

POLICE RESPONSE TO VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN ARMENIA

A practical handbook
for the Armenian police



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

POLICE RESPONSE TO VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE IN ARMENIA

A practical handbook
for the Armenian
police

Anthony Wills
Arshak Gasparyan
Maro Matosian

THE OPINIONS EXPRESSED IN THIS WORK ARE THE RESPONSIBILITY
OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE OFFICIAL
POLICY OF THE COUNCIL OF EUROPE.

YEREVAN, OCTOBER 2018

Table of Contents

BACKGROUND	5
INTRODUCTION	6
SECTION I: UNDERSTANDING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE	7
I.I. Definitions of violence against women and domestic violence	7
I.II. Domestic violence: an issue of power and control	8
I.III. Gender inequality, violence against women and domestic violence	9
I.IV. Barriers to access to services and justice for women victims of violence	10
I.V. Challenges faced by particularly vulnerable groups of women	10
I.VI. Consequences of domestic violence	11
I.VII. Domestic violence in Armenia	11
I.VIII. Victim blaming and secondary victimisation	14
I.IX. Misjudging the victim	14
I.X. Children living with domestic violence	16
SECTION II: PRACTICAL GUIDELINES FOR THE POLICE	17
II.I. The Armenian law on domestic violence	17
II.II. Police response	18
1) General points	18
2) Emergency call system	18
3) Primary roles of first responder, recording officer and investigator	18
4) First Responders	19
5) Before arriving at the scene	19
6) Clear guidance on using force to enter premises	20
7) Arrival at the scene	20
8) Gather evidence	20
II.III. Dealing with and interviewing those involved	21
1) Victim	21
2) Children (if present)	22
3) Perpetrator	22
4) Suggestions for interviewing victims, children and perpetrators	22
5) Perpetrator's behaviour	23
6) The need to hold perpetrators to account	24

II.IV. Additional points for consideration when responding to domestic violence	24
1) Self-defence	24
2) Predominant (or primary) aggressor consideration	24
3) Confidentiality and the rights of victims	25
4) Professional boundaries between police and those involved in domestic violence (victims, perpetrators)	26
5) Leadership, supervision of processes and actions	26
II.V. Police protection response	26
1) Ensuring the victim's safety and risk assessments	26
2) Warnings, Emergency Intervention Orders (EIO) and Protection Order (PO)	27
SECTION III: FURTHER RECOMMENDATIONS	31
A seamless criminal justice process and broader response to domestic violence	31
Need for a child protection agency	32
Forensic examination and banning virginity tests	32
Reconciliation and mediation in domestic violence cases	32
Treatment of perpetrators	32
Appropriate policies for dealing with police officers personally involved in domestic violence	33
Data and analysis	33
Domestic homicide reviews	33
APPENDIXES	34
APPENDIX 1: Examples of vulnerable, marginalised or minority groups	34
APPENDIX 2: Safety plan	36
APPENDIX 3: Information on the laws and powers relating to violence against women and domestic violence	37
APPENDIX 4: Domestic violence investigation checklist	38
APPENDIX 5: Risk Assessment Questionnaire by the Police Protocol	38
APPENDIX 6: Alternative risk assessment tools	40
APPENDIX 7: Helpful websites	41

BACKGROUND

This handbook was developed within the framework of the project “Preventing and Combating Violence against Women and Domestic Violence in Armenia” implemented by the Council of Europe, the Police of the Republic of Armenia and the Academy of Justice of Armenia. The project aims at strengthening the capacity of key stakeholders involved in preventing and combating violence against women and domestic violence. The Council of Europe focuses on increasing the knowledge of professionals and facilitating exchanges and promising practices in the implementation of the Armenian new law on domestic violence and of relevant international and European standards, in particular, **the Council of Europe Convention on preventing and combating violence against women and domestic violence** (Istanbul Convention).

The aim of this practical handbook is to support police officers in their response to violence against women (VAW) and domestic violence (DV) with a particular focus on the latter due to the new law on domestic violence and the new police protocols which were recently adopted in Armenia. Whilst this handbook is designed to assist the front line response to domestic violence it is also addressed to those who lead on this issue within the police and allied agencies.

This publication seeks to allow for essential developments and improvements to build an increasingly effective response from the Armenian police in line with international standards and best practices but takes as well into account the current Armenian legal framework which does not necessarily comply with such international standards. Any changes made in the future to the domestic violence law or the police protocols would create a need to update the contents of this handbook.

This handbook is comprised of three sections which describe the dynamics and impact of domestic violence, a guide to the practical response to domestic violence and, finally, policy recommendations and suggestions that will help provide a better service and protection for victims in the future. Internationally approved methodology and approaches are therefore used in this handbook. The handbook has been built upon previous training materials published by the Council of Europe:

- 1 ► Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, January 2016¹;
- 2 ► Enhancing the professional capacity of the Bulgarian Police to deal with cases of domestic violence and violence against women, June 2016²;
- 3 ► Combating violence against women and domestic violence in Ukraine, A Practical Handbook, December 2017.

It must be emphasised that this handbook should be accompanied by training for leaders within the police and frontline staff to develop a common understanding and response of violence against women and domestic violence.

¹ Available at: <https://rm.coe.int//16806ee727>

² Available at: <https://rm.coe.int//16806facd0>

INTRODUCTION

Violence against women is one of the main violations of human rights with its reasons related to existing inequality between men and women and gender discrimination. Globally one in three women and girls have experience physical or sexual violence during their lifetime³. Violence against women is a universal problem which has spread out across the world and exists regardless of religion, ethnicity or nationality.

Domestic violence is one of the most widespread forms of violence against women. Not only does it cause physical injuries, but also fear, distress and a loss of self-confidence. It can even end in death. Different types of violence against women (physical, psychological, sexual and economic violence) are employed in a domestic context or in close relationships so that the victims feel vulnerable, in lack of control over their own body and feelings, and often without even being believed by their family and/or friends and the institutions. As domestic violence is mainly perpetrated against women because they are women, and since it affects women disproportionately, it constitutes a form of **gender-based violence**.

The police is a crucial partner in the efforts to effectively prevent and combat domestic violence against women and domestic violence. They can avoid re-victimisation and ensure the safety of victims in emergency situations but also during investigations and judicial proceedings. Also, through their actions police officers can empower victims to make decisions to increase their safety, help themselves and end the cycle of violence. It is also important that the police and other actors with competence in the field of violence against women and domestic violence closely co-operate with each other in order to ensure accountability of perpetrators and convey the message that such violence is not to be tolerated.

Due to the central position of the police it is important that police officers have the necessary knowledge, specialisation and tools in order to place the best interests of the victim at the centre of all measures, respond immediately and ensure that risks are identified and effectively managed. Lack of training and sensitivity to victims' rights and needs on the part of the police (and justice sectors) have a tremendous impact in the situation of victims and result in impunity for the perpetrator.

As violence against women and domestic violence is such a broad societal issues, other agencies who come into contact with victims, their children and perpetrators must also understand the context of any form of gender-based violence and how they should respond, in partnership with other agencies.

³ WHO Factsheets, 2017, available at: <http://www.who.int/news-room/fact-sheets/detail/violence-against-women>

SECTION I

UNDERSTANDING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

I.I. Definitions of violence against women and domestic violence

Despite growing public attention and government pledges to eradicate this century-old scourge, women of all ages and backgrounds continue to be subjected to violence. In order to effectively tackle violence against women and domestic violence, it is first important to understand what it is, its impact and context.

” Definitions by the Istanbul Convention

Violence against women is “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Article 3.a).

Domestic violence means “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim” (Article 3.b).

Domestic violence can take several forms:

- Physical violence, such as pushing, hitting, slapping, punching, choking, and withholding medications, sleep deprivation, and/or isolation
- Sexual violence, such as rape, forcing sex and/or sex with others, unwanted touching, exposure to sexually transmitted infections/diseases, or unwanted sexual images or acts
- Economic violence such as controlling or taking away money and resources, stealing, intentionally trying to interfere with employment, forcing a victim to be economically dependent on the abuser for even the most basic items, such as bread, soap, diapers, medicine, etc.
- Psychological violence, such as verbal abuse, lying, undermining self-esteem, humiliation, severe jealousy and monitoring of one's whereabouts, stalking, threats, and/or intimidation

Different types of abuse may occur simultaneously or alone. While physical abuse may be the most visible form of abuse, regular use of other types of abuse make up a larger system of abuse. Abusers use these forms of violence to “get their way” or to show the victim “who is in charge.”

Domestic violence is considered a form of violence against women because it disproportionately affects women. Other forms of violence against women include:

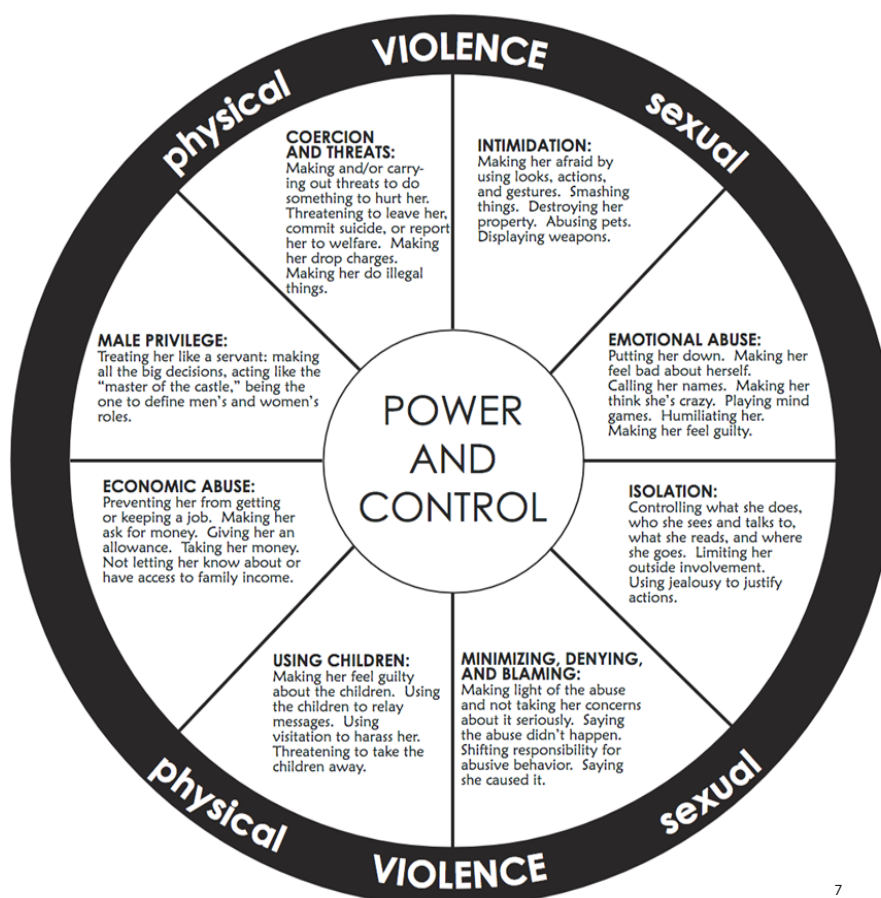
- ▶ Stalking
- ▶ Forced, early marriage
- ▶ Female genital mutilation
- ▶ Forced abortion/Pre-natal sex selection
- ▶ Forced sterilisation
- ▶ Sexual harassment
- ▶ Human trafficking
- ▶ Virginity testing

Domestic violence typically comprises abusive and coercive behaviour such as physical, psychological or sexual violence, including rape. It can also involve economic violence by denying financial independence and control over economic decisions. These events must not be considered isolated but part of a cycle. In fact, physical violence is usually the result of months or even years of intimidation and control. Often, domestic violence precedes other forms of violence such as stalking, sexual harassment, forced marriage, forced abortion, forced sterilisation and female genital mutilation. As defined in the Istanbul Convention, domestic violence can occur

between members of the family or domestic unit, irrespective of biological or legal family ties⁴. Although domestic violence is most often perpetrated by men against former or current intimate partners it can also be perpetrated by women and it can happen in same-sex relationships. The term “domestic” must not be limited to the place where violence occurs (for example, the common family house). The Istanbul Convention recognises that violence often continues and even gets worse after a relationship has ended. This is why the Istanbul Convention does not require the joint residence of the victim and perpetrator⁵.

