

REPUBLIC OF ARMENIA LAW ON
PREVENTION OF VIOLENCE WITHIN THE FAMILY, PROTECTION OF VICTIMS
OF VIOLENCE WITHIN THE FAMILY AND RESTORATION OF PEACE IN THE
FAMILY

CHAPTER 1: GENERAL PROVISIONS

The Republic of Armenia National Assembly has adopted this law with a view to:

Provide special protection to the family as a natural and fundamental unit of society;

Set forth legal mechanisms to prevent violence within the family, ensure safety and protection of the victims of violence within the family, and guarantee their rights and legitimate interests;

Ensure safety of the family members and assist in restoring peace in the family;

Regulate activities of competent bodies in preventing violence within the family and protecting victims of violence within the family;

Stipulate legal grounds for operation of bodies responsible for provision of psychological, material and social assistance to the victims of violence within the family and their social rehabilitation.

Article 1: Scope of law

1. This law shall stipulate legal and organizational grounds for prevention of violence within the family and protection of victims thereof, provide a definition of violence within the family, set forth the competences of bodies designated to prevent violence within the family and protect the victims thereof, identify the types of protective measures, grounds for their use, particularities of reconciliation of victims of violence within the family and perpetrators, and legal protection of information about the victims of violence within the family.

Article 2: Principles for prevention and protection of victims of violence within the family

1. Public and local authorities, their officials and nongovernmental organizations in their activities for prevention and protection of victims of violence within the family shall adhere to the following principles:

- 1) Primacy of providing safety and protection to victims of violence within the family;
- 2) Supporting the family as the natural and fundamental unit of society, strengthening traditional values and restoring peace in the family;
- 3) Priority of the child's best interests;
- 4) Guarantee equal rights and prohibit of discrimination;
- 5) Access to justice;
- 6) Privacy of information on private and family life;
- 7) Cooperation between public and local authorities and civil society.

Article 3: Violence within the family and its forms

1. For the purposes of this law the "violence within the family" shall mean an act of physical, sexual, psychological or economic violence occurring between the family members as well as an act of negligence.

2. Forms of violence within the family shall include:

1) Physical violence – battering stipulated in the Republic of Armenia *Criminal Code* and other acts of violence, intentional infliction of health impairment, unlawful deprivation of liberty, intentional infliction of severe physical pain;

2) Sexual violence – offences against sexual integrity and sexual freedom stipulated in the Republic of Armenia *Criminal Code*;

3) Psychological violence – intentional infliction of severe mental suffering, including a genuine threat of physical, sexual or economic violence, intentional and regular acts resulting in a justified fear in person for his/her or a family member's personal safety, regular violation of human dignity, extreme social isolation, forced abortion;

4) Economic violence – forcing a person into material dependence or controlling that person by depriving the latter of vital means of existence (food, clothing, housing, medicine), by unlawfully limiting the rights to possess, dispose or use property solely or jointly owned by the person, by restricting the rights of the person to education or free choice of employment;

5) Negligence – intentional failure to provide minimum necessary living conditions (food, clothing, housing, healthcare and medical service, education) to the child by a parent or legal guardian, or minimum necessary living conditions (food, clothing, housing, healthcare and medical service) to incapable or disadvantaged parents by their capable and adult children when the parent or legal guardian or the capable adult children have appropriate information and resources as well as access to relevant services.

Article 4: Main terms of the law

1. For the purposes of this law the terms used therein shall have the following meaning:

1) Members of the family:

a. spouse (including the person in common marriage), former spouse, parent (including stepparent, adopting parent, foster parent), child (including adopted, stepchild or godchild), spouse of the adopting parent, parents of the spouse, parents of the former spouse regardless of sharing the same residence;

b. grandmother, grandfather, sister and brother (including half-brother and half-sister), sister-in-law, brother-in-law, and son-in-law and daughter-in-law for the spouse's parents when sharing the same residence.

