

SECTION 13. WOMEN'S RIGHTS

Equality before the law and non-discrimination are principles enshrined in the Constitution of the Republic of Armenia. Article 28 of the RoA Constitution provides that everyone shall be equal before the law. Article 29 provides that discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited. Equality between women and men is additionally prescribed in the 2015 Amendments to Article 30 of the RoA Constitution.

Moreover, Article 86 of the Constitution provides that a “main objective” of state policy is to promote actual equality between women and men. The safeguards for ensuring equality between women and men are prescribed also in the 2013 RoA Law on Equal Rights and Equal Opportunities of Women and Men, which however mostly contains generic provisions (such as the general principles and directions of state policy in the area of ensuring gender equality), but does not stipulate special procedures for protecting rights and restoring violated rights in concrete situations. Non-discrimination provisions exist also in laws regulating other spheres of life.

Having ratified in 1993 the UN Convention on the Elimination of All Forms of Violence against Women, as well as other international treaties and conventions enshrining women's rights, the Republic of Armenia has undertaken to eliminate historically-rooted inequality between women and men, to recognize and to protect women's rights, and to introduce additional safeguards.

Empowerment and elimination of violence against women is one of the UN Sustainable Development Goals, of which Goal 5 is about achieving gender equality.

Despite the provisions in the domestic legislation, there still aren't adequate safeguards for the actual realization of legal equality between women and men, as a consequence of which Armenia continued to experience violations of women's rights and cases of discrimination against women in the course of 2019.

The existence of such cases confirms the need for sustained and coordinated efforts to protect and promote women's rights with a view to changing the stereotypes regarding women's role in society and revealing and utilizing women's potential education and the economic, social, and political fields.

The comprehensive implementation of state policies to address the problems in the field is hindered by the stereotypes that exist in society in terms of the perception of women's role. Therefore, overcoming stereotypes should be one of the state's priorities, and steps to eliminate them should be taken as a matter of priority and followed through regularly. Stereotypes not only contribute to discrimination and restrictions of rights, but also largely obstruct the implementation of steps to tackle and solve various problems.

A consistent state policy is crucial for overcoming the existing problems. In this context, the RoA Government adopted Decree 1334-N (on 19 September 2019) on Approving the Strategy and Action Plan for Gender Policy Implementation in 2019-2023 in the Republic of Armenia. The adoption of a strategic document enshrining a consistent state policy of precluding discrimination against women and achieving equal opportunities between women and men

should be seen as an essential positive step given its relevance and the absence of such a document over a long time.

The problems of stereotypes, misconceptions, and misperceptions in society became more obvious during the process of attempting ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter in this Section, “the Convention”) after it was signed. In the ratification process that followed the signing of the Convention, discussions and debates took place with the participation of different representatives of society. Groups of professionals and lay circles of society with generally positive and negative attitudes towards ratification of the Convention emerged. One group, which was in favor of ratification, was advocating for it. Another group, whilst not opposing to preventing and combatting domestic violence, spoke up against ratification of the Convention.

This controversial criticism and the division into groups for or against ratification were generally caused by stereotypes prevailing in society, misperceptions of violence in the family, and lack of awareness of the Convention’s provisions and regulatory object.

Although the RoA Ministry of Justice had published comments on certain provisions of the Convention with a view to addressing the misconceptions related to ratification, they were not sufficient to dispel the concerns in society. The state needs to implement comprehensive and regular measures to counter stereotypes in order to solve these problems.

Protection of women’s rights and elimination of all forms of discrimination against women is a key area in the work of the Human Rights Defender. The Head of the Research and Education Center in the Office of the Human Rights Defender is a member of the Council for the Prevention of Violence in the Family, as per Decree 1685-A of the RoA Prime Minister (dated 28 December 2018) approving the individual membership of the Council for the Prevention of Violence in the Family. Moreover, representatives of the Defender’s office are members of the Council for Women’s Affairs and the task force created to organize the activities of the Council, as per the RoA Prime Minister’s Decree 1740-A (dated 21 November 2019) on creating the Council for Women’s Affairs and the task force under the Council, approving the individual membership of the Council and the task force, approving the By-Laws of the Council for Women’s Affairs, and repealing the RoA Prime Minister’s Decree 213-A (dated 30 March 2010), Decree 605-A (dated 30 July 2010), and Decree 1152-A (dated 19 November 2014).

As this is a priority area, various projects have been implemented in 2019, as well.

Under the Protection and Promotion of Human Rights in Armenia program, funded by the EU and implemented by UNDP, UNICEF, and UNFPA, a number of activities to raise awareness of violence against women and the prevention of domestic violence were carried out in the course of 2019, including activities to assist the Defender in his mandate of preventing violence against women and domestic violence and to raise awareness of the legislation, with the hashtag “*դեմնեմքնությունը*” (“I am opposed to violence”). Activities have focused on combating and overcoming widespread stereotypes in society and misperceptions of violence, as well as raising the legal awareness of members of the public.

In 2019, as in the previous years, the Office of the Human Rights Defender continued to hold meetings and discussions in various regions of the country with a view to raising awareness of the protection and promotion of women’s rights. In particular, regular discussions were

organized in the Gegharkunk Marz (region), including meetings with the representatives of the competent authorities, non-governmental organizations, and students. The meetings focused on discussing the economic and social empowerment of women and persons with disabilities. There were also discussions of how the Human Rights Defender can facilitate women's employment, as well as the possibilities of women's empowerment and economic advancement, issues related to violations of labor rights, prevention of violence against women, and safeguarding the right to health.

In the course of 2019, a representative of the Office of the Human Rights Defender had regular meetings in the Gegharkunk Marz to discuss the protection of women's rights with students of local education institutions and representatives of civil society organizations.

1. Violence against Women and Domestic Violence

Violence is a violation of fundamental human rights and freedoms and a rather widespread form of discrimination against women.⁵⁰³ Manifested in different ways—on physical, sexual, psychological, and economic, and on various levels, it occurs mostly in a family environment.

Violent acts and other conduct or inaction between family members have direct and indirect consequences, as confirmed by the findings of international organizations in this field.⁵⁰⁴ Importantly, family members, especially children, who are witnesses in an environment of violence, also indirectly suffer from violence, although not being directly targeted by the violence.⁵⁰⁵

Violence negatively affects the physical and mental health of the victim: it not only is a violation of fundamental rights of the person, but also hinders the exercise of the person's other rights and negatively affects the person's formation, integration in society, and freedom to act, and self-realization.