I.II. Domestic violence: an issue of power and control

Domestic violence is not caused by a situation of stress, alcohol abuse or mental illness. In reality, domestic violence is about exerting dominance and control over another individual. It is a choice of the perpetrator to use violence in order to exert their power and maintain control and usually they calculate carefully how and when to use their violence. A common pattern is the following: the perpetrator starts by intimidating, humiliating and threatening the victim. Then the violence is reinforced by controlling the victim movements or use of money, isolation, emotional abuse and manipulation. The power and control wheel developed by the Domestic Abuse Intervention Project help us to understand the behaviours linked to domestic violence which perpetrators use in order to gain and keep control in their relationships⁶.



⁴ Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p.9–10.

⁵ Ibid.

⁶ Ibid.

⁷ Domestic Abuse Intervention Programs, Duluth, Minnesota, United States, www.theduluthmodel.org

he figure shows that the cause of domestic violence is an abuser's desire for POWER and CONTROL. If these behaviours were considered individually they may not amount to abuse. And not all behaviours need to be present in order to have an abusive relationship. What is important to know is that the power and control wheel shows that physical and sexual violence are only one part of the pattern of abuse and they do not even have to be present in all domestic violence cases. Because it is a continuum of behaviours, even the threat of physical and sexual violence can be enough to make women and their children live in fear.

Key messages

- Domestic violence is an abuse of power. Perpetrators use domestic violence to exert dominance and control over victims and their children⁸.
- Perpetrators are sure that they are 'entitled' to certain things within the relationship and they use violence to get them and keep the relationship as they want it to be⁹.
- Domestic violence is not an isolated event but forms a continuum of violence and abuse including control, threats, intimidation, isolation of the victim, etc.
- Acts of physical and sexual violence – or threats to commit such acts – are the most apparent forms of domestic violence but these are not the only ones. Psychological and economic abuse can also have a serious and lasting impact on the victims.

I.III. Gender inequality, violence against women and domestic violence

In order to prevent and address domestic violence against women it is important to understand why such violence is so widespread in our societies. Violence against women, including domestic violence is the result of unequal power relations between women and men. This means that it is rooted in **gender inequality**, it is a social problem based on the subordination of women in society, not an individual problem of an individual woman. To varying degrees, patriarchal cultural and sexual norms, discriminatory divisions of power and labour and the financial dependence of women persist in society – in Europe and beyond¹⁰.

It is important to understand what “**gender**” means. The Istanbul Convention defines gender as “socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men” (Article 3.c). These roles are therefore not pre-determined biologically; they can change over time and be different across cultures. Gender roles, the roles that a certain society considers appropriate for women and men, have created a culture of male predominance over women who have less privileges and rights in society. Gender roles also contribute to making violence against women acceptable. This is why the Istanbul Convention acknowledges clearly that in order to prevent violence against women in all its forms, it is necessary to change attitudes and behaviours, of both women and men, which are influenced by prejudices, stereotypes and gender-biased roles or traditions.

Despite the Armenian Constitution enshrining the principle of gender equality and the adoption of the new law on domestic violence, “de jure equality does not necessarily translate into de facto gender equality”¹¹. Therefore, any development of a response to domestic violence must consider the existing historical context. The 2016 UNFPA report, Men and Gender Equality in Armenia, found that “a significant percentage of Armenian men still conform to what they see as traditional and cultural norms but what are in fact patriarchal stereotypes”¹². To allow domestic violence and violence against women more generally to be addressed an understanding of the need to combat gender inequality is of great importance.

⁸ Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p. 11.

⁹ Ibid.

¹⁰ Ibid. p. 12–13.

¹¹ UNFPA, Men and Gender Equality in Armenia, Report on sociological survey findings, 2016.

¹² UNFPA, Men and Gender Equality in Armenia: Report on sociological survey findings, 2016, p. 21.

Key messages

- Violence against women, including domestic violence, is both a cause and consequence of gender inequality and the discrimination that women face in all spheres of society¹³.
- Domestic violence is a form of gender-based violence and is embedded in the social and cultural values of society, which provide the breeding ground for tolerance towards this violence. Patriarchal society encourages men to believe of their predominance and entitlement to exercise power and control over their partners and/or their children¹⁴.
- Understanding that domestic violence is rooted in gender inequality and responding to inequalities is essential for effective prevention.

I.IV. Barriers to access to services and justice for women victims of violence

The same cultural perceptions, gender roles and inequalities contributing to the justification of violence against women we have seen above are at play when women victims decide to report abuse and seek protection and justice¹⁵. These obstacles existing at various levels – legal, institutional, socioeconomic or cultural – affect especially women with low income or those who are economically dependent of their violent partner.

I.V. Challenges faced by particularly vulnerable groups of women

Women belonging to vulnerable groups often face increased restrictions to access certain rights or services. This means not only that there are differences in women and men's experiences but also among different women. For example, rural women, elderly women, women with disabilities, sexual orientation or gender identity, migrants or minority women are more structurally disadvantaged. They also face additional barriers such as lack of financial resources, lack of awareness of their rights, stereotypes which can result in bias and insensitivity on the part of the police and the justice sector. See Appendix I for more information.

I.VI. Consequences of domestic violence

The dynamics of domestic violence are different than other forms of violence because the abuse occurs at the hands of someone the victim loves and trusts and is part of a long-term pattern, creating circumstantial dependences that complicate the ability for the victim to leave. Most domestic violence relationships do not start out violent. Domestic violence tends to progressively increase in severity. It is not uncommon for relationships that end with domestic violence to begin apparently healthy and happy. In fact, it is this process of progression (or escalation) of abuse that complicates a survivor's feelings about an abuser and makes it harder to leave or get help¹⁶.

¹³ Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p. 13–14.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Women's Support Center, Armenia: Guidelines for Domestic Violence Service Providers, 2016, p.13.

Women exposed to domestic violence are at risk of developing a range of health problems as a result of physical violence. Victims are also at increased risk of sexually transmitted infections, unplanned pregnancies and forced abortion. In far too many cases, domestic violence may end in death. Psychologically, domestic violence can lead to depression, anxiety, eating disorders, low self-esteem, panic attacks, alcohol/substance abuse, suicide attempts, to name a few. Domestic violence also has significant consequences in the social circle of the victim. Family, friends and co-workers risk retaliation and intimidation from the perpetrator if they try to intervene or assist the victim in leaving the abusive relationship¹⁷.

Children exposed to domestic violence are at risk of development problems, psychiatric disorders, school difficulties, aggressive behaviour and low self-esteem. Children living in a context of domestic violence have higher risks of becoming perpetrators or of choosing abusive partners when they are adults, since they are more likely to view violence as acceptable. The Istanbul Convention, for example, recognises the severe impact that domestic violence has on children, both as victims and as witnesses¹⁸.

Finally, there are also consequences for the whole society including not only the direct costs of the violence itself (i.e. health, social costs) but also linked to the decreased contribution of the victim to society. Furthermore, if perpetrators are not held accountable, society sends a message that violence is tolerated which can lead to more and more serious violence. Overall, future victims will be deterred from reporting and seeking help.

It is known that in any society the cost of intimate partner rape, physical assault and stalking costs a great deal of money each year for the government for direct medical and mental health care services and lost productivity from paid work. Isolation of the women or forbidding them to get an education or work not only impoverishes the family but also contributes to a lower socio-economic development process within Armenia.

I.VII. Domestic violence in Armenia

In Armenia traditional cultural beliefs usually place women in positions of less power than men. In marriage, Armenian men are taught that they are *ter*, or master, while Armenian women are taught that she should be *hnazand*, or obedient, and that her most important role in society is as the "*ojagh pahogh*", or the one who takes care of the home and family. This offers men agency to control and make decisions over the household including the woman, whose value is tied entirely to the home. Women are taught that to be a good Armenian wife, she must obey her husband; some people even believe that men should beat their wives if they disobey them. These dynamics encourage control and violence and make it very difficult for Armenian women to leave abusive relationships. Children have often bought into these ideas as well and shame their mothers into not leaving.

Sometimes controlling behaviours are learned from a very young age, where it is expected for boys in Armenian families to control the actions and whereabouts of his sisters and even sometimes his mother. Boys are given all the rights of control and taught to be masters within the family and authoritative.

Traditionally, when Armenian women get married, they move into their husband's house. If abuse is present, this can compound her vulnerability, since she is in a new place surrounded by people who support her abuser and is already isolated from her family and friends. Respect for elders is highly valued in Armenia, and brides are expected to be submissive to the will of the mother-in-law who is supposed to know more and teach her how to run a household. However, we have seen that this power is sometimes manipulated by mothers-in-law who become emotionally, economically, and physically abusive towards their daughters-in-law.

It is expected that Armenian women stay at home to raise children while husbands work. This creates a dynamic where women are financially dependent on their partners. In cases where abuse is occurring, this may make it difficult for women to leave.

Similar conclusions can be made based on a 2016 UNFPA study on the prevalence of domestic violence in

¹⁷ Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p. 15–16.

¹⁸ Ibid.

Armenia. The study found that psychological violence¹⁹ is the most prevalent of the various forms of violence in Armenia in intimate partner relations (by a current or former partner) and is followed by economic abuse and physical violence. The most prevalent acts of psychological violence are insulting a female partner, deliberately making her feel bad about herself, doing things to scare or intimidate her on purpose and humiliation by the partner in front of other people²⁰.

As regards economic abuse, the most common is the prohibition to women by their intimate partner from getting a job, going to work, trading or earning money. The most prevalent types of physical violence were a man slapping his female partner or throwing something at her that could hurt her or pushing or shoving her²¹.

In Armenia, seeking help can be difficult as it is considered amot, or shameful, to divorce/leave or discuss personal family problems with people outside of the family, which causes victims of domestic violence to be very reluctant to seek help even in very serious situations.

Support services for domestic violence victims are a new concept in Armenia, and there has been very little governmental support for those services. For this reason, victims usually do not even know that help exists or where to go or call if they need it²².

There are several myths and stereotypes about the causes and consequences of domestic violence which can have a serious negative impact on protection and support provided to victims. The police needs to be acknowledging their attitudes in order to avoid causing more harm to the victims. Below are some **myths and facts** about domestic violence:

MYTHS	FACTS
Victims of domestic violence have psychological disorders	Anyone, despite of a person's physical or mental health, social status or wealth, ethnicity or age, can end up in a violent relationship. Women cope remarkably well with domestic violence and employ complex strategies to survive. Most victims of domestic violence are not mentally ill, although individuals with mental disabilities are certainly not immune from being abused by their spouses or intimate partners and other family members. Some victims of domestic violence suffer psychological effects, such as post-traumatic stress disorder or depression, as a result of being abused and these then become an excuse to suggest the victim is mentally unwell.
Low self-esteem causes victims to get involved in abusive relationships	Studies have demonstrated that victims of domestic violence fail to share common characteristics other than being female and can come from any social class, background or community. Victims may experience a decrease in self-esteem as a result of being abused, since perpetrators frequently degrade, humiliate, and criticize victims.
Victims of domestic violence never leave their abusers, or if they do, they just get involved in other abusive relationships	Most victims of domestic violence leave their abusers, often several times. It may take a number of attempts to permanently separate because abusers use violence, financial control, or threats about the children, to compel victims not to leave or to return when they do. Since the risk of further violence often increases after victims separate from their abusers, it can be even harder for victims to leave if they cannot obtain effective legal relief, financial support and protection. While some victims may become involved with other partners who later begin to abuse them, there is no evidence that the majority of victims have this experience.