2) Support center – public entity providing social services stipulated in the Republic of Armenia *Law on Social Assistance*;

3) Shelter (care center for victims of violence within the family) – a safe temporary accommodation provided to the victims of violence within the family and persons under their care in cases stipulated in this law where they receive social services set forth in the Republic of Armenia *Law on Social Assistance*;

4) Perpetrator of violence in the family – a natural person against whom there is a warning, emergency intervention or protective decision in the manner prescribed in this law;

5) Victim of violence in the family – a natural person who sustained violence in the family as determined by a warning, an emergency intervention or a preventive decision or a judgment of the court that entered into force;

6) Person under care – a child, an elderly person or a person with disability living with the victim of violence within the family under the permanent care of the latter;

7) Competent police officer – a police officer of specialized unit for prevention of violence within the family and protection of victims of violence within the family;

8) Rehabilitation program – comprehensive program for the perpetrator of violence within the family aiming to prevent repeated violence through provision of psychological and social assistance, health rehabilitation and abolishment of bad habits (alcohol abuse, drug addiction, abuse of toxic substances, gambling addiction).

CHAPTER 2: PROTECTION MEASURES FOR VICTIMS OF VIOLENCE WITHIN THE FAMILY

Article 5: Types of protection measures for victims of violence within the family

1. Protection measures for victims of violence within the family are:

- 1) Warning,
- 2) Decision for emergency intervention, and
- 3) Protective decision,

2. The decision to apply protection measures shall be well-grounded. The protection measures shall be applied following the principles set forth in this law and

ensuring the proportionality of intervention. The application of those measures shall not hinder the institution of a criminal case and criminal prosecution stipulated by law.

Article 6: Warning

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

2. A copy of the well-grounded warning decision issued by the police officer shall be served to the perpetrator of violence within the family against signed acknowledgment. The content of decision shall be communicated to the perpetrator via phone if the latter is absent at the scene of action; if impossible, a copy of the decision shall be sent to the perpetrator via official e-mail or registered mail to the address of registration.

3. The warning decision is subject to appeal in the hierarchical order within one month after the perpetrator of violence within the family has received it or its content was communicated to him via phone as well as in the court within deadlines stipulated in the Republic of Armenia *Administrative Procedure Code*.

4. The police officer shall send a copy of the well-grounded warning decision issued to the support center of the permanent residence of the perpetrator of violence within the family which shall as soon as possible offer rehabilitation program services to the perpetrator of violence within the family to prevent new acts of violence.

Article 7: Emergency intervention order

1. An emergency intervention order is made by a competent police officer to protect the life and health of a member of the family if one member of the family has committed violence against another member of the family and there is a reasonable belief of imminent risk of repeated or continuing violence. An emergency intervention order may also be made if a violent act without elements of offence is committed within one year after receiving a warning.

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

3. An emergency intervention order may apply the following restraining measures:

1) Immediately and forcibly remove the perpetrator of violence within the family from the residence of the victim of violence within the family and prohibit his return until the deadline established in the order;

2) If they live separately, prohibit the perpetrator of violence within the family to visit the workplace, school, leisure places or residence of the victim of violence within the family and, if necessary, persons under victim's care as well as other venues attended by the latter;

3) Order the perpetrator of violence within the family to stay from the victim of violence within the family (and persons under the victim' 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 of violence within the family to surrender all firearms under his possession until the expiry of the deadline specified in the order. If the perpetrator of violence within the family possesses firearms, he shall immediately surrender those firearms to the police officer issuing the order at the time when this restraining order is communicated to him;

5) Prohibit the perpetrator of violence within the family to communicate with or contact the victim of violence within the family (and persons under her care, if necessary) through phone, mail or other forms of communication.

4. Restraining order may apply to any or all measures of the section 3 of this article specifying the same or different deadlines for those measures. The decision maker shall follow the principles of this law ensuring the proportionality of restraint when selecting the restraining measures.