Violence in the family undermines family values. Prevention of violence in the family is a means of achieving family solidarity. Family is the foundation of society; it is where Armenia's citizen of tomorrow is forged as a full member of society. A family free from violence ensures normal development of society and is a prerequisite of the fully-fledged exercise of the rights of the family members.

Domestic violence is a worldwide problem that affects all societies. This phenomenon has different manifestations and different levels of prevalence within Armenia, as confirmed by findings of the competent authorities, NGOs, and international organizations.

Back in the 2nd UPR cycle in 2015, a number of countries recommended that Armenia take steps to address the problems in this field.⁵⁰⁶ Violence against women and domestic violence were also addressed by the Human Rights Commission of the Council of Europe in his report based on the visit made to Armenia in 2018.⁵⁰⁷

The protection of women's rights, the prevention of any type of violence against women, and

⁵⁰³ See, for example, Article 3 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence; General Recommendation No. 19, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>, accessed on 31 March 2020.

⁵⁰⁴ *Opuz v. Turkey*, judgment of 9 September 2009, application no. 33401/02, para. 132.

⁵⁰⁵ For details see the Section of this Report entitled The Human Rights Defender as the Monitoring Body under the UN Convention on the Rights of the Child.

⁵⁰⁶ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/AMIndex.aspx>, accessed on 31 March 2020.

⁵⁰⁷ <https://rm.coe.int/-2018-16-20-/1680920149>, accessed on 31 March 2020.

combatting such violence are key areas of work for the Human Rights Defender. To prevent of domestic violence and to protect the rights of victims, the Defender carried out a number of activities in the course of 2019 in cooperation with the competent state authorities and international and non-governmental organizations.

Programs to raise awareness of the protection and promotion of women's rights continued throughout 2019. The Human Rights Defender continued to hold discussions in different regions of Armenia on legal equality and other issues such as domestic violence and the domestic legislation adopted to combat it, as well as the relevant international standards.

In 2019, the Human Rights Defender carried out activities related to raising awareness of the legislation and of the Defender's role in the prevention of violence against women and domestic violence with the hashtag “*դեմեմքոնույթյանը*” (“I am opposed to violence”). The awareness-raising activities are aimed at improving the legal awareness of members of society about the problem, overcoming stereotypes that are widespread in society, and combatting misperceptions of the phenomenon of violence.

A video message presenting the legal avenues for protecting victims of domestic violence and encouraging equality in the family was shot and shown to the public. Posters were placed in public transport stops in Yerevan, allowing citizens to activate the image through the Arloopa app and to watch the video message. Guides on applying to the Human Rights Defender in cases of domestic violence were produced in Armenian, English, Russian, French, and Braille. Furthermore, measures were taken for capacity building of the Defender's office. A handbook was developed for capacity building of the Defender's office and human rights advocates; the methodology presented in the handbook is used in interviews with domestic violence victims. These activities, carried out via the social media and various other means, have pursued the aims of combatting and preventing the problem.

In 2019, the Human Rights Defender received reports of cases of domestic violence. The number of complaints received in 2019 was twice that in 2018.

An overview of the problems raised in the individual complaints shows that they not only violate the person's fundamental rights and freedoms, but also affect the exercise other rights, such as women's right of access to justice, which in turn leads to violations of a number of other rights and complicates the restoration of these violated rights.

An overview of the individual complaints has revealed the following problems, which can be divided into several parts:

- 1.1 Inadequate or no legislative provisions to combat and prevent domestic violence;**
- 1.2 Stereotypes, low level of legal awareness, and lack of trust in state bodies;**
- 1.3 Lack of services provided by the state and cooperation between state bodies;**
- 1.4 Absence of correct statistics on domestic violence cases; and**
- 1.5 Inadequate professional training and awareness of state and local self-government bodies and officials.**

1.1 Inadequate or no legislative provisions to combat and prevent domestic

violence.

Inadequate legislative provisions hinder victim protection and the prevention of future cases. Studies have shown that, despite the legislative amendments made, there are still gaps and inadequacies in the legislation.

The examination of complaints lodged with the Human Rights Defender has revealed the following problems in the legislation. Article 12 of the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family provides that *protection measures may not be applied in relation to minors or persons with no legal capacity*.

An overview of the complaints lodged with the Defender's office shows that, due to this provision, the competent authorities cannot act to protect victims of violence in situations of violence for as long as this exception is in place.

In one case, a complainant reported violence committed against her by a person with disability, but the police officers failed to act to address or prevent it, because the person had a disability. This problem is encountered in practice because the cases are not recorded when the alleged perpetrator has disability.

In this context, Article 12 of the UN Convention on the Rights of Persons with Disabilities provides that *persons with disabilities have the right to recognition everywhere as persons before the law*. In General Comment 1(2014) to the UN Convention on the Rights of Persons with Disabilities, the Committee has reiterated that *a disability must never be a ground for denying legal capacity or any of the rights provided for in article 12. All practices that in purpose or effect violate article 12 must be abolished in order to ensure that full legal capacity is restored to persons with disabilities on an equal basis with others. To achieve equal recognition before the law, legal capacity must not be denied discriminatorily. Denial of legal capacity must not be based on a personal trait such as gender, race, or disability, or have the purpose or effect of treating the person differently.*⁵⁰⁸

The prohibition of discrimination based on legal capacity should be viewed also in the context of the legal consequences of the actions of persons with disabilities. The United Nations High Commissioner for Human Rights has found that *automatic exemption of criminal liability on the basis that the person has disability is discriminatory and unlawful. Instead, disability-neutral doctrines on the subjective element of the crime should be applied, which take into consideration the situation of the individual defendant. In the area of criminal law, recognition of the legal capacity of persons with disabilities requires abolishing a defense based on the negation of criminal responsibility because of the existence of a mental or intellectual disability*⁵⁰⁹

The domestic violence victim protection measures also pursue a preventive aim and are crucial from the perspective of victim protection.

Moreover, the approach of giving preference to the protection of the perpetrator's rights in domestic violence cases contradicts the international standards. Importantly, the UN's CEDAW

⁵⁰⁸ General comment 1 (2014) to the UN Convention on the Rights of Persons with Disabilities, paras. 9 and 32, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/031/20/PDF/G1403120.pdf?OpenElement>.

⁵⁰⁹ <https://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.48.pdf>, para. 47, accessed on 31 March 2020.