¹⁹ UNFPA, Men and Gender Equality in Armenia, Report on sociological survey findings, 2016, p. 20.

²⁰ Ibid., p. 57–58.

²¹ Ibid.

²² Women's Support Center, Armenia: Guidelines for Domestic Violence Service Providers, 2016, p.25–26.

MYTHS	FACTS
Perpetrators abuse their partners or spouses because of alcohol or drug abuse.	Alcohol or substance abuse does not cause perpetrators of domestic violence to abuse their partners, though it is frequently used as an excuse. Substance abuse may increase the frequency or severity of violent episodes in some cases.
Perpetrators of domestic violence abuse their partners or spouses because they are under great stress or are unemployed	Stress or unemployment does not cause perpetrators to abuse their partners. Since domestic violence cuts across socio-economic lines, domestic abuse cannot be attributed to unemployment or poverty. Similarly, advocates note that if stress caused domestic violence, perpetrators would assault their bosses or co-workers rather than their intimate partners ²³ .

Key messages

— Domestic violence affects people across all cultures, classes, ethnicities, religions, and sexual orientation and gender identity. Domestic violence is just as serious in rich families, educated families, religious families, and in homosexual relationships.

— Domestic violence is NOT a momentary loss of temper or an occasional slap or punch that is not serious. Abuse is NOT a normal behaviour. Abuse is a learned behaviour, not a “natural” reaction to an outside event. It is a choice by the perpetrator to use violence. Domestic violence is a pattern of controlling and abusive behaviours with serious consequences. Abusers deny that abuse occurred and minimise the effects. They blame the victim or other people for abusive behaviour. Abusers rarely acknowledge that they have done something wrong and do not take full responsibility for their actions. In Armenia, in some cases of homicide due to domestic violence, abusers have covered up the death of their partners by saying that the women had had an accident or committed suicide.

— Abusers appear to be normal people. They rarely have a personality or mental health disorder. In reality, abusers are excellent manipulators – often charming and non-violent outside of their intimate partner relationship.

— Abuse will NOT be resolved without help. If abusers are not held responsible for their acts, their actions will not change. Abusers and victims must seek help in separate places. Approaches such as anger management (which teaches a perpetrator how to be more effectively controlling) and marriage counselling (which allows the abuser to exert power and control in the sessions) have been shown to increase danger for the victim.

— Abuse leaves lasting psychological scars on victims, especially children. Children who grow up in homes with abuse are more likely to run away from home, become violent, have criminal behaviours, have psychological disorders, and abuse drugs and alcohol²⁴.

²³ Women's Support Center, Armenia: Guidelines for Domestic Violence Service Providers, 2016, p.91–93

²⁴ Women's Support Center, Armenia: Guidelines for Domestic Violence Service Providers, 2016, p.20–23.

I.VIII. Victim blaming and secondary victimisation

Victim blaming is “a devaluing act that occurs when the victim(s) of a crime or an accident is held responsible - in whole or in part - for the crimes that have been committed against them, rather than the perpetrator. This blame can appear in the form of negative social responses from legal, medical, and mental health professionals, as well as from the media and immediate family members and other acquaintances²⁵”. Perpetrators also tend to blame victims and do not take responsibility for their actions. In many cases, victim blaming can lead to situations where the victim blames herself for the violence²⁶.

Examples of victim blaming:

- ” ▶ She went to police because she wants revenge or wants to get custody of children
- ▶ It is only a family dispute
- ▶ It is her fault or she did not resist
- ▶ He has never hit her, so it is not really abuse
- ▶ Why did she wait so long to leave him? Why she did not just leave? ²⁷

Secondary victimisation can be defined as additional trauma caused by stereotypes and victim-blaming attitudes, practices and processes towards victims of domestic violence – or other forms of violence against women - by institutions, service providers, the media, community and/or family²⁸.

The effects of secondary victimisation are contrary to a victim-centred approach to domestic violence and are likely to lead to ineffective and harmful interventions. If the victim has a re-traumatising experience from contact with institutions and/or services, it can minimise her trust in the system as well as minimise her belief that there is someone who can help her and her children, in addition to increasing the probability that she will not seek help in the future²⁹.

Often in Armenia victims feel that the police did not believe them or will send them back to the abuser to solve their family dispute, or for a judge asking “what did you do that he beat you” as if beating is a justified means to solve a problem and as if the victim is at fault. The police must apply a victim-centred approach where victim’s needs and safety are taken into consideration and ensured and avoid re-traumatising victims.

Key messages

- Myths and misconceptions about domestic violence encourages victim blaming. Perpetrators are often believed instead of the victims because of existing misconceptions and stereotyping.
- Secondary victimisation can result from the failure to treat victims with dignity, respect and understanding of the dynamics of violence. Victims who have been exposed to secondary victimisation are less likely to report abuse, and less willing to testify.
- Professionals need to be aware of their own fears, prejudices and stereotyping so that they do not impact the support that is offered to victims. ³⁰

²⁵ The Canadian Resource Centre for Victims of Crime, “Victim blaming”, 2009, at: http://crcvc.ca/docs/victim_blaming.pdf

²⁶ Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p.17–19.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p.17–19.

I.IX. Misjudging the victim

Domestic violence, victim blaming and secondary victimisation have devastating effects on women and children's health and life. Victims tend to adapt and find coping strategies to survive in abusing relationships.

Typical behaviours of domestic violence victims as a result of their abuse, victim blaming and secondary victimisation:

- ▶ **Avoidance:** Changing the subject when confronted, not responding, unwilling to acknowledge confrontation, refusing to take responsibility by walking away and playing "dumb".
- ▶ **Blaming:** Blaming others for one's actions, such as, "he learned to be violent from his father and he can't change," "my mother-in-law makes him do it".
- ▶ **Rationalisations:** Making excuses, justifying and giving reasons for one's actions (or the perpetrator's).
- ▶ **Minimising:** Making something less than it really is, such as, "I'm not a battered woman: I've never been hit." I.e. ignoring the other forms of abuse suffered or denying the extent of the physical abuse
- ▶ **Displacement:** Expressing anger toward someone else because it is too threatening to express anger toward the primary person: yelling at the kids or the dog.
- ▶ **Isolation:** Staying alone, avoiding contact with other people, and staying in the house all the time (and this is often what a perpetrator is trying to achieve).
- ▶ **Internalising:** Taking the blame or saying: "it's my fault", "if only I were a better wife, he wouldn't..."
- ▶ **Escape:** Running away from the truth. Examples: moving to a new location, abusing drugs or alcohol, watching tv all the time, working all the time, gambling, over-eating.
- ▶ **Defiance:** Rebelling against the truth and responsibility. Examples: resisting others' suggestions, advice, etc.
- ▶ **Lying:** Even though they know the truth, they deny it to others.
- ▶ **Aggression:** Intimidating, bullying, threatening, controlling, or abusing others, so people don't confront them with the truth.
- ▶ **Compliance:** Acting as if you agree when you really do not. This can keep people from confronting/questioning your behaviour. Example: promising family/ friends you will call the police/or seek help "next time" but never do.
- ▶ **Denial:** Acting as if events are not occurring.
- ▶ **Intellectualisation:** Staying within your head, shutting down emotions. Example: giving elaborate explanations about an event while never expressing feelings³¹.

Key message

■ The police must avoid judging the victim based on her behaviour but assess a situation objectively and seek for the truth behind the behaviour.

31 Women's Support Center, Armenia: Guidelines for Domestic Violence Service Providers, 2016, p.37–39

I.X. Children living with domestic violence

In Armenia extreme importance is given to children yet there are no adequate services for protection of children nor competency in evaluating the condition and risk of children in cases of abuse. Over the years more and more cases of sexual and physical abuse towards children in the families come forth yet no measures are taken to protect the child and remove him/her from the abusive environment.

Children can be exposed directly (as primary victims) or indirectly (as witness to the violence) to domestic violence. Witnessing domestic violence can be just as traumatising as being a direct victim. When parents or other close family members become perpetrators of violence (psychological, physical or sexual) they can do great harm to children³². A large number of studies conducted in the previous decade show that domestic violence has strong emotional and behavioural consequences for the child (raised levels of aggression, depression, anger, anxiety and difficulties in connection with learning). Recent research argues that the impact on children of the exposure to domestic violence is even greater than previously understood³³.

Police action at the scene of domestic violence is of crucial importance. If there are children present, the officer in charge of speaking to the children should, if possible, concentrate only on talking to the child. The manner in which the child is approached as well as the use of words has to be adjusted to the child's age and development. This could represent the child's only chance to tell someone about their situation. Police officers should also try to give them information on what will happen next (adjusted to the child's age).

Police should beware that children exposed to domestic violence cases choose different strategies for handling the violence they have been exposed to. Some become restless and violent, other become silent and reticent. They may reject speaking about domestic violence out of loyalty to the perpetrator (usually a parent), shame for not having been able to stop the violence, fear of the consequences, etc³⁴.

32 Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p. 26–29.

33 Carolina Øverlien. Children Exposed to Domestic Violence: Conclusions from the Literature and Challenges Ahead, *Journal of Social Work* 10(1):80–97.

34 Council of Europe, Preventing and Combating Domestic Violence against Women: A learning resource for training law enforcement and justice officers, 2016, p. 26–29.

SECTION II

PRACTICAL GUIDELINES FOR THE POLICE

II.I. THE ARMENIAN LAW ON DOMESTIC VIOLENCE

In December 2017, the parliament of Armenia adopted the first law on domestic violence: the Law on the Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family (Domestic Violence law). The new Domestic Violence law seeks to prevent domestic violence, protect the victims of domestic violence and punish the perpetrators. The law defines different forms of violence and it sets obligations for the police to prevent domestic violence and protect the victims. Failure to do so will result in the state's responsibility including that of the police. The law also mandates the Armenian state to establish shelters for victims, provide free healthcare to victims and conduct regular trainings for all professionals working with victims of domestic violence, including the police. The law regulates data collection on domestic violence and requires raising awareness on prevention of domestic violence among other things.

The law gives an important role to the police, especially the specialised units to tackle domestic violence. **The law describes three types of protection measures**, two of which are directly initiated and implemented by the police. The third type of those measures is initiated by the victim or by a support centre for victims, but the implementation is the responsibility of the police. Protection measures are essential in preventing further violence and protecting victims.

1. The first type of the protection measure is a **Warning**, which has three components to be assessed to allow the correct application of this measure:

- ▶ the police identify a case of violence within the family for the first time,
- ▶ it does not seemingly contain elements of crime and
- ▶ there are no grounds for an emergency intervention.

The warning is issued as soon as possible after learning about the case.

2. The second type of protection measure is an **Emergency Intervention Order (EIO)**.

Emergency intervention order serves the purpose of guaranteeing the safety of a victim of domestic violence in situations of immediate danger by ensuring physical distance between the victim and the perpetrator. The maximum length of this order is 20 days.

3. The third type of order is a **Protection Order** which can be applied by the victim or a shelter and can only be granted by a court and for a longer period than an EIO (up to one year). The following sections describe how the police should respond to domestic violence.

