

**THE COUNCIL OF EUROPE
CONVENTION ON
PREVENTING AND COMBATING
VIOLENCE AGAINST WOMEN
AND DOMESTIC VIOLENCE**

also known as the
**ISTANBUL
CONVENTION**



WHY DO WE NEED THE ISTANBUL CONVENTION?

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Why do we need the Istanbul Convention?

What changes it can bring and what measures have been adopted to comply with it

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) ensures that women are protected from all forms of violence and can receive immediate and effective support. This brochure aims to serve as a source of inspiration for CSOs when planning their communications/advocacy campaign and should be adapted and edited to include national examples and relevant information. The following examples can be used when talking to decision-makers to emphasize the importance of the convention.

These are some of the changes that the convention necessitates to protect women victims of violence:

- A woman's behaviour or clothing does not mean she consents to sex. If she does not say yes to sex, that is rape and only the perpetrator is to be held responsible.
- A woman can call a national helpline, specifically for cases of violence, which will provide her with immediate information from a trained professional on what her options are.
- A woman will be heard by the police and will receive protection and support if she needs to leave her home because of an abusive partner.
- A woman victim of violence will be able to access specialist support services, which will help her start a new life. She is not forced to go back to a violent partner/husband.
- A woman victim of violence does not need to testify with her aggressor in the same room, nor is she forced to reconcile with him.
- A woman victim of sexual violence has access to a rape crisis centre where she can receive immediate help from professionals.

- A woman victim of violence can go to a women's only shelter and be supported in escaping her abusive partner/husband.
- A woman can get long-term psychological support to be able to overcome the trauma she has suffered.
- A woman who is not fluent in the national language can receive the support she needs, in her native language, without the fear of losing her residency permit.
- A woman will be able to get a protection order in case she finds herself in immediate danger and there is no safe place for her to go.
- A woman has a right to legal assistance and in case she does not have the necessary financial means, she will be provided with free legal aid.
- A woman's children will be protected if they have been abused or witnessed abuse and a violent partner will only get limited access to the child.
- A woman will be treated with respect by all professionals (judges, prosecutors, police) and they will communicate with her in a way that will not re-victimise her.

Countries that ratified the Istanbul Convention adopted several measures to comply with it:

- They incorporated trainings for professionals (police, judges, prosecutors, social and health workers, educators, etc.) in their action plans to combat violence against women.
- They ensured that shelters for women are available nationally and that they receive sufficient funding to operate.
- They set up rape crisis centres for victims of sexual violence with trained professionals.
- They prohibited mandatory mediation between an offender and a victim during the investigation or trial phase of a criminal or civil law case, such as divorce cases.
- Specialized investigators are put in place to ensure that reported crimes of violence against women and domestic violence are quickly dealt with and respect the victims' rights and needs.
- They ensured police and support services offer women immediate protection, so they do not remain trapped in the same house with their perpetrator.

Following ratification of the Istanbul Convention, how will the system need to be improved?

1. The survivor will need to be able to receive effective and comprehensive support (psychological, legal, medical).

Law enforcement officials and specialised services should establish clear protocols and ensure a victim-centred approach is taken when dealing with cases of violence against women. Victims need to have access to appropriate services such as shelters, hospitals, sexual violence referral centres and social support centres to provide direct support and should work together in a coordinated manner, where appropriate. The establishment of effective interdepartmental cooperation will be vital. Training of employees of specialised services and law enforcement agencies will be required to support how they work with victims.

How does it work in Armenia now?

How many different institutions does a victim currently need to contact in order to get help? How far away are they located from each other? Do the different services (e.g. law enforcement agencies and specialised services) interact smoothly? Are there trained professionals who know and understand the standards of work with victims?

Currently, victims of domestic violence in Armenia can seek help from the 11 state-registered domestic violence support centres located across the country: one in the capital and in each of the 10 provinces of Armenia. The staff at these centres are trained in international best practices and do their best to follow the same standards in working with victims. Their work is overseen by the Ministry of Labour and Social Affairs. The domestic violence support centres are located within a 1-2-hour drive of one another, such that victims from even the most remote and rural areas of the country can access services. Victims of sexual violence can also receive specialised services from sexual violence referral centres, though fewer services are available and mainly centralised in the capital.

Victims of domestic violence can also appeal to the police. Clear established protocols oblige police to refer cases of domestic violence to registered domestic violence support centres. Police can issue warnings or emergency

intervention orders. Warnings are applied when the police identifies a case of violence within the family for the first time and where there is no strong evidence of an offence and, therefore, no grounds for an emergency intervention. Emergency intervention orders are issued when there is reasonable evidence of imminent risk of repeated or continued violence. A decision to issue an emergency intervention order may also be made if a violent act without elements of offence is committed within one year of receiving a warning. With an emergency intervention order, the police may immediately and forcibly remove the perpetrator of violence from the residence of the victim of violence and prohibit the perpetrator's return; order the perpetrator to stay at a certain distance from the victim to ensure the victim's safety; and prohibit the perpetrator from contacting the victim of visiting their residence, workplace, school, and leisure places. It should be noted that several forms of domestic violence not covered by the law do not trigger protective orders, precluding victims from protection.

Protective decisions may also be issued by the court when the victim or the support centre with consent from the victim submits an application for a protective order to the court. A protective order would apply the same restrictions as an emergency intervention order as well as other measures. However, these have rarely been used in practice.

There are specialised police units that deal with domestic violence. The staff of these units passed the special trainings for working with domestic violence cases, and also studied the international experiences.

There is a need for a continual training of all frontline professionals (social workers, police officers, investigative bodies, and the judiciary, etc.) as well as accountability measures to ensure that all law enforcement officials and the judiciary adhere to best practices and improve case referral to support centres and other protocols that ensure victim safety.