Committee has noted that the perpetrator's rights cannot supersede women's human rights to life and to physical and mental integrity.⁵¹⁰

Furthermore, under Paragraph 5 of Annex 5 to Decree 15-L of the RoA Police Chief (2019), the specialized subdivision shall not maintain preventive records of persons (adult or minor) that do not comprehend the dangerousness of their acts due to a chronic mental illness, temporary impairment of mental activity, dementia, or other mental disorder, if such persons are already recorded in a medical institution. Besides, Paragraph 45(1) of the same Annex provides that a record card compiled on a minor shall be discontinued if the minor, while being in the records, has acquired a mental illness and become recorded in the relevant medical institution.

Paragraph 5 of the aforementioned Annex contradicts Article 12 of the Law, because the content of the Annex is inconsistent with the term "legally incompetent." Moreover, the wording in the Annex is based on the notion of inculpability prescribed by the Criminal Code.

During technical discussions, representatives of the Police said that preventive record-keeping on such persons is not effective in combatting domestic violence, and that for preventive purposes, they keep records of persons that are recorded in health care institutions due to having a mental disorder posing a danger to the surroundings until such time when their record in health care authorities is discontinued, by virtue of Paragraph 26 of RoA Government Decree 1254-N dated 6 November 2014. However, this argument is unacceptable, and the records kept on domestic violence cases cannot be considered a means of preventing such cases.

Keeping records of domestic violence perpetrators pursues a preventive aim, and there shall be monitoring to prevent the commission of domestic violence by adult members of the family.⁵¹¹ The record-keeping function is extremely important for monitoring the person's behavior, which *per se* has a preventive and protective purpose. However, the problem is that preventive record-keeping and monitoring of perpetrators are not performed adequately in practice.⁵¹² Besides, the aforementioned decree of the RoA Police Chief directly obstructs the record-keeping of persons for preventing domestic violence cases.

Other legislative issues related to the effective protection of victim rights, which the Defender flagged back in 2018, are presented below. Based on the issues raised in the annual report, the RoA Police drafted in 2019 amendments to the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family, which was circulated and, among others, sent to the Human Rights Defender for feedback. The opinion expressed by the Human Rights Defender in response to the draft Law reflects the legislative problems discussed here.

Contrary to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter, "the Convention"), which provides for unilateral emergency barring orders to be issued and to enter into force immediately, in Armenia, they only enter into force after notifying the violence perpetrator by telephone or by delivery to

⁵¹⁰ CEDAW Committee, CEDAW/C/39/D/6/2005*, para. 12.1.5, available at <https://opcedaw.files.wordpress.com/2012/01/yildirim-v-austria.pdf>, accessed on 31 March 2020.

⁵¹¹ Republic of Armenia Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family, Article 11, para. 1.

⁵¹² The RoA Police data on violations of the protection measures shows that reports of violations mostly continue to come from the victims of domestic violence, and only 34 of the 124 violations were detected proactively by the RoA Police.

his formal address or e-mail or by registered mail, subject to delivery confirmation by signature of the recipient (Article 7(7) of the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family). Moreover, the formal address can be the house in which the perpetrator may not be allowed to stay. Consequently, the requirement for the perpetrator to be there to receive the notice may undermine the victim's safety. In other words, the time of entry into force of this order in Armenia is uncertain, rather than immediate.

The aforementioned procedure can be time-consuming and, what makes it more problematic, is that the perpetrator's procedural rights thereunder supersede the victim's right to life and physical integrity, in breach of the international standards. Continuous steps to get in touch with the victim will not be considered to breach the emergency intervention orders, because the orders will not have entered into force due to procedural delays. Finally, delays in the execution of emergency intervention orders may cause violations of those orders.

Furthermore, Article 7(6) of the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family provides that the decision to give warning may be appealed within a month of giving notice thereof. Considering that decisions of the Police are administrative acts, appeals are regulated by the RoA Law on the Foundations of Administration and Administrative Proceedings, which provides that an appeal shall suspend the execution of the act.⁵¹³

According to Police data, 13 of the protection measures imposed in 2019 were appealed to a higher-standing authority, resulting in the initiation of administrative proceedings. 12 of the appeals were rejected, and one was overturned.

The suspending impact of the appeal on the decision to give warning may be dangerous, because during such suspension, the perpetrator of violence may breach the warning, and the breach will not be treated as a breach, reducing the effective protection granted to the victim.

Another example of the inadequacy of procedures to combat domestic violence is the way in which liability is defined. ***The domestic legislation provides for liability not for all types of domestic violence, which makes it impossible for the competent authorities to respond adequately to such cases.*** The legislation of Armenia criminalizes certain types of physical violence, as well as sexual violence, and in a certain way—also psychological violence (Article 119 of the RoA Criminal Code proscribes the infliction of strong physical pain or strong mental suffering).

Nevertheless, ***the Armenian legislation does not proscribe acts such as stalking*** (“the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety,” meaning physically following the victim, visiting the victim's work place or sports or education institutions, or stalking in the virtual world, or damaging another person's property, leaving insignificant traces on their personal items,

⁵¹³ Article 74 of the RoA Law on the Foundations of Administration and Administrative Proceedings provides: “Lodging an administrative complaint shall suspend the execution of the challenged administrative act, save for cases provided by law when the administrative act is subject to immediate execution, and when immediate execution is needed in the public interests.”

opening false online accounts using the person's data, or disseminating false information),⁵¹⁴ forced marriage, forced abortion, and the like.

However, under the international documents, prescribing sanctions for the perpetrators of such acts is one of the means of combatting violence.⁵¹⁵ According to the international instruments and the laws of a number of countries, criminalization of domestic violence is an important means of combatting such violence. It can be criminalized as one crime, or by prescribing family ties between the victim and the perpetrator as a circumstance aggravating the sentence and the liability when examining general crime cases.⁵¹⁶

The effective response to domestic violence cases may be hindered also by the mitigating circumstance defined by Paragraph 1(7) of Article 62 of the Criminal Code, i.e. the illegal or immoral nature of the victim's conduct, which caused the crime. Providing for this mitigating circumstances in domestic violence cases is inconsistent with the international standards. Under Article 42 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, it is unacceptable to justify crimes committed in the name of so-called "honour." *This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.*

Another problem is linked with the legal provisions on the public versus private prosecution of domestic violence cases. To address this problem, the RoA Criminal Procedure Code Article 183 was supplemented with a 4th paragraph in 2017, providing that the prosecutor may, irrespective of the victim lodging a complaint, initiate a criminal case in a domestic violence case with respect to the crimes prescribed by Paragraph 1 of this Article, if the victim cannot defend his or her legitimate interests due to his or her helpless situation or dependency on the alleged perpetrator. In this case, the criminal case is initiated and investigated under the general procedure provided by the Code, and the criminal prosecution will not be terminated even if the victim and perpetrator reconcile.⁵¹⁷

As far as this new standard in the RoA Criminal Procedure Code is concerned (whereby the power of the prosecutor to proceed with the criminal prosecution is tied to the victim's condition), it differs from the standards adopted by the European Court of Human Rights, which take into consideration the perpetrator's conduct.