5. If the person under imminent threat is a minor or an incapable person, the competent police officer issuing the order shall send a copy of that order and relevant records to the guardianship and trusteeship body which shall assess the situation and undertake measures stipulated in law and its charter.

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

7. A well-grounded decision of the competent police officer to issue an emergency intervention order shall become effective once it is served to the perpetrator of violence within the family. Its copy shall be served to the perpetrator of violence within the family against signed acknowledgment; if the latter is absent at the scene of action, the content of decision shall be communicated to the perpetrator via phone; if impossible, a copy of the decision shall be sent to the perpetrator via official e-mail or registered mail to the address of registration.

8. When applying the restraining measure stipulated in the section 3, clause 1 of this article the competent police officer issuing an emergency intervention order shall stay at the residence of the victim of violence within the family until the perpetrator of violence within the family collects his belongings and leaves the residence of the victim of violence within the family. After the effectiveness of the order, the perpetrator of violence within the family may take his belongings from that venue only once and accompanied by a police officer.

9. The competent police officer issuing an emergency intervention order shall immediately submit a copy of the order and relevant records to the chief of his unit.

10. The perpetrator of violence within the family shall refrain from such actions that will lead to nonfulfillment of obligations set forth for the perpetrator of violence within the family in the emergency intervention order. If the perpetrator of violence within the family intentionally and regularly commits such actions, the emergency intervention order may be revoked by the competent police officer issuing it. The same

officer may revoke the emergency intervention order if as a result of peaceful settlement procedure set forth in this law peace in the family is restored as well as if prior to its expiry the court decides to apply protection order.

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

12. The competent police officer issuing an emergency intervention order shall send a copy of the order to the support center at the permanent residence of the victim of violence within the family.

13. The restraining measure stipulated in the section 3, clause 3 of this article shall not apply when the meeting between the perpetrator of violence within the family and the victim of violence within the family is arranged in the scope of peaceful settlement procedure stipulated in this law with the permission of the support center at the premises of the center or in the presence of a relevant specialist of the center.

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

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

Article 8: Protection order

1. The victim or alleged victim of violence within the family or the support center with the consent of the latter may submit to the court an application for protection order. If the victim of violence within the family is a minor or a person ruled by the court as incapable or with limited capability, the motion for the protection order could be

made by close relatives, the legal representative and the guardianship and trusteeship body.

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

3. The protection order is issued to protect the victim of violence within the family and persons under the victim's care and prevent new acts of violence within the family.

4. The protection order is issued for a period of up to 6 months and can be extended by the court for up to 3 months twice on the basis of a well-grounded application justifying the need for such extension.

5. The protection order may apply the following restrictions:

1) Immediately and forcibly remove the perpetrator of violence within the family from the residence of the victim of violence within the family 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 of violence within the family and persons under her care to a shelter and availability of other places of residence for the perpetrator of violence within the family;

2) If they live separately, prohibit the perpetrator of violence within the family to visit the workplace, school, leisure places or residence of the victim of violence within the family and, if necessary, persons under the victim's care as well as other venues attended by the latter;

3) Order the perpetrator of violence within the family to stay from the victim of violence within the family (and persons under her 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 of violence within the family to surrender to the Police all firearms under his possession until the expiry of the deadline specified in the order;

5) Require the perpetrator of violence within the family to share with the victim of violence within the family the living expenses for their common minor children or

adult children with disabilities and persons under their joint care by paying the amount of alimony specified in the Republic of Armenia *Family Code*. The court may require the perpetrator of violence within the family to cover other necessary expenses of the victim of violence within the family resulting from the violent act;

6) Prohibit child visitations, if necessary;

7) Prohibit the perpetrator of violence within the family to communicate with or contact the victim of violence within the family (and persons under her care, if necessary) through phone, mail or other forms of communication;

8) Require the perpetrator of violence within the family to attend a rehabilitation program.

