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EUROPEAN UNION FOR ARMENIA

Human Rights Defender of RA



ՀՀ մարդու իրավունքների պաշտպան

GUIDE

ON DOMESTIC VIOLENCE ISSUES
FOR THE STAFF
OF THE HUMAN RIGHTS DEFENDER



Violence within the family is defined as an act of physical, sexual, psychological or economic violence occurring between the family members as well as an act of negligence.

Members of the family are:

- a. Regardless of sharing the same residence, spouse (including the person in common marriage), former spouse, parent (including stepparent, adopting parent, foster parent), child (including adopted, stepchild or godchild), spouse of the adopting parent, parents of the spouse, parents of the former spouse.
- b. Grandmother, grandfather, sister and brother (including half-brother and half-sister), sister-in-law, brother-in-law, as well as son-in-law and daughter-in-law for the spouse's parents, sister and brother, sharing the same residence.

Domestic violence both directly and indirectly affects the opportunities of family members for adaptation, self-actualization and self-expression, as well as their safety in the given society. This phenomenon is widespread all over the world and has different ways of display and levels of prevalence. Domestic violence disproportionately affects especially women and children.

Hotline service: main peculiarities and goals

The foremost and immediate goals of the hotline service are the support of safety, registration of the victim's story, restoring of his/her rights, hence, it is important that hotline operators are aware of the peculiarities of providing response to domestic violence and other means of violence against women.

Hotline service serves the following main purposes

- to listen with empathy and without condemnation;
- to refer to the victim's primary concerns and needs, including emotional, physical, social and household issues. For instance, the victim may have stayed outdoors at night, is hungry etc.
- to inject trust: one of the main goals of the hotline service is to convince the victim, that he/she is not to blame for the violence.
- to discuss and to assist in creating a safety plan, if necessary.
- to support with the resources at hand and to refer to relevant institutions.

Important issues to be considered while answering a hotline call

- The telephone call supports no visual contact, thus the operator's voice and tone are of significant importance, as well as the frequent repetition of the expression: "Yes, I hear you", to assure the caller that he/she is being listened to.

- Attach special importance to the information shared by the caller and never criticize he/she: for instance, never insist, that he/she has not conducted this or that action, or has left something half done.
- Let the caller finish his/her statements: do not speak instead of him/her, do not interrupt him/her.
- Ask open questions which do not imply a 'Yes/No' answer.
- Reformulate the caller's main statements to be sure that you perceive his/her thoughts correctly.
- Ask for clarifications, if the caller's statements seem unclear.
- Summarize the important ideas touched upon in the phone call and explain the next steps.

***Frequently asked main questions,
which may be important for a hotline phone conversation***

- How can we support or help you?
- Would you like to add something to what you told us?
- How do you feel?
- Am I right in my feeling that you are worried about your children or you have nowhere to go?

Expressions that are more preferred to use

- That is not your fault.
- You are not to blame for the violence.
- Help can be provided/we can help you with that issue (we say that only if confident that we can organize support).
- You are not alone: unfortunately, there are many women in the world who experience this.
- Everyone deserves to feel safe at his/her home.
- It is natural that you want to talk about what happened.

Questions not to be asked and steps not to be taken

- You shouldn't have felt that.
- How happy you are to have stayed alive!
- I feel pity for you.

- Do not convince the victim to leave the perpetrator.
- Do not force the victim to analyze the occurred violence or answer to questions, like “Why was he/she subjected to violence or why he/she particularly became a subject to violence?”
- Do not require the victim to provide information, directly unrelated to the alleged violence.

The peculiarities of risk assessment during a telephone consultation

Important to know!

The assessment by the victim of violence of the threat level his/her current situation poses, is usually very precise. You can ask a few clarifying questions to understand whether there is an immediate danger.

If the caller is revealed to be under high risk, you can say: “I am concerned about your security. Let’s discuss what to do to keep you safe”. You can jointly consider the options of calling the police or spending the night outside the house or leaving it.

Below a set of main questions is proposed, answers to which may help to assess the risk level.