In the case of *Opuz v. Turkey*, for example, the European Court of Human Rights defined the following factors that can be taken into account in deciding to pursue the prosecution: the seriousness of the offence, whether the victim's injuries are physical or psychological, if the defendant used a weapon, if the defendant has made any threats since the attack, if the defendant planned the attack, the effect (including psychological) on any children living in the household, the chances of the defendant offending again, the continuing threat to the health and safety of the victim or anyone else who was, or could become, involved, the current state of the victim's relationship with the defendant and the effect on that relationship of continuing

⁵¹⁴ The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 34.

⁵¹⁵ The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Articles 33-40.

⁵¹⁶ The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Article 46.

⁵¹⁷ This provision entered into force in 2018.

with the prosecution against the victim's wishes, the history of the relationship, particularly if there had been any other violence in the past, and the defendant's criminal history, particularly any previous violence.⁵¹⁸

Despite the foregoing, the practice of investigating domestic violence cases as publicly-prosecuted cases has already been applied by the RoA General Prosecution Office, which is a welcome development. In 2019, in privately-prosecuted cases of domestic violence, irrespective of whether the victim complained, whenever the victim was unable to defend his or her legitimate interests due to his or her helpless situation or dependency on the alleged perpetrator, 25 criminal cases were initiated by the public prosecution under Paragraph 4 of Article 183 of the RoA Criminal Procedure Code. According to data from the RoA General Prosecution Office, 458 criminal cases were initiated during 2019 in respect of domestic violence cases, in 269 of which the proceedings were discontinued and the criminal prosecution terminated or not pursued. 62 of these criminal cases were discontinued on the basis of Paragraph 1(4) of Article 35 of the RoA Criminal Procedure Code, when the victim did not complain in the cases provided by the RoA Criminal Code.

The effectiveness of the fight against domestic violence is undermined also by the absence of adequate protection measures for the victims. Under Article 98(1) of the RoA Criminal Procedure Code, anyone participating in criminal procedure, who can provide data that is significant for solving a crime and finding the perpetrator, which may endanger that person's, his or her family member's or close relative's or close one's life, health, property, lawful rights, and lawful interests, shall be entitled to protection.

Under Article 98 of the same Code, the protection measures include giving formal warning to the person who poses a threat of violence or other crime to the protected person, protection of the identifying data of the protected person, ensuring the personal security of the protected person, guarding the house or other property of the protected person, and so on. However, these measures and the legal provisions for enforcing them are not sufficient, so they are not applied in domestic violence cases. According to data provided by the RoA Investigative Committee, none of the protection measures stipulated by Chapter 12 of the RoA Criminal Procedure Code were applied in 2018 to protect victims of domestic violence.

The aforementioned problems were raised back in 2017 in a report of the Defender prepared with support from the Council of Europe on the comparative analysis of the RoA criminal legislation and the international standards, where clear recommendations were made. However, the recommendations have to date not been implemented, which is problematic.

1.2 Stereotypes, low level of legal awareness, and lack of trust in state bodies

A serious challenge in preventing and combating violence is ***the existence*** of misperceptions and stereotypes about women and domestic violence.

Discussions held in a number of regions of Armenia by the representatives of the Human Rights Defender with representatives of state and local self-government bodies, as

⁵¹⁸ Opuz v. Turkey, judgment of 9 September 2009, application no. 33401/02, para. 138.

well as the complaints received by the Defender show that such stereotypes exist in various parts of society, including the authorities responsible for protecting victims.

In 2019, the Human Rights Defender undertook, in cooperation with international partners, to implement measures to raise awareness on preventing and combatting violence against women, namely domestic violence, with a view to combatting stereotypes and misperceptions of violence in the public at large, and raising legal awareness of members of society.

The stereotyped thinking has led to a number of problems. In many cases, this stereotyped thinking has direct negative consequences on the victim's decision to speak up about the violence. This problem is particularly severe in rural areas, where the matter may be viewed as a purely family matter.

The stereotyped thinking of state officials often leads to revictimization, which may obstruct the discovery of such cases in the future, largely causing victims to avoid reaching out to the competent authorities.^{519 520}

The existence of stereotypes in society is confirmed by various studies. Whenever discussing domestic violence, there is always a pattern of blaming one of the sides for provoking the violence and escalating the tension in the family. Research has shown that 35.7% of the respondents (including 44.6% of the male and 27.8% of the female respondents) agree that women should tolerate the violence for the sake of the family's unity.⁵²¹ In some cases, 27.7% of the respondents (including 35.2% of the male and 21% of the female respondents) agree with the statement that "the woman deserves to be beaten"⁵²²

In some cases, the woman is considered the provoker of tension, disputes, and conflicts in the family.⁵²³ However, the pattern of blaming the woman is evident only when discussing non-regular cases of violence, whereas in discussions of continued, regular, and extreme manifestations of violence, the respondents are not likely to blame the woman for the escalation.⁵²⁴ Respondents report cases in which, in their opinion, the woman's conduct causes the family tension to grow into violence, as well as disproportionate economic demands of the woman in the context of the husband being unemployed or the family not earning enough to lead a prosperous life, or the woman making certain demands to a husband who is in a state of intoxication by drugs or alcohol, or the woman having deliberately concealed her disability.⁵²⁵

Public misperceptions of women's role and violence are fueled also by misinformation by the mass media on violence. Moreover, programs and films shown on television, too, can fuel such

⁵¹⁹ NGO monitoring has also revealed applications of double standards by courts and pre-trial investigation authorities, which have amounted to violations of the victim's right to an effective remedy, available at <http://coalitionagainstviolence.org/wp-content/uploads/2017/01/Report-short.pdf?x24321>, accessed on 31 March 2020.

