



OPEN SOCIETY FOUNDATIONS
ARMENIA

DOMESTIC VIOLENCE IN ARMENIA

Lack of comprehensive
and effective
regulations of
domestic violence

Inadequate response
and lack of gender
sensitivity by law
enforcement and
judiciary

According to OSCE research, conducted in 2011, 60% of female respondents were subjected to one or more forms of domestic violence during their lifetimes and nearly 40% reported domestic violence for the two years preceding the survey.¹ The statistics, provided by the police, demonstrate notable growth in the number of domestic violence reports.² In the first six months of 2016, 373 cases were registered, which is by 31 cases more than in the corresponding period of previous year, and 158 criminal cases were launched. Meanwhile, the coalition of women's rights organizations alone receives more than 2,000 calls about domestic violence cases annually. The real scale of domestic violence in Armenia, however, remains unknown given the under-reporting of acts of gender-based violence against women. The government fails to collect and maintain comprehensive statistics concerning the issue of domestic violence and its impact on the lives of women and their families. The only known national statistics reveal that 17% of the total homicides recorded in Armenia in 2015 were committed by family members.³ In the last six years, 40 women were killed because of violence committed by a current or former intimate partner.⁴

The law on social protection was introduced in 2014 providing the definition of domestic violence. However, there is still no comprehensive legislation to prevent and address violence against women and punish perpetrators. Although adoption of law on domestic violence was due in 2010, a commitment undertaken by Armenia during UPR's first cycle, there is yet no such law. The government rejected two earlier drafts developed by women's rights NGOs in collaboration with local and international experts, referring to legal uncertainties and lack of financial resources necessary for enforcement of the law. In 2016 an interagency working group was established by the government to develop a new draft law on domestic violence as a condition for the EU Human Rights Budget Support Program. However, women's right organizations were barred from meaningful participation in the process and had no influence on the content of the law.⁵ In November 2016, when the draft was published on the website of the Ministry of Justice, several Russian-funded nationalistic organizations and entities started a smearing media campaign against the law. Not only did the Ministry fail to address the disinformation and educate the public on the need of the law, but it also eventually withdrew the draft due to "concerns regarding the law, existing among different groups of society".⁶

The policy framework remains ineffective as many activities included in the Strategic Action Plan on Gender Based Violence 2011-2015 were not implemented, and no proper and independent assessment of the implementation of the Action Plan was conducted. Also, after almost two years since the completion of the action plan, no new strategy is adopted.

The government has long denied the need for a standalone law on domestic violence claiming that the new Criminal Code and Law on Social Protection would address the issue. However, due to the absence of legislation, the cases of domestic violence are still investigated as other criminal cases, with no accent on gender sensitivity. This not only leads to impunity of perpetrators, but also to further victimization of women subjected to domestic violence, as the battered women refrain from reaching out for assistance from authorities.

Existing legal barriers prevent effective investigation and prosecution of domestic violence cases. A criminal case is usually started only after the victim files an official complaint. This exposes to the risk of physical and psychological pressure from the perpetrator, which deters victims from reporting. Besides, manifestations of domestic violence, which do not result in death or serious bodily injury, imply criminal responsibility in the form of fine or imprisonment for not more than five years. These are qualified as crimes of 'private accusation', which can be initiated upon the victims' reports and are terminated if the victim reconciles. An example is, a husband was fined by 100 USD for 11 years of abuse and physical violence

¹ Organization for Security and Co-operation in Europe (2011), Domestic Violence Survey in the Republic of Armenia, available at <https://goo.gl/VXllmq>

² In 2014 the police registered 686 reports on domestic violence. The number increased to 793 in 2015. The data were publicly presented by Nelly Duryan, Police Colonel, Head of the Third Division of the Main Directorate for Criminal Investigations.

³ A study by RA Investigative committee, summary of findings available at: <https://goo.gl/OPgHFP>

⁴ Coalition to Stop Violence Against Women, 2016, "Femicide in Armenia: A Silent Epidemic"; available at <https://goo.gl/chd1jH>; Legalizing the stereotypes: women victims' access to justice and gender stereotyping in the framework of gender based violence judicial proceedings, Coalition to Stop Violence against Women, 2017, short summary in English available at <https://goo.gl/v9XNmV>

⁵ Coalition to Stop Violence Against Women, 2 Nov. 2016, Statement on the Law on Prevention of domestic violence; available in Armenian at <https://goo.gl/Qv8Frh>

⁶ Ministry of Justice Statement, 28/11/2016, available in Armenian at <https://goo.gl/h280a3>

Lack of support services to protect victims of domestic violence

Non-fulfilment of state obligation to educate public on the principle of gender equality

against his wife.⁷ In light of the ECHR decision on *Opuz v. Turkey*, the RA Investigative Committee issued an internal decree allowing for continuation of criminal proceeding as a crime of 'public accusation' in cases when the victim withdraws the appeal. However, the decree provides for no clear guidelines and allows arbitrary enforcement.⁸

The law enforcement officials have limited knowledge on domestic violence and thus frequently mishandle cases. Factually, investigators are often reluctant to initiate cases and try to mediate between the parties or press the victim to withdraw complaints, since domestic violence is considered a family matter by the law enforcement. At worst, victims are commonly convicted of false reporting of a crime, which is yet another barrier for women to report cases and take perpetrators to court. In cases, when a domestic violence survivor mother is granted custody of her children by the court, the Compulsory Enforcement Service of the Ministry of Justice fails to enforce court decisions.