6. Restrictions stipulated in the section 5 of this article may apply individually or jointly specifying the same or different deadlines for those measures.

7. The Republic of Armenia *Civil Procedure Code* shall set forth the application requirements for protection order, the application review procedure, the judicial acts to be adopted by the court, the appeal procedure and the grounds for revoking a protection order. The Republic of Armenia *Law on Advocacy* shall set forth the grounds and procedure for providing a public defender for legal representation of the victim of violence within the family in the court.

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

9. The Police shall supervise the implementation of the protection order by the perpetrator of violence within the family. The perpetrator of violence within the family may take his belongings from the residence of the victim of violence within the family once every two months accompanied by a police officer if the restraining measure stipulated in the section 5, clause 1 of this article is applied. If the perpetrator of violence within the family possesses firearms at the time of issuing the order s/he shall immediately and no later than within 10 hours surrender them to the Police if the

restraining measure stipulated in the section 5, clause 4 of this article is applied. The Republic of Armenia Ministry of Justice's Service for Compulsory Enforcement of Judicial Acts shall ensure the implementation of requirement set forth in the section 5, clause 5 of this article, while the Competent Authority shall oversee the implementation of requirement foreseen in clause 8 of the same section.

10. The restraining measure stipulated in the section 5, clause 3 of this article shall not apply when the meeting between the perpetrator of violence within the family and the victim of violence within the family is arranged in the scope of peaceful settlement procedure stipulated in this law with the permission of the support center at the premises of the center or in the presence of a relevant specialist of the center.

11. Failure to comply to requirements of the protection order by the perpetrator of violence within the family shall entail liability under the law.

Article 9: Termination of an emergency intervention order and protection order due to institution of criminal case

1. If in the scope of criminal investigation of violence within the family the perpetrator of violence within the family is detained or compulsorily placed in the medical facility, or the protection measures stipulated in the Republic of Armenia *Criminal Procedure Code* such as personal safety of the protected person, protection of her residence and property, relocation of the protected person to new residence, change of identification documents or change of appearance of the protected person are applied to the victim of violence within the family then the restraining measures stipulated in the emergency intervention order and the protection order prohibiting the perpetrator to approach the victim, her residence or venues frequently attended by her are suspended for the period of the latter measures being effective.

2. An emergency intervention order may be issued and an application for a protection order may be submitted if in the scope of criminal investigation of violence within the family the perpetrator of violence within the family is not detained or compulsorily placed in the medical facility and the investigation body has not applied the protection measures of the section 1 of this article. If in the scope of criminal investigation of violence within the family the perpetrator of violence within the family is detained or compulsorily placed in the medical facility and the investigation body

has applied the protection measures of the section 1 of this article, an emergency intervention order may be issued and an application for a protection order may be submitted if restraining measures stipulated thereof are not related to prohibiting the perpetrator to approach the victim, her residence or venues frequently attended by her.

Article 10: Conciliation of the perpetrator and the victim of violence within the family

1. The conciliation of the victim and the perpetrator of violence within the family shall be done during the effectiveness of emergency intervention and protection orders following the procedure established by the Head of the Competent Authority.

2. The conciliation is done upon an application of the perpetrator or the victim of violence within the family submitted to the support center. The support center shall receive a written consent of the other party to participate in the conciliation prior to commencing the process. The support center terminates the conciliation process if there is a reasonable belief that the victim of violence within the family takes part in that process influenced by threats.

3. The victim or the perpetrator of violence within the family may ask the court to revoke the protection order if conciliation is reached during the effectiveness of the order.

4. The victim or the perpetrator of violence within the family may ask the competent police officer who issued the emergency intervention order to revoke it if conciliation is reached during the effectiveness of the order.

5. No conciliation process is arranged if the victim of violence within the family is a minor or an incapable person.

Article 11: Preventive registration and deregistration of the perpetrator of violence within the family

1. The perpetrator of violence within the family against who a warning, an emergency intervention order or a protection order is issued as well as an adult with criminal record for family violence shall be registered by the Police for preventive purposes. A social worker from the local center providing social services set forth in the Republic of Armenia *Law on Social Assistance* shall, in the scope of preventive

registration, carry out monitoring to prevent acts of violence within the family by an adult; in case of a minor the monitoring shall be carried out by the Police in the manner established by the Head of the Competent Authority or the Chief of Police.

2. The person under preventive registration is deregistered if within one year following the last act of violence within the family new emergency intervention or protection orders are not issued against him or he is not convicted for such crime.

3. In the scope of preventive registration the police officer and the social worker from the local center shall have at least monthly meetings with the registered person and the victim of violence within the family to raise awareness. The social worker from the local center shall immediately notify the Police if a risk of repeated violence is identified during the monitoring.

Article 12: Nonuse of protection measures against minors or incapable persons

1. Emergency intervention or protection orders are not issued against a minor or an incapable person.

2. The juvenile perpetrator of violence within the family shall be referred by the Police to relevant community-based or state centers implementing rehabilitation programs following the procedure adopted by the Republic of Armenia Government for juvenile crime prevention, if there are no elements of crime in his actions.

3. If the perpetrator of violence within the family is an incapable person then relevant provisions of the Republic of Armenia *Law on Psychiatric Assistance* and the Republic of Armenia *Civil Procedure Code* shall apply.

CHAPTER 3: BODIES AND SPECIAL INSTITUTIONS WITH MANDATE TO PREVENT VIOLENCE WITHIN THE FAMILY AND PROTECT VICTIMS OF VIOLENCE WITHIN THE FAMILY AND SOURCES OF THEIR FUNDING

Article 13: Bodies and special institutions with mandate to prevent violence within the family and protect victims of violence within the family

1. The following entities shall prevent violence within the family and protect victims of violence within the family as part of their competences:

1) National Competent Executive Authority for social issues (hereinafter referred to as “the Competent Authority”);

2) Police;

3) National Competent Executive Authority for education;

4) National Competent Executive Authority for healthcare;

5) Guardianship and trusteeship bodies;

6) Special institutions providing support to victims of violence within the family:

a. support centers,

b. shelters.

2. State and local authorities within the scope of their competences shall support the fight against violence within the family and collaborate in this area with the Competent Authority. In this area the aforementioned authorities also participate in creating public awareness and providing social and material assistance to victims of violence within the family.

Article 14: Mandate of the Competent Authority in the area of prevention of violence within the family and protection of victims of violence within the family

1. In the area of preventing violence within the family and protecting victims of violence within the family the Competent Authority shall:

1) Develop the national strategy and coordinate the implementation of activities resulting from it;

2) Facilitate centralized registration of family violence cases following the procedure established by the Government decree and include information from the Police, Investigative Committee, Special Investigation Service, the Prosecutor's Office and the Republic of Armenia Judicial Department as well as data not registered by them and provided by support centers, guardianship and trusteeship bodies, and the National Competent Executive Authorities for education and healthcare; compile and annually publish relevant case statistics on its official website;

3) Review root causes, conditions and consequences of violence within the family, develop programs to eliminate them;

4) Oversee the compliance of shelters and their staff to requirements set forth for them by the Government; following the procedure established by the Republic of Armenia Government license provision of social services to victims of violence within the family through the shelters by nonprofit legal entities;

5) Establish shelters, conclude Government approved sample shelter financing agreements with nonprofit legal entities, oversee the operation of shelters partially or fully financed by the Competent Authority, including control over the use of funds;

6) Arrange regular trainings for staff of support centers and shelters and cooperate in this field with relevant nongovernmental organizations;

