Victim interviews

Empirical data from the interviews were grouped under the themes most commonly identified by the interviewed victims. These themes are as follows: culpability and shame regarding violence, victims' responsibility for their own safety, and decisions to leave or stay in the abusive relationship.

Culpability and shame

All of the interviewed victims told stories about long-lasting violence from their husband or partner that continued until they gathered the courage to call the police for help. The general pattern was that they experienced verbal abuse, which escalated into physical assault and sexual violence. Nine out of the 10 respondents called the police several times while they were living with their abuser, as the violence continued. One interviewee contacted a specialized support center and relied on the support of that organization until she and her abusive husband divorced.

In their stories about violence, the victims noted that they felt guilty about what had happened and accused themselves of provoking the abuse: "It seemed that if I was guilty, he beat me; I deserved it because I said something that he did not like" (Interview N5).

Some interviewed victims told how it would be better if they waited until morning and did not remind their husband/partner several times about the work or duties he had to do (Interviews N2, N4, and N6). Another interviewee explained that she thought that she was a bad wife and her husband constantly repeated this (Interview N7). In providing explanations as to why they were reluctant to seek formal support, many victims said that were afraid of institutional interference in their life: "I knew that if I called the police, then all the institutions would start interrogating me and I would lose everything" (Interview N9).

One victim said that she never reported an incident to the police because she was afraid to be categorised as part of a "strange or deviant" family. She chose to suffer in silence rather than allow any institution to interfere in her life (Interview N10).

Victims felt ashamed that they lived with their abusive spouse/partner and thought that they deserved such behaviour. This feeling persisted even when they told their parents, other close relatives, and/or friends about the situation, regardless of the fact that the majority of victims received support from those individuals. The feeling of culpability was reinforced for some victims when their parents refused to provide support and those women then felt that their only option was to adapt to the situation. "I loved him ... If he complained about me, I thought that it was my fault because I was a bad wife. When he beat me, I did not know where to look for any help. My parents suggested that I avoid provoking him and comply with his wishes, and then we would live a normal life ..." (Interview N9).

Some interviewed respondents told how they sometimes lied about what happened, so that nobody would suspect that there was any violence in their home (Interview N1). The experienced feelings of culpability and shame caused victims to reflect on the social discourse that suggests that victims are helpless and incapable of changing their lives.

Being responsible for their own safety

Interviews showed that victims' safety was the biggest challenge during the investigative process and following court decisions. The interviewed victims told how they feared the reprisal of their spouse/partner and informed police investigators of that concern. Three out of the 10 interviewees reported that investigators took their fears seriously and that follow-up actions were taken. The rest of the women did not receive any feedback and felt responsible for ensuring their own safety: "The court's decision disappointed me because I expected more protection, but it was nothing. He was released and could go and do anything" (Interview N5).

"He was arrested and held for 48 hours, but released earlier. Nobody informed me that he could come [home] earlier. I just saw him in the window and could hardly escape from home" (Interview N6).

"Do you know what judgement he got for kicking-in my teeth and splitting my lip? Nothing! Just to stay at home from 11 pm until 6 am and pay the fine. I immediately escaped to the crisis center to find shelter with my son" (Interview N2).

The respondents mentioned that police sometimes expressed doubts regarding their requests for protection. Police officers, as one interviewee described, openly voiced their suspicions about victims' self-serving motives: "They interpreted my call for support as selfish with the goal of kicking the poor man [her husband] out of our apartment so I could have it all [for myself]" (Interview N9).

Another interviewed victim said that when she called police to ask them to protect her against her violent husband, the police officers accused her of provoking the violence. "I had to prepare food for the kids and pack my stuff as I planned to move away. Police officers suggested that I remain in my room rather than intentionally moving around the apartment, arguing with my husband; maybe I did it on purpose because I wanted to get my husband kicked out of our apartment" (Interview N7).

Pressure to leave or adapt to the situation

Half of the interviewed victims felt police officers' attitudes about being responsible for living with a perpetrator instead of searching for alternatives. For example, one interviewee stated that police officers questioned several times why she initiated contact with her violent partner instead of cutting off all communication: "Why do you call him? Don't you see that you have no future with him? You should leave him" (Interview N2).

In another interview, the victim called the police for the third time and the officer asked her, "Why do you call the police for these trifles? If you do not like living with him, then get a divorce and stay away with your children" (Interview N6).

Contact with police officers and investigators made some victims feel pressured to make decisions and adapt to their situations. Some victims stated that the police pressured them to avoid initiating an investigation, explaining that the criminal record of the father would negatively affect the future of their child (Interview N1). Another interviewee stated that police officers explained to her that the quality of her children's lives would be better with both

parents in the home rather than just one (Interview N4). Another victim stated that the police believed that she would eventually reconcile with her violent partner and did not take any of her concerns seriously (Interview N9).