Recognising that in recent years there has been an improvement in cooperation between the police and domestic violence support centres, it should be noted that the need to develop cooperation with other services responsible for health, education, other forms of social support, etc., remains a challenge that requires improvement.

2. The victim will need to be able to access a shelter in the nearest city, at any time, and stay there with her children, if necessary.

It will be obligatory for the number of shelters for victims to meet the following parameters: one family accommodation (for the woman and her children) per 10,000 population.

Shelters must also be accessible for victims living in rural areas. Shelters will be required to work around the clock, with qualified personnel to provide help to victims. Their safety and confidentiality should be ensured. Such shelters will need to be financed by the state.

How does it work in Armenia now?

Are there enough shelters for victims (especially in small cities and rural areas)? Are existing shelters fully or partially funded by state or local budgets? Do the existing shelters meet the principles of specialisation: focus exclusively on supporting women victims of violence?

There are only two available shelters for victims of domestic violence and their children in Armenia, both centralised in the capital, and run by one of domestic violence support centres. Both shelters meet the principles of specialisation, focusing exclusively on supporting women victims of violence and their children. The state only partially subsidises the shelters, and the majority of costs are covered by individual donors and foundations.

With the increasing demand for shelter services, the domestic violence shelters are at or near capacity throughout much of the year. Taken together, the two available shelters have a capacity to house up to 24 women and their children at any given time, falling short of the standard of one shelter space per 10,000 people, which in a country the size of Armenia would translate to roughly 300 shelter spaces.

Domestic violence support centres in the regions may cover the costs of rent for women fleeing abuse, when funds are available; however, none offer specialised shelters similar to the ones located in the capital. Thus, shelter services remain unavailable in small cities and rural areas.

3. The victim will be able to seek compensation.

It will be required that the victim has the right to claim compensation both from perpetrators and from the state. If a perpetrator is charged for the violence inflicted on the victim, compensation should be provided for any of the offenses established in accordance with the convention. If the state is found to be liable, state compensation will need to be awarded for victims who have suffered serious bodily injury or impairment of health, insofar as the damage is not covered by other sources, such as the offender, insurance or public health and social security.

How does it work in Armenia now?

Does the victim have a guaranteed right to claim compensation from the offender or the state?

In accordance with the 2017 Law on the Prevention of Domestic Violence, Protection of Victims of Violence, and Restoration of Harmony in the Family (Domestic Violence Law), a person registered by the police as victim of domestic violence can claim up to 150,000 drams compensation, roughly 350 euro, from the state, depending on their circumstance.

A victim of domestic violence has the right to claim compensation from the offender. However, there are no provisions for the compensation of non-pecuniary damages from the perpetrator and no means for holding the State liable in instances where the perpetrator is financially unable to provide compensation.

4. Mandatory mediation between an offender and a victim will need to be prohibited during the investigation as well as during the trial of criminal or civil cases, including in divorce cases.

A ban on mandatory alternative dispute resolution, including mediation for all forms of violence covered by the convention should be required. This is because the victim of violence cannot participate on an equal level with the perpetrator – as she might be intimidated by the perpetrator.

How does it work in Armenia now?

Do courts and law enforcement apply mediation and alternative dispute resolutions for an offender and a victim?

In accordance with the Domestic Violence Law, reconciliation is available to the victim and accused and should be conducted by registered domestic violence support centres in the period of emergency intervention or protection orders. Reconciliation by law serves as a basis to revoke emergency intervention and protection orders. Though in practice none of the support centres engage in reconciliation, informal encouragement to reconcile is commonly practiced in Armenia by law enforcement officials, impeding women's access to justice.

5. The perpetrator's parental rights may be limited if domestic violence is committed in the presence of a child or against the child itself.

According to the Istanbul Convention, the state may adopt measures in relation to perpetrators, such as withdrawal of parental rights, if it is in the best interests of the child which may include the safety of the victim and could not have been guaranteed in any other way. Other sanctions could include monitoring or supervision of convicted persons.

How does it work in Armenia now?

Is committing domestic violence in the presence of a child or against a child a ground for deprivation or limitation of parental rights? Are there any case exceptions?

The Armenian Family Code provides grounds for deprivation of parental rights when a parent exercises physical or psychological violence against the child that harms the child's physical or mental health. Committing domestic violence in the presence of a child is not a ground for deprivation or limitation of parental rights. It remains common for the court to grant parental rights to a parent who has exercised domestic violence or turned the child against the other parent.

6. Migrant women will also benefit from protection from any form of violence, including domestic violence. Asylum-seeking women who claim asylum on the basis of gender-based violence will be able to tell their story through a procedure that is sensitive to the traumatic nature of their experiences.

Migrant women will be able to separate from their abusive partner or husband without losing their right to remain in the country or risking deportation. It will further be compulsory that migrant and asylum-seeking women have access to support services and shelters irrespective of their residence status. It will be required that asylum seeking women have the opportunity to be interviewed in a trauma-sensitive manner by a female asylum case manager with the help of a trained female interpreter.

How does it work in Armenia now?

Is attention paid to the protection of migrant women or asylum-seeking women who have suffered domestic violence? Do experiences of gender-based violence in the country of origin give rise to international protection?

While the Law on Refugees and Asylum does not specifically account for protection of those who have suffered from domestic violence, migrant women and asylum-seeking women who have experienced domestic violence can be provided with services at the registered domestic violence support centers. Those who are displaced ethnic Armenians have greater protection options available to them under Armenian law, including expedited naturalization, which allows them to further benefit from social services and health care, which would otherwise not be free-of-charge.

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