1. Has violence become more frequent or has it been expressed in harsher and worse ways during the last six months?
2. Does the violence perpetrator use drugs or alcohol?
3. Has he/she ever used a gun or threatened you with a gun?
4. Has he/she ever attempted to suffocate you or injure you?
5. Do you believe that he/she can kill you?
6. Did he beat you when you were pregnant?
7. Has he/she always been jealous of you?
8. Does the perpetrator pursue, follow or control you through different means, such as control of telephone calls and their recording, pursue you on the way to work etc.?

If more than half of the above statements are typical for the given case, then the risk for the victim of violence is high.

If it is not safe for a victim to return home, refer him/her to a shelter or try to identify a safe place where he/she can settle, and of which the perpetrator has no knowledge.

In order to design an effective safety plan, it is important to understand those risk factors, which intensify violence and lead to its repetition.

The peculiarities of the safety plan

The safety plan is a scrupulously designed individual plan that helps the victim to be protected and stay safe in case of abusive relations, as well as when planning to escape, or after it.

The safety plan components:

To leave for a safe place	If you need to leave home, where could you go?
Planning for children	Will you be leaving alone or with children?
Transportation	How can you reach a safe place?
Things you can take with you	Do you need to take documents, keys, money, clothes or other important things with you? Can you put those things in a safe place at home or pass them to a trustworthy person?
Financial issues	Have you got money, if you want to leave? Where do you keep it, do you have a chance to take it?
Support of close friends	Is there a neighbour or a close friend who can call the police or visit your house in case of hearing noise?

Important points for staying safe at home, that should be discussed with the caller

- Avoid staying in spaces where sharp tools are available.
- Try to conceal your plans or intentions of leaving from your partner: the statistics shows that it increases the possibility of violence.
- Try to memorize all the telephone numbers that can be of help on first demand, in particular, the number of the relevant police department and hotlines of the organizations dealing with domestic violence.
- Repeat the plan of escape to yourself to be able to implement it when the need for it arises.
- Encourage the victim to make up an escape plan also with children and to choose a watchword to hint the children about support.
- Share the watchword also with trustworthy neighbours and friends, to call the police, for instance, if needed.
- Encourage the victim always to keep his/her cellphone with him/her and hide it in a safe place.

Important points of safety plan after the escape

- Inform the child-care institutions about who can take your children from school or kindergarten.
- Inform your neighbours that you have quitted joint life with your partner and warn them to notify you or to call the police if they track him/her nearby.
- Never tell the perpetrator your place of residence.
- Do not make calls from your home phone number.
- Warn the executive director and security personnel in your workplace of the possible risks, show his/her photo to the security team, ask them to accompany you to work if a need occurs.
- Change your daily routine. For instance, leave home at different hours, warning your chief officer in advance, ask to be accompanied and avoid visiting sites the perpetrator is aware of.
- If any kind of protection measure has been applied to you, inform the police that the perpetrator has again infringed the emergency order to stay away from you, is following or pursuing you.
- A safety plan alone does not guarantee your security. The violence has a cyclic character and can repeat.

FURTHER STEPS

Referral organization

1. RA Police

You should tell the victim about the following types of protection mechanisms defined in the RA Law on “Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family” – warning and emergency intervention.

The warning

Warning shall be applied when the Police identifies a case of violence within the family for the first time, it does not have evident elements of an offence and there are no grounds for an emergency intervention. The warning decision shall include a notification on applicable legal sanctions in case of continuing or repeated violence. The warning is issued as soon as possible after learning about the case.

Emergency intervention order

An emergency intervention order is made by a competent police officer to protect the life and health of a member of the family if one member of the family has committed violence against another member of the family and there is a reasonable belief of imminent risk of repeated or continuing violence.

An emergency intervention order may also be made if a violent act without elements of offence is committed within one year after receiving a warning.