Court rulings

The analysis of the judicial reasoning revealed that the discourse of normalization of violence was no longer acceptable, at least not after the death of the victim. However, even in a landmark femicide case, the discourse of victim's responsibility arose (i.e. the victim was seen as condoning violence with her irrational choices).

Challenge to the normalization of domestic violence

The court judgments on the murder of L. V. in Dituva concerned repeated violence against a spouse, which resulted in femicide, despite a standing protection order (PO). As the perpetrator returned home, the victim repeatedly called the police for help, reporting the PO, her fear, the perpetrator's intoxicated state, and the fact that there were four children in the house. The police did not respond and the woman was tortured to death. The perpetrator was subsequently sentenced to 15 years in prison for the murder (Lithuanian Court of Appeals 2014). The police officers involved were fined €1.130 each for their failure to carry out their duties (Supreme Court of Lithuania 2016a).

Holding the officers responsible for their failure to respond to domestic violence was a landmark breakthrough. Initially, the defense offered an explanation that it was a usual domestic conflict, because one of officers knew the family from prior calls. The operator of a universal help service also argued that the phone calls "did not give the impression that she [the victim] was in immediate danger of physical violence" (Supreme Court of Lithuania 2016a). The victim was calm and polite and, despite her statement that she was afraid of her husband, the call was classified as "insignificant". The court pointed out that since the enactment of the domestic-abuse law and subsequent implementation documents, domestic violence can no longer be considered "insignificant".

The court also pointed out that the victim was murdered, and thus, great damage was done to her, the children who witnessed the violence, the police authority, and the state. Initially, the officers argued that their irresponsiveness did not cause "great damage" and that such damage could not be inferred simply from the case's resonance in society.

Victim's culpability

The murder of J. M. in Visaginas concerned violence against an elderly mother by her adult son. A PO was issued and disregarded by the perpetrator: He both visited her in the hospital and returned to live with her. After his visit to the hospital, the victim refused to testify against him. The regional court (Panevėžys Regional Court 2016) found the perpetrator guilty of violence against his mother on the basis of other evidence. In its judgment, it acknowledged that the victim had changed her testimony due to intimidation: "It is obvious that the victim is afraid to go home because of her violent son, although she also expresses doubts regarding the strict sanction applicable to him."

Despite the evidence of intimidation, the court cited an established rule that the infringement of a court order (i.e. the PO) is only punishable if it is dangerous. The court thought that the victim consenting to the perpetrator's return to the home "denied the gravity of his

actions”, which meant that the violation of the PO was not seen as punishable. The court also found that “through her own actions, the victim had created the conditions for, and had condoned ... infringements” (Panevėžys Regional Court 2016). The judges thus implied that the victim was responsible for whatever happened next. After the judgment, the perpetrator continued to live with the victim and subsequently killed her.

Victim’s inadequate actions

After J. M. was murdered, the Supreme Court heard this same case in cassation (Supreme Court of Lithuania 2016b), meaning it could not review the factual circumstances, but could rule on the interpretation of legal provisions. It focused on the issue of whether the victim’s consent (to the violation of the PO) could outweigh the gravity of the perpetrator’s actions and render the PO violation “not dangerous”. The court found that the victim “was not free to decide whether [the perpetrator] should live with her <...>”. In the context of such intimidation, the victim’s “inadequate actions” (her consent for the violation of the PO) could not eliminate the dangerousness of the perpetrator’s actions (the violation of the PO). Thus, the judgment of the regional court was reversed.

It must be stressed that the ruling of the Supreme Court was generally a positive development. The courts are no longer allowed to dismiss the dangerousness of PO violations by simply referring to the fact that the victim has not objected and ignoring the clear evidence of intimidation. The court recognized that state agents are obliged to protect domestic-violence victims by all available means, including criminal-law measures. Nevertheless, the gendering discourse was still implied. The prosecutor said that the victim might wish to live with the perpetrator, but she had “no rights regarding choosing obligations to the perpetrator, or determining their duration.”

The Supreme Court agreed that state agents should disregard the victim’s “inadequate actions”. Although the key issue is that of the perpetrator’s accountability, both the regional court and the Supreme Court focused on the victim’s behaviour.

DISCUSSION

The small sample size (victims’ interviews and court cases) does not allow for generalization about justice system biases in the protection of domestic violence victims and ignorance of the problem. Nevertheless, the findings of this paper propose an understanding of the construction of prevention policies with the view of further domestic violence.

Victims’ responsibility for being victimized

The results of the discourse analysis of victims’ experiences and the court rulings contribute to the discussion regarding the blaming of victims. This discursive strategy draws attention to the importance of understanding the social context in which attention is focused on a victim, her behaviour, decisions, and solutions. When this happens, the attention shifts from the perpetrators’ accountability and, consequently, the root causes of violence related to gendered power hierarchies (Berns 2001; Gracia, Tomás 2014; Meyer 2016). These findings suggest that prevention strategies targeting the causes of domestic violence should reflect on these social discourses (according to which a victim is expected either to change her life or adapt to the domestic situation).