II.II. Police response

1. GENERAL POINTS

- ▶ The first call to the police will not be the first time the woman has been assaulted or abused.
- ▶ Domestic violence normally escalates in severity.
- ▶ The abuse can take various forms - not only physical but also sexual, psychological, economic – all are very damaging to the victim and children. Such damage also inevitably leads to harm to society as a whole.
- ▶ Women are reluctant to report such cases and will often do so only in the moments of greatest fear.
- ▶ In some cases victims can be so threatened or scared that they will defend themselves or use violence themselves. In such cases an understanding of the gender-based nature of domestic violence and discovering the primary aggressor becomes of crucial importance.
- ▶ These cases are not a “family conflict” but one of a series of abusive or violent acts by a perpetrator, usually a male, who is seeking to gain or utilise power and control over another individual, normally his partner or wife.

2. EMERGENCY CALL SYSTEM

- ▶ All call handlers must be aware of the process of responding to domestic and other forms of violence against women and domestic violence.
- ▶ Avoid use of the term “family conflict” at this (or any) stage of the response.
- ▶ Gather details from a caller to support the first responders’ action.
- ▶ Provide further intelligence to allow officers to assess risk to the victim and themselves (the existence of gun, extreme violent individual, etc.).
- ▶ Grade the call as urgent.
- ▶ Prioritise the response - ensure officers attend the scene immediately.

3. PRIMARY ROLES OF FIRST RESPONDER, RECORDING OFFICER AND INVESTIGATOR

- ▶ To ensure the safety of the woman - and children where they are present.
- ▶ To hold the perpetrator to account for his action.
- ▶ To act as agents of the state in taking responsibility for the implementation of the law and any criminal or administrative procedure (and treating victims as witnesses not prosecutors)³⁵.

³⁵ Council of Europe: Combating Violence against Women and Domestic Violence in Ukraine, Practical Handbook, Anthony Wills and Olga Kalashnyk, Ukraine, 2016.

4. FIRST RESPONDERS

First responders are the first police officers arriving at the scene of the crime. From their actions the safety of the victim and children and the accountability of the perpetrator will be established. **The role of the police is not family reconciliation but investigating the circumstances and protecting the victim.**

The complexity of domestic violence cases should not be under-estimated as it occurs in close relationships and commonly involves children and other family members. Sometimes the relationship appears to be functioning normally to outside observers, even to friends, until an incident or assault takes place which the victim feels cannot be ignored. **The first call to the police is usually never the first time abuse has taken place** - domestic violence is always a series of abuses or assaults which have often lasted for years before the victim seeks help. It is often at the time of the latest and most frightening episode of violence, when the victim feels that her life is in danger, that she calls the police.

Simply reporting an incident of domestic violence can make the abuser feel that the power and control he has carefully manipulated and created within the relationship is now threatened. This makes it crucial that the police operate in a way that safeguards the victim and her children and places the perpetrator in a position (either through detention or protective orders) that controls the risk to the victim.

It is important to acknowledge that this may be the only opportunity for the police to respond effectively. If they fail to comply with the law on domestic violence and do not ensure the safety of the victim, they may endanger her life. The victim is unlikely to report the violence again if they feel it was pointless, or worse, the dangerousness of the situation was not recognised. A poor response can lead to increased violence. It is not an exaggeration to state that an ineffective response can have fatal consequences.

It is important that every call is recorded correctly and fully. The investigation must be thorough and include any evidence that is available whether this is the testimony of those present, physical injuries, damage, etc. Building a case which leads to the abuse stopping and the victim and children becoming safe requires a meticulous, patient and understanding approach.

For these reasons the police must be well trained, led and supervised. It is very important to ensure that they are supported in this difficult task. Additionally, the first responders should ensure they have contacts in social services and NGOs that can assist, advise and provide support where necessary. Where possible they should always refer victims to NGOs and support services for further help.

5. BEFORE ARRIVING AT THE SCENE

On their way to the crime scene, police officers should remember to clarify the following:

- ▶ the reason for the emergency call or requirement to attend the scene and what has happened
- ▶ the people involved and the context (how many, any special or risk factors), location and contact details
- ▶ location of the perpetrator and any risk he poses (including firearms)
- ▶ existence and severity of any injuries
- ▶ previous history of domestic violence (and other offences)
- ▶ if there are protective orders (warning, EIO or PO) for one of the parties

Before entering the crime scene, it must be clear who will be responsible for which tasks: who interviews the abuser, who interviews the victim, who will handle the children, etc.

6. CLEAR GUIDANCE ON USING FORCE TO ENTER PREMISES

Though the Domestic Violence law did not provide additional powers to allow force to be used to enter premises sometimes force can be appropriate. The police are obliged to protect the life, health, honour, dignity, rights, freedoms and legal interests of citizens from criminal and other assaults. Domestic violence is an assault against the rights of the victims; their psychological and physical health and their property, etc. Therefore, forceful entry into a house or restraint and removal of a perpetrator are all appropriate.

Key message

— Success will often depend on decisions and action taken during the initial phase of a domestic violence case. The initial phase is the basis for further investigation, and first responders play a key role in this regard.

7. ARRIVAL AT THE SCENE

The first steps taken by the police at the scene of the incident are very important and should include:

- ▶ Separating the victim and perpetrator.
- ▶ Ensuring there are no injuries that require medical help.
- ▶ Establishing whether children are present.
- ▶ Assessing the scene to provide a basis for further enquiries and action.
- ▶ Explaining why they are there and that the police have a duty to investigate the matter.
- ▶ Being aware that the perpetrator may not know that his partner has called the police and being careful about her safety.
- ▶ Beginning the investigation process, e.g. interviews of those involved.
- ▶ Recognising that the perpetrator may be violent, angry and dangerous. His possession of weapons should always be a consideration.

8. GATHER EVIDENCE

The gathering of evidence is crucial to form the basis of a prosecution or imposition of a warning or protective order. The police should:

- ▶ Examine the scene to form a basis for investigation and discover obvious signs of domestic violence.
- ▶ Maintain control of the scene both in terms of preserving evidence and preventing unnecessary access by others.
- ▶ Seek evidence of injuries, damage or signs that the relationship may be abusive. Think broadly about what can constitute evidence (e.g. phones, laptops, items that may have been thrown away).
- ▶ Take possession of, or at least note or photograph any evidence (e.g. injuries, broken furniture, blood, etc.).
- ▶ Go beyond the scene to gather further information. Speak to neighbours, examine vehicles that may be nearby.
- ▶ Note the demeanour and behaviour of all those present bearing in mind the dynamics of an abusive relationship (manipulation, control, fear, etc.).
- ▶ Ensure they know of any previous history of domestic violence in the relationship, earlier calls or protective actions by the police or convictions of the perpetrator.

■ Witnesses

In cases of domestic violence, the independent evidence of people who are not family members can be very useful in establishing a case which leads to a successful prosecution. Neighbours and bystanders can be very informative and helpful to achieve an understanding of what has happened and what action is now necessary.

■ The police should:

- ▶ Seek any witnesses within reasonable vicinity and record their testimony.
- ▶ Ask the victim if anyone may have witnessed the abuse and seek to interview those people.
- ▶ Ensure any witnesses understand the process of investigation and whether they are prepared to provide their evidence in a legal process.
- ▶ Treat those with caution who seek to defend the apparent perpetrator - they may not be impartial.

II.III. DEALING WITH AND INTERVIEWING THOSE INVOLVED

General rules

- ▶ All those involved in these cases have rights. Where necessary and possible these should be explained to those being interviewed.
- ▶ Open ended questions or requests e.g. "Can you tell me what happened?" are always better than closed questions e.g. "You hit her, didn't you?"
- ▶ Trust is very important. All those involved should have an expectation that they will be dealt with fairly and appropriately, that the police will listen to their account and act justly.
- ▶ Whilst those interviewed will help to form an understanding of what has happened it is a good idea to have discovered any previous interactions (e.g. have there been any earlier calls, warnings or protective orders) and assess what is visible at the scene to try to have a basic understanding of what appears to have taken place.

1. VICTIM

- ▶ The victim is very likely to be nervous, scared and worried about what will happen now she has called the police.
- ▶ An empathetic approach is important. Calm, open and patient questioning will put the victim at ease.
- ▶ Separation from the perpetrator will give her the confidence to be more forthright.
- ▶ The interviewer should try to reassure the victim that they understand how the dynamics of domestic violence work (e.g. that perpetrators can be manipulative and convincing, that this is unlikely to be the first incidence of abuse).
- ▶ Stress that her safety is of paramount importance and discover if children are present who will also be taken care of.
- ▶ Any observations will allow the police to ask searching and logical questions but this should be done sensitively.
- ▶ Remember that the risk assessment (which is compulsory) will also help to fill in the gaps about what has happened and it will be easier to complete if these rules have been followed.
- ▶ Does the victim wish to leave the home?³⁶ If she does, help her leave, with her children if present. This may involve contact with friends/family or accompanying her to a shelter.

³⁶ The victim is not to blame and, theoretically the perpetrator should leave, and may have to if an EIO or PO are imposed at some time. If the only route to safety is the victim having to leave then this should be supported.

2. CHILDREN (IF PRESENT)

- ▶ Remember that children are very vulnerable in domestic violence cases. What they have witnessed may damage them for the rest of their lives.
- ▶ Often children will be in their bedrooms or other room. It is very seldom that the children are asleep during the violent incidents, even if it appears so to the parents. Seek them out but if genuinely asleep do not disturb them unless necessary. Remember they may also have suffered violence or abuse and this must be investigated at some point.
- ▶ They are very likely to have split loyalties between their parents.
- ▶ The police officer interviewing them must be the most skilled present at dealing with children.
- ▶ Ensure they are in a safe place, ideally with someone who is not part of the violence and can reassure them and protect their rights.
- ▶ Although they may be young the police must explain who they are and how they are trying to discover what happened.
- ▶ Let the children know explicitly that they are not in trouble and that they have done nothing wrong. (Children often believe that they are the cause of the violence or abuse.)
- ▶ Children should not be used as interpreters for their parents and not made to feel that they are the reason negative things happen (e.g. the victim leaving the house or withdrawing the complaint or the perpetrator having action taken against him).

3. PERPETRATOR

- ▶ The perpetrator may be a risk to himself and others. Ensure that those risks are considered and managed.
- ▶ Ensure any previous convictions or orders are known to those engaging with the perpetrator.
- ▶ Interview him away from the victim and any children.
- ▶ Ensure he is aware that the police have the duty to act in the case of domestic violence (e.g. warning, EIO, detention) and that he must obey their instructions – these may include leaving the home and not contacting the victim.
- ▶ (He can contest such orders in due course but must comply in the interim.)

4. SUGGESTIONS FOR INTERVIEWING VICTIMS, CHILDREN AND PERPETRATORS

Ideally evidence of any domestic violence or abuse will have been discovered before talking to those involved. Having evidence helps establish what has happened, aids questioning and reduces the need for any action to be the sole responsibility of the victim. Victims will often not want legal action taken against their abuser but just want the violence to stop and to be safe. For this reason separate evidence gathering is important but this does not remove the need for effective interviewing to take place. When interviewing the following should be considered:

- ▶ People being interviewed will see what has happened within their own context. It is the role of the police officer to gather information and evidence to allow a reasonable judgement to be made about what has taken place and what action is necessary.
- ▶ Those interviewed may be wrong in their descriptions of events but this does not mean they are lying.
- ▶ Ask open questions, e.g. "What has happened here?"
- ▶ Avoid questions that can be answered with a yes or a no.
- ▶ With the victim:
 - Establish whether this is the first occasion abuse has taken place.
 - Discover the timescale, acts and scale of abuse, type of abuse.
 - Ask to see damage or injuries (but if injured in intimate places this may not be appropriate or requires a person of the same sex to view such injuries).
 - Respect the integrity of the victim's person, including her right to safety and privacy
 - Consider the need to seek medical assistance.