⁵²⁰ This problem was raised by the UN Subcommittee against Torture, which noted that the justification of violence by law-enforcement bodies on the basis of stereotypes is an obstacle to reporting cases of violence. Concluding Observations of the UN CAT's 4th regular report on Armenia, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ARM/INT_CAT_COC_ARM_25977_E.pdf, accessed on 31 March 2020.

⁵²¹ <http://www.unfpa.am/sites/default/files/IMAGES-executive%20summary-Arm.pdf>, accessed on 31 March 2020.

⁵²² *Ibid.*

⁵²³ Accessed on 31 March 2020.

⁵²⁴ https://armenia.unfpa.org/sites/default/files/pub-pdf/Reserach_Arm-Final%20with%20logos-upd_0.pdf, accessed on 31 March 2020.

⁵²⁵ https://armenia.unfpa.org/sites/default/files/pub-pdf/Reserach_Arm-Final%20with%20logos-upd_0.pdf, page 15, accessed on 31 March 2020.

misperceptions of violence.

This problem was reported repeatedly by NGOs and state and local self-government representatives during regional discussions with the Defender's representatives. It is also addressed in various surveys. In one survey, the respondents said that mass media and especially television influence the models of how family conflicts should be solved. This influence is based on certain types of violence, especially psychological and economic. Many respondent said that they strongly contribute to reproducing the traditional perceptions of men's and women's roles and the patriarchal stereotypes. The respondents all agreed that another factor inciting domestic violence is the Armenian soap operas, which are mostly watched by women: in these soap operas, the male protagonist is often represented as a dominant male who does not involve the woman in the decision-making process, solves conflicts by force, often even beating the woman, while the female protagonist is an obedient woman who spends most of her days having a cup of coffee and fabricating petty intrigues. The respondents said that the failure of the media to represent such characters as unacceptable and even condemnable, on the opposite—justifying them by saying that the media simply “show the reality that exists out there,” these unacceptable practices continue to reproduce, especially among young people.⁵²⁶

For this purpose, the Human Rights Defender, jointly with international partners, conducted training for the mass media on how to produce programs on domestic violence cases. Moreover, in the course of 2019, there were regular meetings and discussions in Armenia's regions with NGOs, the competent authorities, the mass media, students, and other members of society.

1.3 Lack of services provided by the state and cooperation between state bodies

Taking into consideration the peculiarities of domestic violence, as well as the negative psychological impact of this type of violence on victims and witnesses, the state must take steps to make various forms of support accessible. The adopted Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family prescribes the need to provide a number of services to victims of violence, including the creation of support centers and shelters (Articles 19 and 20).

However, the provision of adequate state support to victims and their family members remained problematic in 2019, as well.

Some support centers were established as late as in 2019. Only six support centers have operated in the country—three in Yerevan and one in each of the Syunik, Shirak, and Lori regions.

Another problem is that, throughout 2019, Armenia did not operate state-run shelters. Moreover, there is no special free-of-charge hotline, which would be accessible for everyone, including persons with disabilities, and would provide 24/7 support and counseling to persons

⁵²⁶ UNFPA Qualitative Survey of the Current Multi-Sector Response to Domestic Violence in Armenia and Initiatives to Improve Its Effectiveness, available at https://armenia.unfpa.org/sites/default/files/pub-pdf/Reserach_Arm-Final%20with%20logos-upd_0.pdf, accessed on 31 March 2020.

in need.

Paragraph 1(7) of Article 14 of the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family that the RoA Ministry of Labor and Social Issues ***shall regularly publish in a manner accessible for the public*** the list of contact means (including the telephone number of the free-of-charge hotlines for victims of domestic violence, which support centers are obliged to have) by which victims of domestic violence, their family members, and others may immediately contact support center staff or specialists retained by the support center and receive free-of-charge support, including accessible support in the case of persons with disabilities. In response to the inquiry about the existence or accessibility of such services or the public availability of information about them, the RoA Ministry of Labor and Social Issues told us that all support centers operate a hotline about which information is available on the Ministry's official website (http://www.mlsa.am/?page_id=19928, accessed on 31 March 2020).

It should be noted, however, that only three of the six support centers operating in 2019 specified that the telephone number was that of a hotline, and only two of those three were operating 24/7. The section called “Other providers of services to victims of domestic violence, by regions” contains hotline numbers, but those centers were created only in 2020.

To conclude the analysis of the overall situation, these and other services for victims of domestic violence remained problematic in 2019, and were mostly delivered by NGOs.

The RoA Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity provides the possibility for the state to create shelters and support centers and to deliver other services. Article 23(4) of the Law provides that the provisions on services provided by the shelters and support centers will enter into force a year after the date of official publication of the Law. However, ***in 2019, shelters were not accessible for beneficiaries.***

According to information provided by the RoA Ministry of Labor and Social Issues, state-funded shelters did not operate in the course of 2019. Shelter services were provided by two NGOs, information about which was posted on the Ministry's official website. In 2019, the Ministry presented two new initiatives—the Program of Shelter Services for Domestic Violence Victims and the Program of Support Center Services for Domestic Violence Victims, ***which were incorporated in the 2020 State Budget of the Republic of Armenia.*** In 2019, the Ministry announced a grant program for state-co-funded shelter services for domestic violence victims, which will result in two shelters for domestic violence victims in Armenia, providing appropriate services to around 60 persons. Thus, in 2020, two shelters co-funded by the state will be up and running in the country.

According to data from the Police, warnings were given in 796 cases of domestic violence reported to the Police in 2019, and emergency intervention orders were issued in another 260 cases. 124 of the protection measures were violated: 90 of the violations were reported to the Police by the victim of domestic violence, and 34 were discovered proactively by the police officers.

Article 11(1) of the RoA Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity provides that the domestic

violence perpetrators, about whom a warning, emergency intervention, or protection decision has been ordered, as well as adults convicted for a crime related to domestic violence shall be recorded in a special prevention register by the Police. The monitoring to prevent domestic violence by adults in the context of preventive recording is performed by the social workers of the field offices of social services under the RoA Law on Social Assistance, and in case of minors—the Police, in accordance with the procedure approved by the RoA Minister of Labor and Social Issues or the Police Chief, respectively. However, the problem is that preventive record-keeping and monitoring of violence perpetrators are not performed appropriately in practice. *The Police data on violations of the protection measures shows that most of the reports continue to come from the victims of domestic violence: only 34 of the 124 violations were detected proactively by the Police.* The record-keeping process is extremely important for monitoring perpetrator conduct, which in itself facilitates prevention and protection.