An emergency intervention order may apply the following restraining measures:

- 1) Immediately and forcibly remove the perpetrator of violence from the residence of the victim of violence within the family and prohibit his return until the deadline established in the order;
- 2) If they live separately, prohibit the perpetrator of violence within the family to visit the workplace, school, leisure places or residence of the victim of violence within the family and, if necessary, persons under victim’s care as well as other venues attended by the latter;
- 3) Order the perpetrator of violence within the family to stay from the victim of violence within the family (and persons under the victim’s care, if necessary) at such a distance that will not raise in the latter a reasonable fear for personal safety. The order to apply this measure shall specify the distance (This restraining measure does not apply when the meeting between the perpetrator of violence within the family and the victim of violence within the family is arranged in the scope of peaceful settlement procedure stipulated in this law with the permission of the support center at the premises of the center or in the presence of a relevant specialist of the center.;

- 4) Order the perpetrator of violence within the family to surrender all firearms under his possession until the expiry of the deadline specified in the order. If the perpetrator of violence within the family possesses firearms, he shall immediately surrender those firearms to the police officer issuing the order at the time when this restraining order is communicated to him;
- 5) Prohibit the perpetrator of violence within the family to communicate with or contact the victim of violence within the family (and persons under her care, if necessary) through phone, mail or other forms of communication.

Important to know!

The validity term of an emergency intervention order cannot exceed twenty days. If during the validity term of an emergency intervention order the court examines the application for a protective decision, then it shall be effective until the ruling of the court.

Restraining measures may apply separately or in combination, specifying the same or different deadlines for those measures.

If the emergency intervention order is issued against the only legal representative of a minor or incapable person living with the latter then the guardianship and trusteeship body, upon the receipt of a copy of the order but no later than within 24 hours, shall arrange the care of such minors or incapable persons following the procedure set forth by the Republic of Armenia legislation and based on their best interest.

The Police shall supervise the implementation of the emergency intervention order by the perpetrator of violence within the family.

Victims of violence should be informed that

- The competent police officer issuing an emergency intervention order shall stay at the residence of the victim of violence until the perpetrator of violence collects his/her belongings and leaves the residence of the victim of violence within the family.
- After the effectiveness of the order, the perpetrator of violence within the family may take his/her belongings from that venue only once and accompanied by a police officer.

The victims of violence should also be reminded that they must remember to refrain from such actions that will lead to nonfulfillment of

obligations set forth for the perpetrator of violence within the family in the emergency intervention order.

If the victim of violence within the family intentionally and regularly commits such actions, the emergency intervention order may be revoked by the competent police officer issuing it.

Failure to comply to requirements of the emergency intervention order by the perpetrator of violence within the family entails liability under the law.

The appeal against the emergency intervention order

The emergency intervention order can be challenged in the order of hierarchy within five days of notifying the perpetrator of violence within the family, and in the court within the deadline established by the Republic of Armenia Administrative Procedure Code. The appeal against the order shall not suspend its implementation. The administrative appeal shall be examined and a resulting decision shall be made within five days of its receipt.

2. RA Courts

The victim or alleged victim of violence within the family or the support center with the consent of the latter may submit to the court an application for protection order. If the victim of violence within the family is a minor or a person ruled by the court as incapable or with limited capability, the motion for the protection order could be made by close relatives, the legal representative and the guardianship and trusteeship body.

The protective order may apply the restrictions, ruled out by the emergency intervention order, as well as

- 1) Require the perpetrator of violence within the family to share with the victim of violence within the family the living expenses for their common minor children or adult children with disabilities and persons under their joint care. The court may require the perpetrator of violence within the family to cover other necessary expenses of the victim of violence within the family resulting from the violent act;
- 2) Prohibit child visitations, if necessary;
- 3) Require the perpetrator of violence within the family to attend a rehabilitation program.

Important to clarify during the consultation!

- The effectiveness of an emergency intervention order does not exclude the possibility to apply for a protection order.

- The protection order is issued for a period of up to 6 months and can be extended by the court for up to 3 months twice on the basis of a well-grounded application justifying the need for such extension.
- Restraining measures may apply separately or in combination, specifying the same or different deadlines for those measures.
- The Republic of Armenia Civil Procedure Code shall set forth the application requirements for protection order, the application review procedure, the judicial acts to be adopted by the court, the appeal procedure and the grounds for revoking a protection order.
- The grounds and procedure for providing a public defender in the court are also set forth the for legal representation of the victim of violence within the family.

If the protection order is issued against the only legal representative (or representatives) of a minor or incapable person living with the latter, then the court shall instruct the guardianship and trusteeship body to arrange temporary care of such minors or incapable persons based on their best interest.

The Police shall supervise the implementation of the protection order by the perpetrator of violence within the family. Failure to comply to requirements of the protection order by the perpetrator of violence within the family shall entail liability under the law.