Avoid negative or unhelpful questions

- ▶ Any questions that appear to blame the victim; “Why didn’t you just leave?”, “Why did you not do what he wanted?”, “How can you not protect your children from this person?”
- ▶ Any questions that place responsibility on the victim for the next steps; “What do you want to do?”, “Do you want him detained?” (Remember it is the state’s responsibility to keep its citizens safe.)
- ▶ Any questions that may have a double or unclear meaning; “Is everything OK?”, “Do you think that is the end of it now?”

Good interviewing techniques:

- ▶ Plan what needs to be asked and ask questions methodically.
- ▶ Seek the best location for the interview.
- ▶ Open questions are more productive.
- ▶ A calm confidence is useful – interviewees respond better to someone who understands the law, knows how to employ it and does this with assurance and sensitivity.
- ▶ The police are not judges – their role is to deliver safety for victims, allow the perpetrator to be held to account and impose protective orders where necessary. The police officer’s values, beliefs and opinions should not intrude into the interviews.
- ▶ Create a bond with the person being interviewed. Use their name, maintain eye contact, give them a chance to speak, nod appropriately and allow time for the discussions.
- ▶ Interviewees often have heightened emotions. This may make them angry, tearful or uncommunicative. Patience and tolerance must be used by the interviewer who should not respond with emotions of their own. The police are doing a job, the interviewees are suffering from a significant level of disruption in their lives and should be expected to behave in a way that demonstrates that they are upset.
- ▶ Some witnesses are very suggestible, i.e. they can be led to answer questions in the way the interviewer seeks. Interviewers must be aware of this possibility and not steer the questions towards an answer they want.
- ▶ Repetition is likely to be necessary as the complexity of the law and the emotion of the moment does not aid good listening by those involved in the incident.
- ▶ The body language of all participants is important but the police officer cannot allow his/her inner feelings to leak. Remaining professional is the key to good interview outcomes.
- ▶ Understanding the motivations of victims and perpetrators is very important. Such knowledge allows the right questions to be asked and responses analysed for the truth and subsequent action.

Interviewing children

Interviewing children at any length is a highly skilled process. Children are not always able to grasp what is happening to them or their parents and the effects of any abuse or violence within the household can slow down (or accelerate) their development. Ideally trained professionals will conduct interviews but it may be necessary for police officers to conduct brief interviews with children to establish some basic facts. The rules above obviously also apply to children but the use of an open, friendly style within an understanding and sympathetic context is particularly likely to be productive and less damaging to the child. It should be expected that they will demonstrate extreme emotions and the response must be one of non-judgemental understanding.

Note that in general, in Armenia it has been observed that teenage boys tend to side with the father, blame the mother and even become violent towards the mother. This is likely to be because they learnt this behaviour in their own household.

5. PERPETRATOR’S BEHAVIOUR

The perpetrators of domestic violence are often manipulative and even can appear reasonable to those who respond to or investigate these matters. It is unlikely they will accept that they are at fault and will seek to blame the victim. They will allege that they acted in self-defence or that the victim “made him do it” or they just

could not control themselves when tired/drunk.

The police must resist attempts by the abuser to garner sympathy for himself or his situation. It must always be remembered that the victim will normally have suffered over a long period, will have been subject to abuse on numerous occasions and have lived her life in fear. It is not unusual for victims to admit they “could have done things better” or that they irritated the perpetrator, minimising his role as an abuser.

The responsibility for abuse is the perpetrator’s and any negative outcomes will be as a direct result of his actions. The role of the police to make the victim safer and not allowing the perpetrator to evade his wrongdoing is of key importance. The best route to reducing the violence is a firm action by police based on this understanding of the abuser – and a resistance to their attempts to deny culpability.

6. THE NEED TO HOLD PERPETRATORS TO ACCOUNT

Unless the correct and proper action is taken by police perpetrators will evade responsibility for their actions. Additionally, the gradual reintroduction of the victim to a safe and productive environment will fail, the violence will continue and, ultimately, society will not change and improve.

Victims should not be responsible for ensuring that those who commit crimes are held accountable for their wrongdoings. This is the role of the state and those employed to achieve the state’s intentions, including the police. Domestic violence is a criminal matter which should be investigated thoroughly and effectively on every occasion. It is not a “family matter” where reconciliation is the aim. The aim is to end violence. Whilst it is true that some victims will choose to stay with the abuser this does not remove the need for the police to ensure that her safety is of paramount importance and not compromised by a lack of action according to the law. This means both prosecution and protective orders must be utilised where appropriate.

II.IV. Additional points for consideration when responding to domestic violence

1. SELF-DEFENCE

Perpetrators will often misleadingly claim their actions were self-defence. A thorough investigation will establish the facts but police officers should be aware of the definition as it sometimes happens that a victim will have found it essential to defend herself to protect herself or her children. Self-defence is defined as: reasonable force used by any person in resisting or aiding another to resist or prevent bodily injury that appears imminent. Reasonable force to defend oneself does not include seeking revenge or punishing the other party.

2. PREDOMINANT (OR PRIMARY) AGGRESSOR CONSIDERATION

On many occasions perpetrators will make counter-allegations against the victims. It is the duty of the police to identify the perpetrator from the victim and ensure the victim is kept safe by preventing on-going abuse. Police officers can consider the following points to find out who is the perpetrator and the victim:

- ▶ Severity of injuries of each party
- ▶ Use of force and intimidation
- ▶ Prior domestic abuse by either party
- ▶ Likelihood of either party to cause future injury
- ▶ Strength of each party
- ▶ Who is afraid
- ▶ Purpose of the violence

3. CONFIDENTIALITY AND THE RIGHTS OF VICTIMS

Confidentiality is a key issue when the police are dealing with cases of domestic violence. If victims do not believe their case will be dealt with confidentially this will make them less likely to report the incident or commit to supporting any prosecution process. More importantly any breach of confidence will make them feel re-victimised and hampers recovery.

The victims have the right to be heard, believed and their case dealt with ethically. This means that the private details of their life should not be made available to those outside of any investigation.

As suggested in the Council of Europe Training of trainers' manual for the Bulgarian Police , confidentiality throughout the procedure includes:

- ▶ Don't enquire about the victim's private life unless it is directly connected, relevant and necessary to the event or alleged crime.
- ▶ Only collect evidence and information linked directly to the investigation.
- ▶ Name, addresses and other personal information of the victim and witnesses must not be disclosed to the media without the informed consent of the victim.
- ▶ Medical examinations at the hospital should be conducted in professional manner, in a safe and private setting and by women personnel. Evidence from medical examination should be collected for forensic evidence.
- ▶ Ensure that police documents and reports are only reviewed by justice officials and law enforcement officers directly involved in the case.

4. PROFESSIONAL BOUNDARIES BETWEEN POLICE AND THOSE INVOLVED IN DOMESTIC VIOLENCE (VICTIMS, PERPETRATORS)

The initial police responders and other members of the police structure will, on occasions, know the perpetrator in the case and will be biased or refuse to act. This may be especially so in the more rural areas of Armenia. It is important for those officers to recognise the importance of conforming with applicable policies relating to these cases rather than using their personal connection with the perpetrator to resolve the matter informally or ignore it completely. In every case the safety of the victim and the perpetrator's responsibility for his actions must be the defining issues.

5. LEADERSHIP, SUPERVISION OF PROCESSES AND ACTIONS

The key to the implementation of the new Domestic Violence law and practices will be the priority given by the senior leadership of the police. A developed approach to domestic violence must be prioritised by the senior police commanders. An important aspect of leadership is supervision. Senior police leaders must ensure that those whom they lead are aware of the importance of implementation of the law in practice. Those who are operating the process must be aware that their work will be supervised and errors identified and remedied, and good work recognised and celebrated.

II.V. Police protection response

1. ENSURING THE VICTIM'S SAFETY AND RISK ASSESSMENTS

The police is obliged to conduct a risk assessment together with the victim in every domestic violence case. The aim of risk assessment is to outline the threat of violence, to estimate the seriousness of the threat, and to foresee possible consequences. The main goal for risk assessment at the individual level is to prevent, not just predict, a possible act of violence. **Risk assessment should be conducted continuously.** Based on the results, measures can and should be taken to minimise the risk of violence. Using systematic and professional risk assessment tools can help the police to uncover lethal and extremely dangerous behaviour.

Risk assessment is crucial in all domestic violence cases as it establishes the level of risk to the victim. It will help establish whether urgent action is required and the dangerousness of the perpetrator. It also guides those supporting or dealing with the victim in their actions. It is often described as a homicide prevention process and the higher the risk level the more likely it is that the victim will be subsequently killed.

In Armenia, the risk assessment process has a dual purpose of assessing risk to the victim and helping to establish what action (particularly in relation to an emergency intervention order) the police should take. A risk assessment done by the police or crisis centre can and should also be used in courts during domestic violence criminal trial cases, divorce and custody hearings.

The questions on the risk assessment list indicate where the level of risk should be positioned and the higher number of affirmative responses present denotes a greater risk of serious injury or homicide. It is important to note however that homicides can also happen before these behaviours are evident. There is also nothing stopping a police officer, or other individual engaged in the case, deciding, on the basis of their professional judgment that a serious risk to the victim exists regardless of the presence of any risk factors. If 10 or more of these questions are answered YES then the victim is at high risk and an Emergency Intervention Order must be given (protective orders discussed below in more detail).

Key messages

— A victim's own assessment of the risk level of the abuser has been shown to be very accurate. If a victim fears for her life or says, "He will kill me," this should be taken VERY seriously.

In addition, research on homicide victims has shown that homicide is more likely as the threats become more frequent and detailed. In addition to the amount of affirmative answers on the risk assessment, attention should be paid to the frequency, detail, and severity of the threats.

Before asking the risk assessment questions explain to the victim the purpose of these questions. Ask the questions calmly and without rushing. The Armenian police has developed their own risk assessment tool (Appendix 5) but there are several other tools existing as well (Appendix 6). The advantages of using "cut-off" score tools is that it is systematic but the disadvantage is that they reduce the risk assessment to a quantity of factors where in reality the risk can vary. For example, a case might score positively only in a few risk factors but these might be so critical that they alone increase the total level of risk assessed. The Istanbul Convention requires that all relevant authorities, not limited to the police, effectively assess and devise a plan to manage the safety risks a particular victim faces on a case-by-case basis, according to standardised procedure and in co-operation and co-ordination with each other.³⁷

When a victim is recognised as being at high risk the police must issue an EIO and explain to the victim that she can also get a court protective order. Any investigation into a possible crime must also be pursued diligently

³⁷ Council of Europe, Improving the effectiveness of the law-enforcement and justice officers in combating violence against women and domestic violence: Training of trainers manual, 2016, p. 42.

and swiftly so that a prosecution, where suitable, can be mounted. Victims at high risk should be referred to a shelter or an NGO which has expertise in offering a safety plan (see Appendix 2), and can provide information for her protection and relevant services.

Police should always possess suitable contact details of support services, e.g. a hot line number of an NGO which is specialised in domestic violence cases to offer immediately to the victim, such as Women's Support Center - + 374 99 88 78 08.

2. WARNINGS, EMERGENCY INTERVENTION ORDERS (EIO) AND PROTECTION ORDER (PO)

After the initial investigation has been completed, interviews conducted, evidence gathered and the risk assessment finalised the police officer must decide on how best to protect the victim.