A special police department is functioning for around four years, however, it does not possess any tools to prevent domestic violence, as the police are not legally allowed to detain the perpetrator, intervene in situations of violence, remove an abuser from home or offer basic protection to victims and their children. Moreover, in cases when the police have the power to intervene, it is reluctant to assist the victims, considering domestic violence a "family matter". In one of the cases victim reported acts of violence at home at least three times before it was considered and registered as domestic violence. The practice shows that instead of taking a report about the crime, the police categorize those cases as "irreconcilable families".⁹

The lack of gender sensitivity also resonates throughout the entire court process. Judges often engage in victim blaming and question whether the victim of domestic violence "provoked or stimulated" the criminal act, and use this argument to reduce perpetrators' sentences due to mitigating circumstances. Additionally, the judges mostly lack comprehensive understanding of the crime and consider crimes of domestic violence as a one-time offence disregarding years of psychological, economic, physical and sexual violence suffered by victims.¹⁰

The government fails to ensure protection of victims of domestic violence who remain in violent situations because they do not have viable alternatives such as short-term shelters and long-term solutions to their housing problems. The vulnerability of women victims of domestic violence is reinforced by increasing poverty and unemployment among women.¹¹ Though provision of temporary shelters up to 12 months for victims of domestic violence is envisaged in the RA Law on Social Assistance (Article 12), there are no such shelters in practice. Temporary shelters and, on occasion, safe alternative housing, are offered only by NGOs, which do not have sufficient resources to meet the existing need across the country. Moreover, the burden of providing main services to the victims also falls on NGOs as there is no coordinated, multi-sectoral referral mechanism, which would involve the police, prosecution officers, court officials, social workers, medical and other service providers.

Cultural norms or expectations of behavior often encourage violence and the societal reaction often serves as a legitimacy for actions of perpetrators. NGOs providing support to victims of domestic violence are blamed for 'destroying families' and 'promoting non-Armenian values' and are subject to threats and violence.¹² The cultural legitimization of domestic violence is reinforced by media and education system which replicate and foster sexist and patriarchal norms. The state continuously fails to ensure adequate gender-sensitive education. A study of school textbooks shows that they contain and reproduce stereotypical perceptions about the roles and responsibilities based on gender, thus fostering discriminatory narrative among young girls and boys, and inhibiting stereotypical social and cultural patterns of conduct of men and women.¹³ At the same time the media misrepresents cases of domestic violence as isolated incidents deviating from the norm, or at worst media sensationalism engages in victim blaming. Additionally, many of the most popular television programs reinforce misogynistic and patriarchal norms and entertain ideas of controlling women through violence and oppressing them.¹⁴

⁷ NGOs' shadow report on the 5th and 6th periodic reports submitted by Armenia on the implementation of CEDAW, available at <https://goo.gl/EH1QQj>

⁸ The decree of the Investigative Committee is available at <https://goo.gl/WMiUUX>

⁹ NGOs' shadow report on the 5th and 6th periodic reports submitted by Armenia on the implementation of CEDAW <https://goo.gl/EH1QQj>

¹⁰ 'Legalizing the stereotypes', Coalition to Stop Violence against Women, 2017

¹¹ According to National Statistical Service of the Republic of Armenia in 2011 women comprised 46% of the poor population, while in 2015 it increased to 55,5%. Over the last decade the rate of economic activity for women remained unchanged and is lower than compared to that of men: about 55% vs. 72%.

¹² 'Legalizing the stereotypes', Coalition to Stop Violence against Women, 2017

¹³ Society Without Violence, "Integration of gender component into social science subject: Recommendation package (2014), available at <https://goo.gl/j2cUFC>

¹⁴ Center for Gender and Leadership Studies, "The image of Armenian women in mass media (TV): from gender sensitivity to gender stereotypes" (2015), available at <https://goo.gl/OHP056>; Center for Gender and Leadership Studies, "Gender power in Armenian soap operas: women masculinity and violence" (2014), available at <https://goo.gl/u2M2h7>

Recommendations:

- Ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);
- Adopt a comprehensive and effective standalone law on domestic violence in line with Istanbul Convention and CEDAW General Recommendation N19;
- Remove legal barriers for effective and gender sensitive investigation of cases of domestic violence; by
 - amending the Criminal Code and criminalizing acts of domestic violence,
 - amending the Criminal Procedure Code to establish a mechanism for ex officio investigation of domestic violence cases, under which investigation will not depend on existence or withdrawal of the victim's complaint,
 - introducing legislative safeguards to prevent bringing charges of perjury against the victims of domestic violence.
- Establish a multi-sectoral referral mechanism to assist victims of domestic and gender based violence through timely and appropriate support services (medical, social, legal, protective, psychological);
- Ensure the provision and availability of adequate and safe housing for victims of domestic violence and their children for both short-term and long-term needs;
- Increase gender sensitivity of law enforcement, judiciary, service providers by providing professional development trainings for public health, education, social sphere specialists, and policemen on gender-based violence identification, reporting, and provision of support services;

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