Another problem revealed by the complaints sent to the RoA Human Rights Defender is that, in the phase of preparing materials related to an alleged case of domestic violence, the police officers do not cooperate with the units specialized in the prevention of domestic violence and the protection of victims. Although such cooperation is required by a decree of the RoA Police Chief, there are problems in practice.

Sound cooperation is crucial for correctly referring victims and performing other activities of victim support, especially in the context of making victim-centered and need-based professional support available. *The complaints sent to the Defender have revealed cases in which system flaws and the lack of cooperation between state bodies made it impossible to deliver support using the means prescribed by law.* The Republic of Armenia has undertaken a positive obligation to protect the life and health of victims of domestic violence under international, as well as domestic law. Both international and domestic legal standards prescribe the principles of multi-disciplinary support to victims of domestic violence, as well as the primacy of victim protection.

Article 5(2) of the Convention (signed by Armenia on 18 January 2018, but not ratified yet) provides that Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors. Article 7 of the Convention provides that Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Article 19 of the Convention provides that Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

The Council of Europe Committee of Ministers Recommendation Rec(2002)5 on the Protection of Women against Violence⁵²⁷ recognizes that states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims. Under Paragraph 3 of the Recommendation, *member states should develop policies based on safety of victims*. Under Paragraph 58(d) of the Recommendation, *member states should promote pro-active victim protection services which take the initiative to contact the victim as soon as a report is made to the police*. Under Paragraph 58(e) of the Recommendation, *member states should ensure smooth co-operation of all relevant institutions, such as police authorities, courts and victim protection services, in order to enable the victim to take all relevant legal and practical measures for receiving assistance*.

Article 13 of the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family specifies the state bodies responsible for prevention of domestic violence and protection of victims of domestic violence, among which is the RoA Police. Paragraph 2 of Article 13 provides that state and local self-government bodies shall, within the limits of their powers, facilitate the efforts of combatting domestic violence, and cooperate with the Competent Authority in this field.⁵²⁸ Thus, the Law, too, provides for multi-disciplinary support to victims of domestic violence.

Article 15 of the Law prescribes the powers of the RoA Police with respect to the prevention of domestic violence and the protection of victims of domestic violence. These powers include the issuance of clarifications on the rights and services available to victims that report domestic violence (Paragraph 1(3) of Article 15 of the Law), as well as the application of two of the three protection measures provided by law (under Article 15 of the Law, Police has the power to apply two of the three protection measures for domestic violence victims—warnings and emergency intervention orders, and as to protection orders, they are applied on the basis of a court decision). Paragraph 2 of Article 5 prescribes safeguards for applying the protection measures in accordance with the principles provided by this Law and the principle of proportionality of the intervention. Their application shall not hinder the initiation of a criminal case and criminal prosecution under the procedure provided by law. This provision means that granting protection is not tied to criminal prosecution, and victim protection is viewed as the primary concern.

The Law provides for other protection measures for victims of domestic violence, as well: under Paragraph 1(6) of Article 13, prevention of domestic violence and protection of victims shall also be functions of special entities providing support to victims of domestic violence, i.e. the support centers and the shelters. Under Paragraph 1(7) of Article 14, the Competent Authority shall regularly publish in a manner accessible for the public the list of contact means (including the telephone number of the free-of-charge hotlines for victims of domestic violence, which support centers are obliged to have) by which victims of domestic violence, their family members, and others may immediately contact support center staff or specialists retained by

⁵²⁷ Council of Europe Committee of Ministers Recommendation Rec(2002)5 on the Protection of Women against Violence, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e2612, accessed on 31 March 2020.

⁵²⁸ Under Article 13 of the Law, the Competent Authority is the national executive authority responsible for social issues.

the support center and receive free-of-charge support, including accessible support in the case of persons with disabilities.

The Law contains other clear provisions on the application of protection mechanisms, as well. Under Paragraph 1(3) of Article 15, in the context of the prevention of domestic violence and the protection of victims, the Police shall take a decision, in the cases and procedure stipulated by this Law, on the placement of domestic violence victims in a shelter. Under Paragraph 5 of Article 20, domestic violence victims may be placed in a shelter according to their application, if there is a reasonable assumption that the violence is likely to repeat or continue.

Thus, the Law provides a protection system for victims of domestic violence, which can be effective if practical steps are taken (for example, shelters and support centers are created) and strong mechanisms are put in place for cooperation between the competent authorities. Whenever the state support cannot be organized, it should be done by engaging specialized NGOs providing services in this area, which is a possibility under the Law. Article 2 of the Law prescribes the principles of prevention of domestic violence and protection of victims, which include cooperation between state and local self-government bodies and civil society.

The Law prescribes a toolkit for protecting persons in need of protection. The absence or non-application of one tool shall undermine the victim protection system and threaten people's life and health.

According to data received from the General Prosecution Office on steps taken in 2019 to share information with other state bodies and provide a multi-disciplinary response to the cases of violence, a representative of the General Prosecution Office, who is a member of the Council for the Prevention of Domestic Violence, took part in the Council's sessions to discuss various aspects of the multi-disciplinary response to cases of violence.

The RoA Government Decree on the Procedure of Centralized Record-Keeping on Domestic Violence Cases was adopted in 2019, based on which it will be possible to ensure the collection of comprehensive information on domestic violence cases by the different competent authorities.

According to clarifications provided by the Police, the Police has cooperated with other relevant state authorities with functions related to the protection of victims in the context of the prevention of domestic violence. To make appropriate support available to the victims of domestic violence, the Police cooperated with regional governors' offices, local self-government bodies, field offices of the social services, and NGOs dealing with domestic violence cases. In the framework of cooperation with UNFPA, an expert group visited Armenia's regions in the course of 2019 to present to employees of the relevant state authorities their functions under the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family and to discuss and clarify future inter-agency cooperation.

Despite all the measures implemented, however, the systemic problem was not solved in 2019, as there is still no coordination of activities implemented by the competent authorities. The steps taken are sporadic and not coordinated. The multi-disciplinary system for combatting

domestic violence and supporting victims has generally not developed yet, because of which ***the Human Rights Defender adopted a decision in 2018 finding a violation of human rights or freedoms.***

With respect to information sharing with other state bodies and the multi-disciplinary response and support to cases of domestic violence, the RoA Ministry of Health informed us that, under the Procedure of Recording and Communication of Information on Persons Seeking Medical Assistance as a Result of Domestic Violence (approved by the RoA Health Minister's Decree 3177-A dated 29 October 2019), the information on persons applying for medical assistance as a result of domestic violence must be recorded and communicated to the Police, the Investigative Committee or the General Prosecution Office, as well as the Ministry of Health.