The Domestic Violence law requires that the police offer a Warning or Emergency Intervention Order (EIO) in specific cases. Protection Orders are also part of the new law and are instituted in a different way and are discussed below.

Warning

The first type of protection measure is the Warning, which has three components to be assessed for accurately applying this measure:

- 1► the Police have identified a case of violence within the family for the first time,
- 2► it does not seemingly contain elements of a crime and
- 3► there are no grounds for an emergency intervention order.

The warning is issued as soon as possible after learning about the case.

The police must be very careful that this is the first instance of abuse. Fear of the perpetrator may lead to a victim minimising earlier events. If a Warning is given when abuse is already a pattern then this can be extremely dangerous when police leave the house as the victim can be abused again and the situation can become lethal.

Emergency Intervention Order:

If this is not a one-time conflict situation (which is a rare phenomenon if the victim has already called the police) and if the answers to the risk assessment indicate high danger, then the police must offer an Emergency Intervention Order (EIO).

The police need to explain to the victim and to the suspect what the EIO means and what it entails. The EIO can be given for up to **20 days** meaning that during this time the suspect must leave the house, even if it is his property, and not contact the victim or the children by any means including phone calls, messages, or through another person as well as respecting a defined distance (decided by the police) from the victim and the children. Explain both to the victim and the suspect what happens in case of violations and that the victim needs to call the police immediately to report any violation.

According to the Domestic Violence law, **the police can issue an EIO to protect the life and health of a victim:** 1) if violence has been committed and 2) there is a risk of violence being repeated or continued. In addition, it can also be issued if violence, that does not constitute a criminal offence, is committed within 1 year of the issuance of a warning.

The EIO includes the following restraining measures:

- 1► Immediately and forcibly remove the perpetrator of violence from the residence of the victim of violence and prohibit his return until the deadline established in the order;
- 2► If they live separately, prohibit the perpetrator of violence from visiting the workplace, school, leisure places or residence of the victim and, if necessary, any persons under victim's care as well as other venues attended by the latter;
- 3► Order the perpetrator to stay away from the victim (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;

4► Order the perpetrator to surrender all firearms under his possession until the expiry of the deadline specified in the order. If the perpetrator 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 to communicate with or contact the victim (and persons under her care, if necessary) through phone, mail or other forms of communication.

The restraining order may apply to any or all measures mentioned above with the same or different deadlines for those measures.

Key message

— Application of any type of protective measures does not impede the implementation of criminal proceedings and criminal prosecutions stipulated by law.

Discuss with the victim the best possible option for her protection. Ask if she needs to be accompanied to go to a friend's or family member's house – a place where the suspect cannot contact her. In that case the EIO should take into consideration the new location of the victim.

The copies of the EIO (or Warning) are given to the perpetrator and to the victim. The EIO become effective only upon service to the perpetrator in person or via phone, email or registered mail, and receipt of the perpetrator's signed acknowledgement. To avoid delay and ensure the victim's safety, good practice suggests that it is only necessary to call the suspect to a police station if he was not present at the site of the violence or refused to sign the EIO.

The police are responsible for supervising the implementation of the EIO in relation to the perpetrator.

Arrest

An arrest on the spot can be made when serious violence has occurred.

Protective Order (PO)

Even though a PO is initiated by the victim or by a support centre for victims, the Police shall supervise the implementation of the protection order in relation to the perpetrator.

It is not necessary to get an EIO in order to get a PO. However, if the level of risk to the victim is high, consideration should be given to imposing an EIO whilst awaiting the PO. This reduces risk. It remains important that POs are issued within an urgent time frame. 24 hours is advisable.

The protection order may apply the following restrictions which are similar to an EIO:

1► Immediately and forcibly remove the perpetrator from the residence of the victim and prohibit his return until the deadline established in the order. When establishing the deadline of this measure the court shall take into consideration the possibility and expediency of moving the victim and persons under her care to a shelter and availability of other places of residence for the perpetrator;

2► If they live separately, prohibit the perpetrator to visit the workplace, school, leisure places or residence of the victim and, if necessary, persons under the victim's care or relatives;

3► The perpetrator must not approach victim and other family members mentioned in the PO. The perpetrator must stay away from the victim at a distance that will not raise in the latter fear for their personal safety. The order to apply this measure shall specify the distance;

4► Order the perpetrator to surrender to the police all firearms under his possession until the expiry of the deadline specified in the order ;

5► During the PO period, the perpetrator is required to continue to pay alimony and also cover expenses that the victim incurred as a result of the violence (such as property damage or physical

injuries).

6► Prohibit child visitations, if necessary;

7► The perpetrator does not have the right to communicate with or contact the victim (and persons under her care, and other family members mentioned in the PO) through phone, mail, messages or other forms of communication;

8► The perpetrator is required to attend a rehabilitation programme .

Unlike with Emergency Intervention 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 an extension.

During this time it is important to offer the victim hot line numbers of shelters or NGOs that can further offer counselling, safety plan and also representation in court to obtain PO. When the police are at the scene the victim should also be offered the contact information of social services and women support centres where she can get additional services.

Supervision

The police are responsible for supervising the implementation of EIOs and POs. According to the Criminal Code of Armenia, the following sanctions can be given to the perpetrator for the breach of the emergency intervention and protection orders:

- a fine in the amount of 300 to 500 minimal salaries
- arrest and detention from one to three months
- imprisonment for up to 6 months

Completing the registration form

Every time the police arrive at a residence to investigate a possible domestic violence case, the police are required to fill out a registration form regardless of whether a protection measure (Warning, EIO, PO) was issued or not. The record-registration should ideally be done the same day of the call to police.

The card on the preventive record-registration should be made immediately where one of the grounds listed below exists:

- 1► A warning has been given to the perpetrator by the police.
- 2► An EIO has been imposed by the police.
- 3► The court of general jurisdiction has issued a PO.
- 4► The perpetrator has a previous conviction for domestic violence.

Prior to the record-registration of the person having committed violence, he or she shall be called to the territorial body of the police or shall be notified - by means of telephone, official electronic mail or the registered post - on being record-registered, the grounds for record-registration shall be furnished, a relevant statement of information on notification thereof shall be drawn up, signed by the person being record-registered, and in the case of a refusal to sign, a relevant note on the reasons of refusal shall be made, and the statement of information shall be attached to the card on record-registration.

The record registration of the domestic violence incident should be regarded as an automatic process and completed immediately for the safety reasons described above.

Further steps for registration:

- **STEP 1:** Make a written inquiry to the Police Department dealing with domestic violence cases (hereafter the Department) within one working day following the identification of the fact of violence to 1) receipt of the information indicating the previous conviction of the person and 2) to verify the existing record-registration of the person.
- **STEP 2:** In case of absence of existing record-registration of the person, the reporting notice concerning the compilation of the card on the preventive record-registration, together with the documents having served as basis for record-registration is submitted to the head of the Police Station (Division).
- **STEP 3:** If the Head of Division permit to register, the police officer registers the card on the preventive record-registration concerning the perpetrator in the register of the persons having committed violence (hereinafter a register).
- **STEP 4:** After the registration, within 3 days, specialised police officer notifies community police officer and the community social worker of the residence place of the perpetrator. Additionally the community police officer should be informed and he should also keep a watch over the house of the victim.
- **STEP 5:** Both the record-registration (length 1 year) and/or removal from the record-registration, within three days, must be announced to the Department (Police Headquarter), where centralised card-based record-registration is carried out .
- **STEP 6:** A reference card concerning the record-registered person shall be compiled and filed in the card catalogue of the control room of the police.
- **STEP 7:** In case the actual place of residence of the record-registered person changes, the police officer of the specialised subdivision shall immediately inform the territorial body of the police within the scope of competence whereof the new address of residence of the person falls. In case the place of residence of the person is not identified, the competent officer shall make a note in the card on the preventive record-registration and inform the Department within 3 working days, and the preventive record-registration shall be suspended.
- **STEP 8:** The person shall be removed from the preventive record-registration based on the reasoned reporting notice of the police officer, permitted by the head of the division, whereon a relevant note shall be made in the register and, within 3 days, be notified the community police officer and the social worker of the residential place of the registered perpetrator.

Grounds within the law for removing a person from the preventive record-registration:

- ▶ The person has been diagnosed as being mentally ill while being under the record-registration and has been record-registered in a relevant medical institution
- ▶ The person has been residing outside the Republic of Armenia for a period exceeding one year
- ▶ The term of keeping the card on the preventive record-registration has expired
- ▶ In case of recruitment to compulsory military service
- ▶ In case of death
- ▶ In other cases, prescribed by law

This aspect of the law does not satisfactorily manage the possible threat of a perpetrator to the victim, her children or other victims (new and past). Perpetrators are unlikely to change their behaviour quickly and are likely to abuse again. The grounds for their removal from the register seem unrelated to any change of behaviour related to domestic violence. It is therefore strongly recommended that a perpetrators register be kept when (apart from death) there is no sound basis for a perpetrator being removed from the register.

SECTION III

FURTHER RECOMMENDATIONS

This section covers areas not previously discussed which will facilitate or allow an improved response to domestic violence in line with international standards and promising practices.

A seamless criminal justice process and broader response to domestic violence

Within the criminal justice system itself a seamless and coordinated response must be developed to allow for perpetrators to be held accountable. There will be boundaries and protocols which may dictate actions but joint meetings with key players operating at every stage of the process can have a number of benefits. For example, reviews of prosecution failures can identify gaps in the process leading to feedback and improvements in the future. To ensure that the number of prosecutions of perpetrators increases and that those prosecutions are more likely to be effective, it is essential that the criminal justice system (CJS) agencies cooperate to agree the protocols and systems designed to meet those objectives. To implement a policy that achieves perpetrator accountability the police, the investigative units (pre-investigation and the Investigative Committee), prosecutors and the judiciary should agree both the principle and practice to be implemented.

Regular meetings between the key agencies will be necessary to continue to develop the response to domestic violence where necessary and to address problems. Discussing challenges openly between agencies and providing feedback to the police responding to domestic violence will rapidly improve performance. It appears that no such multi-agency CJS meetings are currently in existence in Armenia. Any such multi-agency process also requires the more effective collection and analysis of data in each agency separately but also collectively. Analysing collected data will help to further improve the response to domestic violence (see below under data).

Besides the justice system, a broader response to domestic violence is needed. The new Domestic Violence law states that the state and non-governmental organisations shall ensure that shelters and crisis-centres for female victims are provided by early 2019. Victims of domestic violence benefit hugely from specialised support. They need safe accommodation but also counselling that helps them to understand what has happened to them, identify the abuse and where the responsibility for the violence lies. Support around legal processes, housing and financial issues will also allow them to make wise decisions that are best for their own well-being and that of their children. For this to happen, NGOs and future state crisis centres play a vital role. Victims will often visit a family doctor, appear in emergency rooms or find themselves homeless. Victims of domestic violence especially with children are faced with a multitude array of problems for which a **coordinated multi-sectorial response** is required to assist the victims. Many victims have related health issues, injuries, need schooling for children, housing, employment, safety, and have also legal and administrative issues to solve. Therefore, various ministries and agencies need to develop a coordinated response to enable the victim to reintegrate in society and live a life free of abuse.

An example of a format for a better coordinating response is a **MARAC** (Multi-Agency Risk Assessment Conference). This is a meeting of officials who play a role in the victim and children's safety (usually the police, social welfare service, children's social care, specialist from domestic violence support services, etc.) to discuss each high-risk case that has come to the notice of any agencies in the recent past. High risk cases are those where a certain number of answers of yes are made on the risk assessment form – normally about 13/14 out of approximately 26 in the UK version, possibly 10 in the Armenia case. The purpose of the meeting is to manage and/or reduce the risk faced by the victim by using the resources and expertise of those from any of the agencies who can play a role in that objective.