The examination of the language of responsibility in the victims’ interviews and court rulings revealed gendered-biased attitudes, despite the existence of gender-neutral legislation. Victim-blaming attitudes have a strong impact on victims’ perceptions that they are guilty and

responsible for maintaining abusive relationships. They feel pressured to make decisions to solve the problems of violence. When they fail to do this, professionals from the justice system continue to focus on and monitor the victim's behaviour. The actors in the criminal-justice system often lack the necessary understanding of the complex nature of domestic violence and associate victimization with the behaviour of an individual (Meyer 2016). It is, therefore, suggested that the theoretical focus should be kept on dominance, gender, and power, which anchor violence against women in social conditioning rather than individual attributes (Hunnicuttt 2009).

If the courts were to move further away from the gendering approach, instead of saying "it does not really matter what the victim wants" (Supreme Court of Lithuania 2016b), they would ask, "What does she *really* want?" Therefore, the discourse could move from a focus on the victim's irrationality and vulnerability to a focus on more empowering strategies (Frazier, Falmagne 2014).

The problem with a gender-blind framework

It has been previously argued (Hearn, McKie 2010) that the gender-neutral wording of legal and policy frameworks does little to reveal the nature and seriousness of violence against women. It allows for individual interpretations within the justice system when determining measures for the protection of victims and the accountability of perpetrators. The brief analysis presented in this paper shows that this could be the case.

The legislation itself provides the basis for social discourse that sees violence as a mutual conflict involving symmetric responsibility. The current law provides for various measures on prevention, for example, "teaching the ways of peaceful resolution of domestic conflicts" (Law on Protection Against Domestic Violence 2011, Article 4, Part 3, Paragraph 5). This formulation implies that violence stems from domestic conflicts between two contributing parties. In turn, this could lead to the suggestion that women could stop the violence, provided that they act in a peaceful and calming manner. Besides the formulations that are present in the text of this law, it is also significant that some key words are absent. Among the 16 principles of implementation of the law (Article 3), the law does not provide for "equality" or "non-discrimination". Therefore, the Lithuanian discourse, similarly to other analysed discourses, views violence against women as a problem of "interaction" rather than *inequality* (Niemi-Kiesiläinen et al. 2007). That suggests that the legal discourse has firm roots in the social discourse that defines the problem of violence against women as an issue of social interaction rather than violation of women's human rights.

CONCLUSIONS

The authors found that the victims in their interviews and the courts in their rulings underscored the victims' role in responsibility and protection against further violence. This suggests that the social discourse that genders the blame is still significant in Lithuania, despite the adoption of a gender-neutral law. The state adopted a special law in 2011, which introduces a gender-neutral concept of domestic violence and undermines any attempt to identify the problem as being gendered in nature and relating it to structural gender inequality. Nevertheless, gender-neutral framing of violence against women does not translate into gender-neutral implementation. Referring to Berns' terminology, "gendering the blame" is deeply rooted in the opinions of professionals, court decisions, and the attitudes of victims

themselves. The behaviour of female victims, their obligation to leave or stay in their relationships, and their responsibility for their victimization are constantly at the centre of attention when these victims face the justice system.

This paper suggests that the impact of gender-neutral policies on attempts to solve the problem of violence against women should be critically assessed. Gender-neutral solutions to the problem may weaken the focus on cultural and structural factors in prevention strategies and paradoxically reproduce the normalization of everyday violence against women.

NOTES

This qualitative research was initiated by the Human Rights Monitoring Institute. One of the authors of this paper was a member of the research team who drafted the questionnaire and conducted interviews with all 10 victims in 3 Lithuanian cities.

COST action IS1206 “Femicide across Europe” supported the English language editing of this article.

Received 27 April 2017

Accepted 21 September 2017

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VILANA PILINKAITĖ SOTIROVIČ, LAIMA VAIGE

Smurto prieš moteris prevencijos iššūkiai Lietuvoje

Santrauka

Straipsnyje aptariama, kaip interpretuojamos moterų, nukentėjusių nuo smurto artimoje aplinkoje, atsakomybės ir vaidmuo apsaugoti nuo prievartos šeimoje. Kritinės diskurso analizės metodu nagrinėjami 10 interviu su smurto aukomis ir trys teismo sprendimai. Artimoje aplinkoje patirto smurto naratyvai ir teismų sprendimų formuluotės atskleidžia lyčiai šališkų sprendimus, kad pačios nukentėjusios yra atsakingos dėl savo viktimizacijos. Pateiktos įžvalgos naudingos specialistams, dirbantiems apsaugos nuo smurto prieš moteris srityje, siekiant atpažinti lyčiai šališkų socialinių diskursų poveikį baudžiamojame sistemoje.

Raktažodžiai: smurtas prieš moteris, neutralumas lyties atžvilgiu, aukų kaltinimas, femicidai (moterų nužudymai)