Moreover, when asked about training or capacity building for the staff of health care institutions to perform functions related to the prevention of the violence and the protection of domestic violence victims during 2019, the Ministry of Health informed us that materials for such training will be developed in the course of 2020.

The problem is that there is ***no national strategy and action plan for the prevention of domestic violence and the protection of victims of domestic violence.*** The RoA Ministry of Labor and Social Issues has informed us that, in order to address the numerous dimensions of the phenomenon of domestic violence, a strategy and action plan for combatting domestic violence will be developed in the course of 2020 and adopted before yearend 2020.

RoA Government Decree 1334-L on approving the Gender Policy Implementation 2019-2023 Strategy and Action Plan was adopted on 19 September 2019. However, it does not cover domestic violence problems, so that the latter, including prevention, are addressed in a standalone strategy. According to data from the RoA Ministry of Labor and Social Issues, a strategy and action plan to combat domestic violence will be drafted and adopted by yearend 2020 in order to effectively address the many aspects of domestic violence.

A comprehensive policy addressing domestic violence should be drafted, which should include the concept of multi-disciplinary support. The latter can be done by approving a standalone action plan.

1.4 Absence of correct statistics on domestic violence cases

In 2019, Armenia continued to face the problem of lack of correct and coordinated statistical data on domestic violence. The information and statistics available on this type of violence do not fully reflect the real situation, because Armenia still does not compile unified statistics on domestic violence cases. This issue has for years been flagged by the Defender, the competent state authorities, and international and non-governmental organizations.⁵²⁹

Paragraph 1(2) of Article 14 of the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family⁵³⁰ provides that the RoA Ministry of Labor and Social Issues, acting as the competent authority, shall carry out centralized record-keeping on domestic violence cases in accordance with the

⁵²⁹ This was noted in the Concluding Observations of the CEDAW Committee (CEDAW/C/ARM/CO/5-6), para. 37.

⁵³⁰ Hereinafter, "the Law."

procedure defined by a Government decree, and shall annually publish those statistics on its official website.

However, ever since the Law was adopted in 2017, unified statistics have not been compiled, because the respective Government decree has not been adopted. On 10 October 2019, RoA Government Decree 1381-N approving the Procedure of Centralized Record-Keeping on Domestic Violence Cases was finally adopted, but it has not been implemented in practice yet, i.e. the competent authority has still not aggregated and presented the unified statistics.

Under the said Decree, the RoA Ministry of Labor and Social Issues, acting as the competent authority, shall receive and aggregate information on domestic violence cases, and once every six months, shall publish a statistical report on the relevant time period on its official website (the information shall be published at least once every six months). According to data from the Ministry, the first set of comprehensive statistics will for published in April 2020.

Besides, domestic violence is known as a latent type of violence, i.e. the information and statistics do not completely reflect the real picture. The accuracy of statistics is affected by other factors, as well, such as the public perception that these cases are a private-life matter and speaking up about them would be embarrassing. Therefore, many members of society avoid reporting the cases of violence that they know about.

Nevertheless, the existing statistics confirm the existence of the problem. Data provided by the competent authorities show that domestic violence disproportionately affects women.

According to data from the RoA Police, 485 cases of domestic violence were investigated in the course of 2019, of which two were by a partner, 329 by the husband towards the wife, 10 by the wife towards the husband, 41 by a parent towards a child, 53 by a child towards a parent, and 50 cases were by and towards other family members. 469 of the 485 cases investigated in 2019 were cases of physical violence, 14 were psychological, and two were economic. Age-disaggregated data on domestic violence is not compiled. In these 485 cases, criminal cases were initiated in 126, and in 359, the initiation of a criminal case was refused, including 353 on the basis of Paragraph 1(4) of Article 35 of the RoA Criminal Procedure Code (“the applicant does not complain in the cases provided by this Code”), three on the basis of Paragraph 1(10) of the same Article (“the person has died, unless the case proceedings are necessary for restoring the rights of the deceased or resuming the case in connection with circumstances newly discovered in relation to other persons”), two on the basis of Paragraph 1 of Article 37 of the Criminal Procedure Code (“the court or the prosecutor, or the investigator—with the prosecutor’s consent, may discontinue the initiated criminal case proceedings and terminate the criminal prosecution in the cases provided by Articles 72, 73, or 74 of the RoA Criminal Code”), and one on the basis of Paragraph 1(13) of Article 35 of the RoA Criminal Procedure Code (“a law on amnesty has been adopted). 93 of the 126 initiated criminal cases were discontinued, and 33 were sent to court for trial.

According to data from the RoA Police on 796 calls for service received by the RoA Police in connection with domestic violence, warnings were issued in 796 cases and emergency intervention orders—in 260.

According to data from the RoA Police, 418 criminal cases on domestic violence were initiated in the course of 2019. The RoA Investigative Committee investigated 635 criminal cases of domestic violence. In 2019, 468 domestic violence criminal case proceedings were completed, including 326 discontinued proceedings, of which 129—on acquittal grounds, 197—on non-acquittal grounds, 128—with indictment, 14—with decisions on compulsory medical treatment; 33 criminal case proceedings were suspended, of which 18—on the ground that the person is fugitive, and 15—on other grounds.

According to data from the RoA General Prosecution Office, 458 criminal cases on domestic violence were initiated in the course of 2019. In 108 of these criminal cases, indictments were sent to court, and six cases were sent to court with a motion to impose compulsory medical treatment. In 269 of these criminal cases, the proceedings were discontinued and the criminal prosecution was terminated or not pursued, including three cases on the basis of Paragraph 1(1) of Article 35 of the RoA Criminal Procedure Code, 94 cases on the basis of Paragraph 1(2), 62 cases on the basis of Paragraph 1(4), 104 cases on the basis of Paragraph 1(5), and six—under the procedure provided by Article 37 of the RoA Criminal Procedure Code. In 14 of these criminal cases, the proceedings were suspended, of which five were based on the ground specified in Paragraph 1(1) of Article 31 of the RoA Criminal Procedure Code, and nine—on the ground specified in Paragraph 1(2) of the same Article.