Whilst the MARAC is a very good approach to high risk cases of domestic violence they are resource intensive and part of a more developed partnership response which has yet to become visible within Armenia.

Need for a child protection agency

Presently Armenia does not have a reliable child protection agency to assist and protect children whose lives are in danger or in an extremely harmful environment. Practically it is very difficult to remove children from a dangerous family situation. Even with the benefit of court decisions children are not returned to their mothers, and often perpetrators maintain control of the children and do not allow them to contact their mother. Given the damage children experience in families where domestic violence exists, a strong and forceful child protection agency must be established and run by professionals.

Forensic examination and banning virginity tests

Reporting and investigation of sexual violence in Armenia are problematic and include elements that violate international standards. A clear indicator of this issue is the fact that there only male forensic examiners and virginity testing and bias are apparently commonplace. At the very least, a female victim of sexual violence should be offered the opportunity to be examined by a qualified individual of the same gender.

Reconciliation and mediation in domestic violence cases

The police will often only be called when all other options for the victim have run out and she fears for the safety of herself or her children. This is often when the violence has become embedded in the relationship and it is harder to eradicate or where the damage to the relationship is so severe that the family structure simply cannot survive.

The Armenian legislation and society emphasise the reconciliation of a family in domestic violence cases and it is seen as a positive outcome of an intervention if a woman takes the husband back into the household. This would often be after a “cooling off” period that may have been supported by using a protective measure from the new law. Not all women will wish to separate from their husbands but for the safety and protection and well-being of the victim and their children it may be necessary and the only way to end violence. There will also be women who do want to separate and feel unable to because of financial, family or social pressure. Therefore, the concept of “reconciliation” must be reconsidered.

The Istanbul Convention, which Armenia seeks to ratify, expressly rejects the concept of mandatory mediation as this is a process which allows the dynamics of power and control by the perpetrator to be played out. Mediation assumes that both parties approach the process with equal resources and power. In cases of violence against women and domestic violence, however, the balance of power is in favour of the perpetrator due to the abuse, control and/or humiliation that they have exerted on the victim. Reconciliation, where this is unwanted or parties have unequal positions, as in the cases of domestic violence, may exacerbate violence and cause more harm to the victim. Reconciliation should not be an objective of the police or other agencies but protecting the victims and ensuring their safety.

Treatment of perpetrators

Very often victims do not want the perpetrator to be convicted or jailed but simply want the abuse to stop. While rehabilitation of the perpetrator is a critical component of preventing further violence, the court should not order the perpetrator to attend a programme as an alternative to criminal sentencing. Attending a particular programme should be part of the conviction or the protection order but not an alternative to legal sanctions.

Anger management programmes and relationship counselling or couple therapy are not appropriate for domestic violence cases. They do not address the serious nature of the violence itself or the dynamics of power and control that underpin domestic violence. Victims should not have the burden of responsibility for any improvements in the perpetrator’s behaviour. They should also not be exposed to any further risk.

Referrals to programmes for alcohol or substance abuse or to improve parenting skills, anger management or gambling addiction, for example, may be appropriate in individual cases but they should be considered as additional to programmes specifically aimed at perpetrators of domestic violence, but not as a core component of the therapy/therapeutic model. The fact is that no programme can guarantee future safety for the victim and such programmes can only ever be part of a whole response.

Appropriate policies for dealing with police officers personally involved in domestic violence

A key area where trust and confidence in the police can be enhanced is that of its own response to those occasions where staff members are either subjected to violence from a partner or where the perpetrator is a police officer. Experience from other countries demonstrates that this is an area where development often lags behind that of the response to cases not involving police officers. Good practice from elsewhere suggests that two approaches to this issue are essential.

- ▶ Whilst acknowledging that violence by men against women is a factor in all organisations, the police are in an unusual position of being able to determine the response. It is crucial that the improved practice around domestic violence is precisely applied in the same way for staff within the police.
- ▶ Independent scrutiny of cases involving police officers who are abusive will ensure that the response is correct. It will also reassure victims who are concerned about the way their case may be handled and those who are supporting those victims that reporting is a reasonable and safe option.

Data and analysis

The paucity of statistics available in relation to domestic violence and violence against women makes any assessment of performance difficult. This is often the case and the problems are exacerbated by varying definitions of domestic violence and violence against women and a variety of different data systems. A robust and simplified data measurement system could be introduced to establish a form of performance measurement. The table below describes what could be measured and the outcomes (in purely numerical terms).

	Measure	Outcome
1.	Number of calls to DV incidents	To establish scale and, over time, seek an increase
2.	Number of Warnings, EIO and PO issued	To ensure protective measures are being used and the % compared to calls
3.	Number of incidents registered	To ensure cases are registered as requested by the Investigative Committee
4.	Number of incidents investigated by the Investigative Committee	To compare 1) and 4) to ensure cases are followed up to investigation
5.	Number of cases prosecuted	To assess % of cases resulting in prosecution and seek an increase
6.	Number of cases where perpetrator convicted	To demonstrate effectiveness of prosecutions
7.	Outcome of cases (fine, imprisonment, suspended etc.)	To establish the appropriateness of sentencing (but not individual cases – the overall trends)
8.	Number of deaths as a result of domestic violence	To evaluate effectiveness of measures taken

Domestic homicide reviews

A common practice, especially in the UK and USA, is to review every death in a situation where domestic violence was present. (Also based on an assumption that all deaths are subject to an autopsy to establish a cause of death and identify DV causes where present.) In some cases, suicides of victims of DV and where attempted murder has occurred are also reviewed. The purpose of such reviews is not to blame professional individuals who may have been involved in the case at any time in its history. They are simply to establish:

- 1▶ Which agencies had had contact with the victim, perpetrator or children
- 2▶ Which agencies should have had contact with them
- 3▶ What their response was or could have been
- 4▶ What lessons can be learnt for the future

Such reviews can be hugely illuminating and point to the future direction of policy and practice. They also, as has been found wherever they have been implemented, point to the need for multi-agency cooperation, the need for specialist services and the involvement of the health sector. In Armenia it may be advisable to review a small sample of cases initially as the process can be expensive. It would be expected that much could be learnt from this early effort to heed the lessons available within a review.

APPENDIXES

APPENDIX 1

EXAMPLES OF VULNERABLE, MARGINALISED OR MINORITY GROUPS

People with disabilities and the elderly

Statistics show that women with disabilities are more likely to suffer domestic and sexual violence in their lifetime than women without disabilities. Research on why people with disabilities (PWDs) are more likely to be abused show that this is in part due to the fact that they are more often in institutions where people have control over them. People with physical disabilities may need help with certain aspects of everyday life, which puts care givers in a position of power over them. An example of abuse is moving around important life objects so that a blind person cannot find them or an abuser might intentionally keep information from a deaf person so that she cannot get help. Since these kinds of abuses take advantage of certain disabilities, they are specific to survivors with disabilities. The above is also applicable for abuse towards elderly/infirm family members.

Furthermore, stereotypes can often affect how abuse is perpetrated and whether or not someone can seek help and be heard. For example, there are powerful stereotypes that people with intellectual disabilities should not be believed – that they cannot be coherent or correct in their statements. This translates to abusers feeling as if they have more power to get away with more abuse – a vicious and violent circle. It also means that if a person with an intellectual disability tries to get help, they are unlikely to be believed.

Barriers to reporting abuse for PWD and the elderly:

- ▶ People with difficulties in communicating are not able to report the violence in a way that is understood by family or service providers.
- ▶ Some families are ashamed of having a child/family member with a disability, and reporting violence means exposing this shame.
- ▶ PWDs and the elderly fear they will not be believed.
- ▶ PWDs and the elderly are told by the abuser that they will be hurt if they report abuse.
- ▶ PWDs and the elderly fear losing a caregiver who they depend on for survival, so they believe that they have to tolerate a certain level of abuse.
- ▶ PWDs and the elderly fear losing choice about where they live or fear being removed from their home.
- ▶ PWDs and the elderly fear that they will be institutionalised if abuse in their home is found out.

Barriers to service provision among PWDs:

- ▶ There is a lack of accessible services due to limited resources and lack of staff training.
- ▶ Information/education is not accessible to PWDs since resources are not distributed in Braille or audio tape and do not define domestic violence in ways that may be specific to the ways people with disabilities are taken advantage of.
- ▶ Some victims lack skills/abilities necessary to independently seek help.
- ▶ Disabled victims may be at greater risk for losing child custody if they are viewed as being unable to care for children on their own.

MULTIPLE DISCRIMINATION

In addition to women with disabilities and elderly women, there are other women who may face discrimination on multiple grounds which lead to restrictions in access to justice, services and protection. There are not only differences between how women and men experience and are affected by violence but differences exist among groups of women as well. Women with certain ethnic or religious identity, sexual orientation or migrant status may be reluctant to report violence and have challenges in accessing services due to stereotypes or

fear of unwanted consequences of reporting. Therefore, special attention should be paid to different social categories and the police should understand specific risks and needs of women belonging to marginalised or minoritised groups.

Men victims of violence

Despite the fact that generally women suffer domestic violence more often and with greater harm there is no doubt that some men can be victims of all forms of domestic violence.

Barriers to reporting for men:

- ▶ Abused men fear that people will not believe them.
- ▶ Society adheres to the stereotype that women cannot abuse.
- ▶ They may be stigmatised for not being able to protect themselves.
- ▶ If violence (outside of a relationship) was perpetrated by a man, they may fear being labelled as gay.
- ▶ Services are often labelled as being for “women and children”.
- ▶ They fear losing their children.

Barriers to service provision:

- ▶ There is a social stigma when it comes to men asking for help, because they are seen as being weak or less manly. Service providers may carry some of the same assumptions/stereotypes.
- ▶ Victim services developed out of services for women may not be as attentive to the needs of men.
- ▶ There exists a lack of shelter services for men.
- ▶ There is no training focused on male specific crisis intervention. For psychological and legal counselling, you can refer male victims to the Women’s Support Center, tel. +37499 88 78 08.

APPENDIX 2

Safety plan

Safety is essential for victims of domestic violence against women, and the police need to focus on safety planning from the very beginning of a domestic violence case.

What? A Safety Plan is a personalised and detailed plan to help a survivor protect herself at all stages of an abusive relationship and should be adjusted as the context of the relationship and the violence change. Safety plans should exist for all survivors and should vary depending on the specific details of the abuse and whether she is currently living in the abusive relationship, planning on leaving, or has left.

Why? Whether the woman decides to leave or stay in an abusive relationship, a safety plan is useful in helping her navigate the abusive relationship and survive after she has decided to end the relationship. The following are some safety techniques to use when the survivor has already successfully left the relationship and is living at a shelter/another safe location:

- ▶ Encourage her to change her cell phone number.
- ▶ Suggest not posting on Facebook/odnoklassniki and other social media.
- ▶ Encourage her not to publicly announce where she is or what she plans to do, or follow set routines.
- ▶ Inform her about avoiding stores and city areas where the abuser or his friends/family frequent or know that she frequents.
- ▶ Suggest informing school/kindergarten about who is authorised to pick up her children and who is not.
- ▶ Caution her about telling friends or family where she is, since abusers may threaten them in order to figure out her whereabouts. When at shelter, social workers can inform her family that she is safe, but the address should NEVER be given out.
- ▶ Tell her to be careful about what information she gives out to anyone.