While providing consultation, especially in case of referring the victim to the Police or RA Courts for applying protection measures, it is important to clarify that According to the RA Law on “Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family”, the protection measures of domestic violence victims, such as the warning, the emergency intervention order and the protection order are prevention measures aimed to protect the rights of victims of domestic violence and to support the free exercising of those rights. Those measures are not an institution of a criminal case or criminal prosecution against the alleged perpetrator of violence and do not serve as grounds for institution or prosecution. The application of protection measures shall not hinder the institution of a criminal case and criminal prosecution stipulated by law. Emergency intervention or protection orders are not issued against a minor or an incapable person.

3. **Support services, shelters and other NGOs, dealing with the issues of domestic violence prevention and protection, as well as with women's rights protection.**

A number of additional issues should be addressed while organizing the referral:

- Be sure that the referred institution meets the caller's needs and demands (for instance, if the woman is in need of a shelter, she should be referred to an organization, providing such services).
- If the victim of violence raises issues regarding the referral, it is vital to discuss them thoroughly (for instance, the woman may have complications regarding her transportation or have nowhere to leave her children to visit the office).
- It is important to make preliminary arrangements with the referred organization – it may contribute to more targeted referral.
- The referral can be implemented by using both internal and external resources.

Important to know!

- *While referring the victim, give him/her details about the service (how to reach there, who he/she can possibly meet etc).*
- *If the victim has either no safe space to call from or no cell phone, you can call the organization yourself and make a primary arrangement.*
- *In case of necessity write down the needed information, such as the organization's name, telephone number, venue and emphasize that it would be safe there.*
- *If needed, upon the victim's request, you can arrange a first meeting, where victim can go with a trustworthy person.*

USEFUL SERVICES AND LINKS

The Office of Human Rights Defender of RA

+374 96116100

56a, Pushkin St., Yerevan, Armenia, 0002

+374 10 53 76 51

ombuds@ombuds.am;

REGIONAL OFFICES

Shirak Region, c. Gyumri

44, Mher Mkrtchyan St., Apt. 46,

+374312 41981

shirak@ombuds.am

Gegharkunik Region, t. Gavar

4, Central Square

+37426430116

gavar@ombuds.am

Syunik Region, c. Kapan

6, Melik Stepanyan St.

+37428520116

kapan@ombuds.am

Ministry of Labor and Social Affairs of Republic of Armenia

Hotline service number: 114

Department of Family, Women and Children Issues of Ministry of Labor and Social Affairs of Republic of Armenia

Head of Department: Geghanush Gyunashyan

Tel: (010) 54-27-35

Email: geghanush.ghyunashyan@mlsa.am

Women's Affairs Department

Deputy Head of the Department, Head of Division: Armenuhi Tanashyan

Tel: (010) 56-53-21

Email: armine.tanashyan@mlsa.am

Department of Children's Affairs

Head of Department: Lena Hayrapetyan

Tel: (010) 56-53-21

Email: lena.hayrapetyan@mlsa.am

Department for the Prevention of Juvenile Delinquency and Domestic Violence of the General Department of Criminal Intelligence of the RA Police

Provincial Divisions

Hotline service number:

(+374) 10 54-69-14

(+374) 10 54-69-12

Ministry of Healthcare of Republic of Armenia

Hotline service number: 8003

Public Defender's Office (The Chamber of Advocates of the Republic of Armenia)

2, Zakyany St., 2nd Floor (Kentron District)

Yerevan, 0010, Armenia

+37410600714

NGOs, providing social-psychological, legal services and referral to medical institutions if needed.

Useful telephone numbers for the cases of sexual assault: 0800

01 280, 077 99 12 80

Useful telephone numbers for the cases of domestic violence:

099 88 78 08, 010 54 28 28

Useful Links:

“Sexual Assault Crisis Center” NGO <http://www.saccarmenia.org/>

“Women's Resource Center” NGO <http://www.womenofarmenia.org/>

Women's Support Center NGO <http://www.womensupportcenter.org/>

“Women's Rights Center” NGO <http://www.wrcorg.am/>

“Society Without Violence” NGO <http://www.swv.am/>

Coalition to Stop Violence against Women <https://coalitionagainstviolence.org/>



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Resilient nations.*