The analysis of the aforementioned official statistics on criminal case investigation reveals the following:

1. The vast majority of the criminal cases were related to physical violence: in 2019, they accounted for about 96% of all domestic violence cases. This is due to certain public perceptions, whereby the victim's reporting to law-enforcement bodies is considered justified in cases of physical violence, as well as the absence of legislation securing an adequate criminal-law response to other forms of violence.
2. Many decisions are adopted on refusing to initiate a criminal case: in 2019, 359 cases were not pursued in this manner (about 74% of the total number of cases).
3. About 98% of the decisions to refuse initiation of a criminal case were taken on the basis of Paragraph 1(4) of Article 35 of the RoA Criminal Procedure Code, i.e. the applicant does not complain.
4. About 69% of the 468 proceedings completed in 2019 were discontinued, and about 60% of the discontinued cases were discontinued on the basis of non-acquittal grounds.

Moreover, these numbers on domestic violence criminal proceedings *per se* do not shed light on the causes and conducive factors of domestic violence, its social-psychological aspects, or patterns. Hence, unified and comprehensive statistics need to be compiled, which will not only contain numbers related to the performance of state bodies, but also help to identify general and specific measures for prevention.

1.5 Inadequate professional training and awareness of state and local self-government bodies and officials

In 2019, the Human Rights Defender continued to receive complaints on the failure of the

competent authorities to provide adequate support to victims of domestic violence, especially women. The problem is due to stereotypes among the representatives of law-enforcement agencies, among others, which hinders the granting of protection. In 2019, the Human Rights Defender continued to receive a number of complaints on the failure of the competent authorities to act in response to complaints lodged with them. The review of one particular complaint received by the Human Rights Defender showed that police officers failed to act in response to a citizen's report, and none of the decisions prescribed by the Law was adopted.

These problems are mostly caused by the inadequate competences of the staff of the competent authorities, including specific skills to respond to domestic violence cases. This practice is problematic in terms of protecting the rights of victims of violence and preventing future cases of domestic violence.

This approach to domestic violence cases amounts to further violations of rights as it limits the realization of the victim's right of access to justice, which in turn poses obstacles on the way of accessing effective remedies.

The stereotypes in the judiciary create further problems, as reported also by various NGOs. According to the monitoring of court practice by the Coalition against Violence against Women, courts trying domestic violence cases often fail to take into consideration the background of the crime, the motives of the perpetrator, and the dangerousness of the crime for society. In most cases of domestic violence and femicide, courts fail to find any aggravating circumstances whatsoever.⁵³¹

According to information provided by the competent authorities, staff of the competent authorities was trained in the course of 2019. According to information from the Ministry of Labor and Social Issues, a national conference dedicated to domestic violence prevention and support was organized on 27 May 2019. Regular training courses have been organized for the staff of the centers providing support to victims of domestic violence in order to develop their competences and skills for providing better and more effective services to their beneficiaries. Training was provided to the staff of the hotline of the Ministry of Labor and Social Issues and the 911 hotline of the Ministry of Emergency Situations.

To improve the effectiveness of prevention of domestic violence, to develop knowledge, to implement the best practices, and to enhance the practical skills, training courses were organized in the RoA Police Education Complex for police officers from the juvenile units and units for the prevention of domestic violence. Moreover, as a specific topic covered in the framework of other courses organized in the Police Education Complex, other police officers studied the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family and on the powers of the RoA Police under the Law. Training courses were also organized and conducted by international experts and psychologists with the support of the Council of Europe Yerevan Office and UNFPA, as well as NGOs working with cases of domestic violence.

All the police officers working in the juvenile units and units for the prevention of domestic

⁵³¹ NGO monitoring has also revealed applications of double standards by courts and pre-trial investigation authorities, which have amounted to violations of the victim's right to an effective remedy, available at <http://coalitionagainstviolence.org/wp-content/uploads/2017/01/Report-short.pdf?x24321>, pages 4-5, accessed on 31 March 2020.

violence (a total of 306 police officers) have been trained. During the training courses, police officers from these specialized units acquired effective tools needed to work with victims of domestic violence.

However, the complaints received by the Defender show that, in practice, there are still problems in the various stages of criminal prosecution of domestic violence cases, including the lack of a victim-centered approach, revictimization, persuading to withdraw complaints or not to complaint, attempts to reconcile, or interference in the form of morality advice.

As a state mechanism for the prevention of domestic violence under the state strategy and action plan, the legal reforms, public awareness activities, and other matters, under the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family, the Council for the Prevention of Violence in the Family was created. The individual membership of the Council for the Prevention of Violence in the Family was approved by Decree 1685-A of the RoA Prime Minister (dated 28 December 2018). Subsequently, amendments to the said Decree were drafted and adopted by Decree 1110-A of the RoA Prime Minister on 3 August 2019. According to information from the RoA Ministry of Labor and Social Issues, two sessions of the Council were convened in 2019.

Based on the foregoing, it is necessary:

- 1. To amend the RoA Criminal Code to align it with the international standards on violence against women & domestic violence, namely by prescribing sanctions for all violent acts committed against women or in the family;*
- 2. To amend the RoA Criminal Code so that the victim's immoral conduct cannot be viewed as a circumstance mitigating the punishment;*
- 3. To amend Paragraph 4 of Article 183 of the RoA Criminal Procedure Code to align it with the standards elaborated by the European Court of Human Rights;*
- 4. To amend the Law on Prevention of Violence in the Family, Protection of Persons Subjected to Violence in the Family, and Restoration of Solidarity in the Family, by addressing all the gaps and problematic provisions in the Law;*
- 5. In a short period, to ensure the creation of an effective mechanism to make multi-disciplinary support available throughout the country—in the form of support centers that will have all the means necessary for the continuous provision of services;*
- 6. In a short period, to adopt a Government decree defining the procedure of issuing a certificate to create a shelter;*
- 7. To organize continuous and mandatory training for the relevant specialists (investigators, prosecutors, judges, etc.) on the Armenian legislation on combatting, preventing, and eliminating violence, as well as the international standards, with a view to overcoming stereotypes related to violence against women;*
- 8. To raise women's awareness of their rights and the mechanisms available for protecting them;*
- 9. To develop and implement awareness-raising programs aimed at preventing violence in the family; and*

10. To develop and adopt the state strategy and action plan on preventing and combatting domestic violence and on protecting the victims of violence.