The following are harm reduction techniques we might offer to victims while they are still in the abusive relationship:

- ▶ Teach her to identify the dynamics of domestic violence so that she can be more prepared for an episode and begin to understand that the abuse is not her fault but rather the responsibility of the perpetrator.
- ▶ Suggest making mental notes or writing down each incident of violence (making sure to keep notes in a hidden place) to see if she can identify behaviours/actions of the perpetrator that led up to the violence.
- ▶ Identify safer options in the event of abuse/violence.
- ▶ Suggest that she practice getting out safely when the abuser is not around so that she may be prepared to do so once violence occurs (i.e. choosing doors, windows, or a stairwell from which to exit).
- ▶ Encourage her to make safety plans with her children, teaching and practicing with her children where to go (i.e. a room with a good lock, a neighbour's house).
- ▶ Teach children a code word so they can call for help.
- ▶ If she is thinking of leaving, tell her to: NEVER mention or show intention to divorce or leave him. This is the time of maximum danger.
- ▶ Keep a bag ready with a little money, any medication, and clothes so she can leave quickly if she needs. This bag should be kept with someone she trusts if keeping it at home is suspicious.
- ▶ Have documents (birth certificates, property deeds, work documents, etc.) on her or in one place that is easy to grab.
- ▶ Make copies of all legal documents and leave them with an extra set of house keys and money with someone she trusts.
- ▶ Ask trusted neighbours to call police if they hear noises.
- ▶ Always keep her cell phone on her or in a safe place.
- ▶ Know a Domestic Violence Hotline number by heart (Women's Support Center hotline: 099 88 78 08).

- ▶ Think about places to stay that her husband is unaware of.
- ▶ Tell a trusted friend or a relative that you might need urgently a place to go.
- ▶ Make an escape plan that is specific and detailed and then practice it.
- ▶ Where will you go?
- ▶ When/what time is safest to go?
- ▶ What route is the safest?
- ▶ Will you bring your children or can the children stay with a friend/relative?
- ▶ Are all necessary documents ready?

Having a safety plan is not a guarantee for safety. It can help by offering some sense of control and efficacy, and it can reduce the harms associated with domestic violence, but it is not a cure-all. Victims should be made aware of this.

Victim's safety plans may include strategies for staying in the relationship and/or leaving the relationships. For some women, leaving the relationship will increase her risks and staying can be her best possibility and supportive agencies must accept that.

A victim will continuously adjust her plan as a result of changed circumstances. Key elements affecting safety plans are: the success or failure of current strategies, the abuser's reaction to his partner's strategy, and the information and resources provided by service providers to domestic violence. For example, a woman may decide to leave once she has graduated from school, has a job, or her children are old enough to take care for themselves. If a woman's plan to leave will take a period of time, she may have a variety of strategies to keep her and her children safe as she stays³⁸.

APPENDIX 3

Information on the laws and powers relating to violence against women and domestic violence

- ▶ The Criminal Code of Armenia – 2018 (amendments)
- ▶ Code of "Administrative offences" – 2018 (amendments)
- ▶ Law on "Prevention of violence within the family, protection of victims of violence within the family and restoration of peace in the family" - 2018
- ▶ Government decree No 1044-N on "Order on multiagency social cooperation" - 2015
- ▶ Order of the Head of Police on "Procedure for exercising supervision over the fulfilment of relevant requirements of decisions on urgent interference and protective decisions" - 2018
- ▶ Order of the Head of Police on "Criteria for assessing imminent threat of recurrence or continuation of violence in the family" - 2018
- ▶ Order of the Head of Police on "The procedure for preventive record-registration of persons having committed violence in the family in units (groups) for juvenile cases and prevention of violence in the family of territorial subdivisions of the Police of the Republic of Armenia adjunct to the Government of the Republic of Armenia". - 2018

³⁸ Women's Support Center: Guidelines for Domestic Violence Service Providers, 2016, p.51-58

APPENDIX 4

Domestic violence investigation checklist

UPON ARRIVAL AT SCENE

- ☐ Observe your surroundings - a possible volatile situation
- ☐ Confiscate weapons
- ☐ Identify who is present such as victim, suspect, children, family members, neighbours, etc.
- ☐ Separate witnesses - interview each in private
- ☐ Separate victim and suspect - interview each in private
- ☐ Interview children
- ☐ Locate and preserve physical evidence
- ☐ Take pictures - crime scene/victim/suspect
- ☐ Request medical aid (if necessary/requested by injured)
- ☐ Explain why and conduct a Risk Assessment
- ☐ Issue protective measure (warning, EIO) and explain
- ☐ Make appropriate arrest
- ☐ Safety plan with victim and referral phone numbers

INTERVIEWING WITNESSES

- ☐ Witnesses include ANYONE WHO HAD CONTACT WITH THE VICTIM OR SUSPECT or might have seen or heard something (either before/during/after violence). Corroborate anyway you can!
- ☐ Collect written statements from witnesses - do not leave blank forms with witnesses, collect on-site.

APPENDIX 5

Risk Assessment Questionnaire by the Police Protocol

The following questions shall be addressed to the person allegedly having been subjected to violence in the family (with the help of translator where necessary)³⁹:

Please note that this risk assessment tool was approved in the Police Protocols in June 2018 but it may change and be updated in due course.

³⁹ Council of Europe, Improving the effectiveness of the law-enforcement and justice officers in combating violence against women and domestic violence: Training of trainers manual, 2016, p. 42.

Question	Yes	No	I don't know	I refuse to answer
1. Did you receive injury in the result of the present incident?				
2. Are you afraid that the person allegedly having committed the violence will harm you or persons under your care?				
3. Has the person allegedly having committed the violence threatened to harm you or persons under your care?				
4. Has the person allegedly having committed the violence ever physically ill-treated you?				
5. Has the person allegedly having committed the violence ever sexually ill-treated you?				
6. Has the person allegedly having committed the violence victimised you, exercised control over your actions, isolated you or deprived you of financial means?				
7. Does the person allegedly having committed the violence have a weapon at his (her) disposal?				
8. Has the person allegedly having committed the violence ever maltreated your pet?				
9. Have the violence, threats become more severe or frequent with time?				
10. Have you recently (during the last one year) tried to get divorced with or split from the person allegedly having committed the violence, or is there a dispute concerning custody of children or other judicial dispute between you?				
11. Has there ever been a decision on warning, urgent interference or a protective decision, or a judgement of conviction for violence in the family delivered in relation to the person allegedly having committed the violence?				
12. Has the person allegedly having committed the violence ever violated requirements of protective decision?				
13. Has the person allegedly having committed the violence ever been convicted for committing crime accompanied with violence?				
14. Has the person allegedly having committed the violence been conditionally early released from further serving the punishment and is he (she) under the period of probation?				
15. Is the person allegedly having committed the violence suffering with alcohol addiction, drug addiction, toxicomania or gambling addiction?				
16. Is the person, allegedly having committed the violence, record-registered in psychiatric or narcological facilities?				
17. Has the person allegedly having committed the violence used violence during your pregnancy (where he (she) knew about the pregnancy)?				
18. Have the family members of the person allegedly having committed the violence ever threatened or harmed you?				
19. Has the person allegedly having committed the violence uttered threat when you reported to the police or other law enforcement body?				
20. Are you pregnant or did you give birth during the last one year, or do you have disabilities?				
21. Have you previously reconciled with the person allegedly having committed the violence with regard to criminal, civil case or application of any of the protective measures against violence in the family?				

Positive answers to 10 questions out of the above listed ones shall be indicative of existence of imminent threat of recurrence or continuation of violence in the family.

APPENDIX 6

Alternative risk assessment tools

Risk assessment questionnaire by NGOs

Victim's own assessment of danger and risk level has been shown to be very accurate and should be taken very seriously. Due consideration should be also given to threatening and controlling behaviour of the perpetrator, among other risk factors, when assessing the level of risk. For example, it is important to know if the perpetrator controls the victim's daily activities or leaves threatening messages to the victim. The following questions used by NGOs, especially 6, 13, 15 and 16 below, provide necessary information when assessing the level of risk in addition to those ones used in the police questionnaire.

- 1▶ Has the abuser threatened to harm or kill the victim?
- 2▶ Has the abuser threatened or used a weapon/knife or an object against the victim?
- 3▶ Has the abuser strangled or attempted to suffocate the victim?
- 4▶ Is the abuser violently and constantly jealous?
- 5▶ Has the abuser used sexual violence or forced the victim to have sex?
- 6▶ Is the abuser controlling victim's daily activity?
- 7▶ Has the abuser an easy access to guns?
- 8▶ Is the abuser unemployed?
- 9▶ Is the physical violence increasing in severity and/or frequency?
- 10▶ Does the abuser use drugs or drink alcohol extensively?
- 11▶ Has the abuser used violence when the victim has been/is pregnant?
- 12▶ Abuser threatens or attempts to commit suicide?
- 13▶ Has the abuser followed the victim, spied on her, and/or left threatening messages?
- 14▶ Abuser avoids being arrested for domestic violence?
- 15▶ Does the victim believe the abuser could try to kill her and/or the children/relatives?
- 16▶ Has the abuser hurt anyone else?
- 17▶ Has the abuser mental health issues?
- 18▶ Has the abuser harmed or threatened to kill a family pet?
- 19▶ Has the abuser a police record or trouble with police?
- 20▶ Is the victim depressed or suicidal?
- 21▶ Has the victim tried to separate recently or is there a conflict over seeing children?

Other risk assessment tools

There are several other validated risk assessment methods and guidelines used in various countries, such as Spousal Assault Risk Assessment, SARA⁴⁰, with different variations of it (e.g. B-SAFER, SARA-S). SARA and its variations include risk factors related to the perpetrator, the victim and their relationship on which basis the police estimate the level of risk to be low, medium, high or lethal⁴¹. Each level of risk requires various protection measures to be implemented by the police and other agencies (such as social workers, support centres and/or prosecutors).

For example, the SARA-S version used in Italy, and introduced in the Council of Europe manual⁴², consists of a total of ten risk factors related to the perpetrator and five “vulnerability” factors related to the victim.

Risk factors:

- ▶ Prior physical or sexual violence;
- ▶ Use of threats;
- ▶ Escalation of violence;
- ▶ Breaching orders;
- ▶ Attitudes supporting violence against women;
- ▶ Prior criminal records;
- ▶ Break-ups in the relationship;
- ▶ Financial, work related problems;
- ▶ Drug and alcohol abuse;
- ▶ Mental health problems.

Vulnerability factors:

- ▶ Ambivalent attitude towards the perpetrator;
- ▶ Extreme terror towards the perpetrator;
- ▶ Lack of services, support;
- ▶ Children in common, working in the same place, reduced mobility, social isolation;
- ▶ Mental or physical disability.

APPENDIX 7

Helpful websites

- ▶ www.womensupportcenter.org
- ▶ www.wrcorg.am
- ▶ www.womenofarmenia.org
- ▶ www.pinkarmenia.org

40 Kropp, R. & Hart, S. (2000). The Spousal Assault Risk Assessment (SARA) Guide: Reliability and Validity in Adult Male Offenders, Law and Human Behaviour, 20(1), 101–118.

41 Council of Europe: Improving the effectiveness of law-enforcement and justice officers in combating violence against women and domestic violence: Training of trainers manual, 2016, p. 43–44.

42 Council of Europe: Improving the effectiveness of law-enforcement and justice officers in combating violence against women and domestic violence: Training of trainers manual, 2016, p. 43–44.

[illegible]

[illegible]

[illegible]

The Council of Europe works in partnership with the Police of Republic of Armenia under the project “Preventing and Combating Violence against Women and Domestic Violence in Armenia” which aims at strengthening the capacity of key stakeholders involved in preventing and combating violence against women and domestic violence and increasing the knowledge of professionals on European standards, in particular, the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE