

Police Colonel Edgar Petrosyan: *Any Violence is a Red Line - Crossing It Cannot be Endured or Tolerated.*



The Law "On Prevention of Domestic Violence, Protection of Victims of Domestic Violence and Restoration of Peace in the Family" has been in force in Armenia for about 4 years. Discussions about the need to ratify the Council of Europe *Convention on preventing and combating violence against women and domestic violence* continue up until today.

Medialab.am interviewed Head of the Juvenile Delinquency and Domestic Violence Prevention Department of the Police General Department of Public Security, Colonel Edgar Petrosyan about the existing legal gaps that hinder the Police efforts in preventing domestic violence.

– Sometimes wrong or incomplete ideas about the existing malpractices do not allow us to effectively fight against them. If we tried to formulate what domestic violence is in an easy-to-understand way, how would we do it? Is there a red line for a victim of abuse to contact law enforcement bodies?

– There are no red lines for domestic violence. The mere fact of violence should be a signal to contact the relevant authorities. In the case of domestic violence, one should not tolerate or endure it. Of course, we don't speak about family disputes, but about forcing a person by the

partner. Regardless of the type of violence, victim must take action at the very first such instance, otherwise there is a high probability that it will continue. Practice shows that if the offender has not been punished, he becomes more confident, and if the violence is repeated, the measures against it are more severe. At the same time, I must mention that very often the first warning is enough to prevent further violence. The problem is that often the abusers do not realize that their actions can be viewed as violence and lead to prosecution, because people are often guided by traditions, not laws.

- Victims of domestic violence often complain about the inactivity or insufficient action of the law enforcement agencies. Police, in turn, state that they can act only within the scope of their authority, and part of the complaints is the result of a mismatch between expectations of the citizens and size of the Police's powers. According to you, what is the main problem? What powers should the police have in order prevention mechanisms work more effectively?

- Combating domestic violence is a complex problem, in addressing which not only police, but the Investigative Committee, the Prosecutor's Office, courts, social services, non-governmental organizations and, actually, the whole society, are involved. Any structure in this chain cannot deal with domestic violence on its own. The main problem of the police when dealing with cases of domestic violence is the limited legislative powers. Society should understand that police officer is not more than the first responder to violence. Still, I can say that a number of legislative gaps have already been settled.

To put it briefly, there are two main problems for police: public indifference and its ineffective interaction with the other stakeholders.



- We will address the problems you pointed out, but now I would like to ask you to provide more details on the new legislative changes, which, in your opinion, will improve measures on addressing domestic violence.

- Changes have been made in the Criminal Procedure and Criminal Codes, both in terms of determining liability and choosing the means of prevention.

First, violence by a close relative is considered an aggravating circumstance. This means that these cases are no longer treated as private complaints, therefore they will not be dismissed and public prosecution will continue. Even if person subjected to violence, due to circumstances, is forced to reconcile with the offender or withdraw the complaint, prosecution of the abuser will not stop. Before this change occurred, often cases were terminated because the applicant withdrew the complaint.

Changes also relate to the choice of measures of restriction. Cases when the abuser ignores the emergency protection order issued by police are frequent. While the abuser is penalised for that, he can freely neglect the police order until the court makes a decision on the restraining order.

The Criminal Procedure Code did not allow detention as a preventive measure, because detention requires a prison sentence of at least 1 year, while for such cases the Criminal Code set a maximum penalty of up to 6 months imprisonment. Now, this obstacle has been lifted.

Furthermore, new types of restraint have been introduced, such as administrative monitoring and house arrest. In addition, as a rationale for the selection of the preventive measure, the term "with the view to preventing new crimes" was added. In other words, the aim of the preventive measure is not only to carry the sentence, but to prevent new crimes.

Where a person has committed an offence prohibited by the Criminal Code, and the court set house arrest as a preventive measure, but the offender violated the ruling, he can be subjected to detention, irrespective of penalty prescribed in such cases by the Criminal Code. This seems to be an effective mechanism against an offender who violates the emergency protective order, aimed at isolating the abuser and ensuring the safety of the victim.

This means that, if cooperation between the relevant authorities is effective, all legislative mechanisms aimed at avoiding grave consequences will work.

– Speaking about grave consequences, at least 6 cases of femicide have been registered in Armenia in the last 8 months. It turns out that at least in some of them the victim repetitively turned to the police, however, in view of the consequences, sanctions against the criminal were ineffective to prevent the murder. What additional measures can be taken to avoid such situations? Are we dealing here with the inaction of the police or the problem is different?

– There are no facts about the inaction of the police, otherwise, they would have been held criminally liable rather than punished through internal disciplinary procedure. At the same time, I must mention that there are mechanisms aimed at excluding police inaction.

There is an order of the chief of police, according to which, if a person subjected to violence reports about its recurrence, all materials related to the first incident of violence must be reviewed anew, regardless of the consequences of the violence. If the review identifies deficiencies, we will initiate disciplinary proceedings, an official investigation, and the police officer will be held accountable.

– In other words, if the abuser repeats violence, materials prepared by the police officers who dealt with the first case are immediately scrutinized?

– Yes, immediately. In addition, we separately review operational summaries and compare them with the materials sent to us, so that no police officer may avoid the responsibility for his/her actions.

Presently we are planning to digitize the entire process, which will not only allow us to avoid possible deficiencies, but significantly speed up the entire processes, and definitely improve the efficiency of work. Hence, it will be possible to identify the offender in a matter of seconds, find out if he is recorded in our system, what acts he committed before and all other important details.

– You have acknowledged that the first problem that police officers face when it comes to preventing domestic violence is indifference of the society. We still have a stereotype that interfering in other people's family affairs is wrong. Recently, however, there was an exceptional case when a citizen intervened in a domestic violence case and saved the woman. Subsequently, the citizen was awarded by the Attorney General. In your opinion, what should be done in order the society would feel responsible, support the police in this, so that turning to police is no more perceived as shameful?



– I think it is very important to foster domestic violence awareness activities in various formats, from media involvement to explanatory activities with children in schools. Compared to the previous year, cases of minors turning to the police for help grew 4 times. I consider that this is a result of awareness raising campaigns, due to which children perceive a police officer as the one who supports them. This is a very important factor. In general, education and legal awareness are the most crucial things.

– In this context, let's talk about domestic violence. In July alone, according to the official website of the police, more than 25 cases of domestic violence were registered in Armenia. In your opinion, what do these numbers indicate: whether the level of the police readiness and response grew, or the incidents of violence became more frequent?

– Of course, trust in the police has increased, but this is not the most decisive factor, but raising awareness is. People have begun to understand what domestic violence is, how and who can counteract it. This also indicates that domestic violence ceases to be a latent problem. And this is the positive side. Still, the problem of repeated violence remains.

- Victims of domestic violence often complain about the attitudes of police officers, and that they are often double victimized and discriminated during contact with them. Very often, this points to a lack of appropriate skills and professional abilities. In your opinion, how important is the training and specialization of police officers in such cases? What changes did you observe among police staff since the launch of the training courses?

– It is obvious that a therapist cannot make a surgery. Of course, I think that the training of the whole staff in the law enforcement system is very important, but I also believe that domestic violence is a problem that should be dealt with by police officers specialized in that relevant area. These cases are extremely sensitive and require special grounding, hence it is natural that not everyone in the system can handle them. Therefore, it is very important that police officers who are specifically trained in domestic violence should work at the scene. Training courses are already delivered with the support of the Council of Europe. Since 2021, more than 110 police officers have been trained within the framework of this program.: More sensible attitude to the victims of violence against women and domestic violence and new knowledge received during the trainings and improved skills are used in practice to prevent double victimization and possible discrimination.

Furthermore, we plan to conduct training on domestic violence with patrol officers, as they are the first responders to such cases. I think this will be very effective, both in terms of recording the cases and their prevention.

– The second priority that you pointed out is the lack of interaction. How should the stakeholders cooperate in order to achieve the planned results?

– Of course, we have room to improve cooperation. We studied the French practices, where there are investigators, prosecutors and judges specializing in domestic violence. Of course, they investigate other cases as well, but cases of domestic violence are assigned exclusively to specialists trained in this issue. This makes it possible to keep integrity of work throughout investigation of a case. I think this could be a good solution for Armenia No doubt, such an

approach would be quite feasible for our country. Good European practice on inter-agency cooperation enhanced our efforts, we are trying to use it in practice, but still a lot should be done.

– Gaps in the domestic violence legislation are being discussed at all levels. You mentioned the changes that have already been made. In your opinion, what additional changes are needed to improve effectiveness of preventing domestic violence?

– First of all, the issue of offenders who have used alcohol or substances should be addressed. This is a very serious issue, because today there are no drunk tanks in Armenia, and in the vast majority of cases of domestic violence, perpetrators are in a state of intoxication, therefore dealing with them is extremely difficult. If it is possible to isolate for some time an intoxicated person to sober them up, it will be much more effective than the emergence protective orders released by the police in such cases.

In addition, the law states that only a police officer who issued the order can seize the weapon of the offender. I would recommend removing the words “issued the order”, because the weapon can be found, for example, in Syunik, while the police officer that issued the order can be located in Yerevan. This ambiguity of terms significantly complicates and slows down the process of seizing the weapon.

The third gap, which I would like to mention, concerns the right of a person to own property. Decision of the Constitutional Court states that in the case of releasing emergency protective order, police cannot order the offender to leave the house until the latter is provided with accommodation. But who should provide the accommodation and how? What can a police officer do in such cases? I am convinced that this measure of restraint, in its practical sense, is extremely effective.