7) Regularly publish publicly available list of communication channels (including the phone numbers of a free "Hotline" service for victims of violence within the family that support centers must have) that the victims of violence within the family, the members of their family and others can use to immediately contact an employee of the support center or a relevant specialist engaged by the center to receive pro bono necessary help (in case of people with disabilities this help shall also be accessible for them);

8) Pursuant to the procedure established by the Government open and manage an account for provision of temporary assistance to victims of violence within the family. The account is replenished by allocations from the Government budget, donations from natural persons and legal entities and other lawful sources;

9) Approve the procedure for arranging and conducting the conciliation process between the victim and the perpetrator of violence within the family;

10) Establish the monitoring procedure for prevention of violence within the family by adults in the scope preventive registration;

11) Approve the rehabilitation program for perpetrators of violence within the family.

2. A Violence in the Family Prevention Council operates under the Head of the Competent Authority and provides to the latter recommendations on the national strategy for prevention of violence within the family, programs deriving from the strategy, legislative reforms, public awareness activities and other issues. The Council members work on pro bono basis. The Council has equal number of:

1) representatives from the Executive, the Police, the Republic of Armenia Investigative Committee, the Prosecutor's Office;

2) representatives of nongovernmental organizations;

3) staff of support centers and shelters nominated by the Head of the Competent Authority.

3. The Council shall also have one representative from the staff of the Human Rights' Defender.

4. The Government shall set forth the procedure for forming the Council and its functions, and the Republic of Armenia Prime Minister shall approve its membership.

Article 15: Mandate of the Police in the area of prevention of violence within the family and protection of victims of violence within the family

1. In the area of preventing violence within the family and protecting victims of violence within the family the Police shall:

1) Facilitate the operation of a specialized unit for prevention of violence within the family and protection of victims of violence within the family. The Government shall approve a special uniform for the specialized unit and the Chief of Police shall set forth the training procedure and other distinct operational features;

2) Specify the procedure for preventive registration as well as the monitoring procedure for prevention of violence within the family by juveniles in the scope of preventive registration and for this purposes meet with them at least monthly;

3) Explain to individuals who informed the Police about violence against them within the family their rights and possibility to benefit from available services, refer

them to support centers if necessary, make a decision to transfer victims of violence within the family and persons under their care to the shelter in cases and following the procedure specified in this law;

4) Arrange regular trainings on prevention of violence within the family and protection of victims of violence within the family for its relevant officers; facilitate participation of its relevant officers in trainings organized by other bodies and organizations;

5) Issue emergency intervention orders stipulated in article 7 of this law, oversee the implementation of relevant provisions in the emergency intervention and protection orders following the procedure set forth by the Chief of Police;

6) Develop criteria to assess the imminent threat specified in article 7 of this law and organize mandatory training for its relevant officers to introduce them specific aspects of application of the aforementioned criteria;

7) Submit statistics it maintains on cases of violence within the family to the Competent Authority.

Article 16: Mandate of the National Competent Executive Authority for Education in the area of prevention of violence within the family

1. In the area of preventing violence within the family the National Competent Executive Authority for education shall:

1) Conduct regular trainings for teachers and educators on their role in prevention of violence within the family and procedure for notifying relevant authorities about the cases of violence within the family;

2) Review curricula with a view to prevent violence within the family and exclude the encouragement of violence within the family in textbooks and teaching materials, include into curricula topics on the nature of violence within the family and its impact on family and society, and on values of a traditional family.

Article 17: Mandate of the National Competent Executive Authority for Healthcare in the area of prevention of violence within the family

1. In the area of preventing violence within the family the National Competent Executive Authority for healthcare shall:

1) provide free primary healthcare to victims of violence within the family, set forth the procedure for registration of information about persons seeking medical assistance as a result of violence within the family and the criteria for notifying the Police, the Republic of Armenia Investigative Committee or the Prosecutor's Office about the cases of violence within the family;

2) Implement awareness campaigns to introduce the staff of healthcare facilities to the criteria and procedure for notifying the Police, the Republic of Armenia Investigative Committee or the Prosecutor's Office about the cases of violence within the family;

3) Conduct regular trainings at healthcare facilities to inform about psychological and other services available for persons seeking medical assistance as a result of violence within the family and their referral to support centers.

Article 18: Mandate of guardianship and trusteeship bodies in the area of prevention of violence within the family and protection of victims of violence within the family

1. In order to prevent violence within the family and protect victims of violence within the family the guardianship and trusteeship bodies in the scope of their competences shall:

1) Request a protection order from the court in cases stipulated in the law and notify the law enforcement bodies about violence or real threat of violence within the family against a minor or a person ruled by the court as incapable or with limited capability;

2) Following procedure established by the law and their charter arrange care for children and incapable persons who are left without care as a result of violence within the family.

Article 19: Support center

1. Support center shall:

1) Inform persons who approached the support center about their rights, available services, protection measures stipulated in the law and procedure to benefit from them in a plain language (in case of people with disabilities in a manner understandable for them);

2) Arrange provision of free and necessary psychological and legal assistance and other necessary services to the victims of violence within the family;

3) Make a decision to transfer victims of violence within the family and persons under their care to the shelter upon their consent and in cases and following the procedure specified in this law;

4) Review root causes and conditions of violence within the family, manage statistics of cases of violence within the family and submit the results to the Competent Authority;

5) Following the procedure established by the Competent Authority arrange the rehabilitation of perpetrators of violence within the family, offer the latter relevant assistance and participation in some activities as a part of rehabilitation program as soon as possible after the receipt of a copy of the warning or emergency intervention order;

6) Offer psychological assistance to the victim of violence within the family as soon as possible after the receipt of a copy of the warning or emergency intervention order;

7) Implement or facilitate the implementation of conciliation process between the victim and the perpetrator of violence within the family on terms stipulated in article 10 of this law and following the procedure set forth by the Head of the Competent Authority;

8) Assist the victims of violence within the family in finding job and receiving social assistance from the state or relevant organizations;

9) Upon the consent of the person applying to support center and to ensure her safety, check with a relevant unit of the Police the presence of grounds for issuing a warning or an emergency intervention order as well as apply to the court to receive a protection order in cases prescribed in this law.

Article 20: Shelter

1. The state shall undertake necessary measures to guarantee the existence and operation of shelters. The shelter shall be established by the Competent Authority, a nonprofit organization founded by the local authority or other nonprofit legal entities.

2. The Competent Authority may conclude an agreement with nonprofit legal entities on establishing a shelter or supporting the operation of an existing shelter by the latter which shall include a procedure for the Competent Authority's control over the activities of that shelter, including control over the use of allocated financial resources. The location for a new shelter is determined by the Competent Authority under this law based on recommendations of need assessments by territorial bodies providing social services under the Republic of Armenia *Law on Social Assistance*. The financed nonprofit legal entity is selected through a tender procedure stipulated in the Republic of Armenia legislation.

3. Relevant entities shall be licensed by the Competent Authority to establish the shelter and the licensing procedure shall be specified by the Government. The Government may provide support to nonprofit legal entities for the establishment and operation of the shelter as stipulated in the legislation.

4. The shelter shall have necessary amenities, sanitary-hygienic and fire safety conditions that meet the requirements set forth by the Republic of Armenia legislation, care and education facilities for children and satisfy other requirements specified by the Republic of Armenia Government.

5. Victims of violence within the family and persons under their care (hereinafter for the purposes of this article referred to as "beneficiaries") may be accommodated at the shelter upon their request if there is a reasonable belief that the violence may repeat or continue. Children shall be accommodated at the shelter at least with one of the parents or another legal representative. Decision to accommodate the person at the shelter can be made by:

- 1) The Police if there is a threat to life or health;
- 2) The support center after receiving opinion of a territorial body providing social services stipulated in the Republic of Armenia *Law on Social Assistance*.

The decision to accommodate a person at the shelter shall be well-reasoned.

6. Shelter shall:

1) freely provide to beneficiaries safe living space, psychological, legal and social assistance drawing, if needed, on the relevant specialists, food and clothing as well as space with appropriate furniture and supplies for lessons to children;

2) arrange referral of beneficiaries to healthcare facilities for medical treatment and assistance, if needed and with the consent of beneficiaries.

7. The beneficiaries shall be accommodated at the shelter for no longer than 12 months. The shelter shall determine the length of stay as recommended by specialists providing needed assistance and taking into account the presence or absence of threats for their safety, the possibility for them to live alone or with another person and other relevant factors considering the consent of beneficiaries to stay at the shelter as a mandatory condition.

Article 21: Funding sources for special institutions preventing violence within the family

1. Support centers and shelters shall be financed by their founders, the state budget in cases stipulated by this law and the Republic of Armenia legislation, and other sources of financing permitted under the law.

CHAPTER 4: LEGAL REGIME FOR PROTECTION AND PROCEDURE FOR DISCLOSURE OF INFORMATION ABOUT VICTIMS OF VIOLENCE WITHIN THE FAMILY

Article 22: Inviolability of private and family life

1. Information about private life obtained by competent authorities in relation to cases of violence within the family and/or offenses related to victims or alleged victims of violence within the family is confidential. Disclosure of information about a victim or an alleged victim of violence within the family without her consent through media or other channels that may lead to her identification is prohibited unless otherwise stipulated in the Republic of Armenia legislation.

2. Police officers, staff of support center and shelter shall not disclose information about the location of victims of violence within the family and persons under their care accommodated at the shelter or other information that may help to find their location.

3. Breach of the right to inviolability of private or family life shall entail legal liability and the consequent damage to the person shall be compensated as specified in the law.

CHAPTER 5: TRANSITIONAL AND FINAL PROVISIONS

Article 23: Final section and transitional provisions

1. This law shall come into force one month after the day of its official promulgation except provisions of sections 3 and 4 of this article.

2. The Government and the bodies stipulated in this law shall adopt legal texts foreseen in this law within three months after its effectiveness. The prime minister shall approve the membership list of the Council at the Competent Authority, and the Head of the Competent Authority shall convoke the first meeting of the Family Violence Prevention Council.

3. Chapter 2 and section 2 of article 22 of this law shall come into force six months after its official promulgation.

4. Provisions on services provided by support centers and shelters shall come into force one year after the official promulgation of this law.

5. Competent authorities referred to in this law shall arrange required trainings on application of protection measures and provision of social services stipulated in this law before the effectiveness of relevant provisions.

REPUBLIC OF ARMENIA LAW ON

“AMENDMENT AND ADDENDA IN THE REPUBLIC OF ARMENIA CODE OF ADMINISTRATIVE VIOLATIONS”

Article 1: Add a new article 47.14 to the chapter 5 of the Republic of Armenia *Code of Administrative Violations* (hereinafter referred to as “Code”) dated December 6, 1985 that reads:

“Article 47.14: Disclosure of location of the victim of violence within the family accommodated at the shelter

1. Disclosing the location of a person accommodated at the shelter designated in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* to a person not eligible to receive this information by a person who obtained this information while carrying out official or in-service responsibilities shall entail a fine in the amount from two to four hundredfold of the minimum wage.”

Article 2: Add a new article 206¹⁵ to the chapter 14¹ the *Code* that reads:

“Article 206¹⁵: Intentional failure to implement the emergency intervention order or the protection order

1. “Intentional failure by the perpetrator of violence within the family to implement requirements stipulated in article 7, section 3, clause 5 and article 8, section 5, clauses 6 to 8 of the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* shall entail a fine in the amount from eighty to hundredfold of the minimum wage.”

Article 3: Add the number “,206¹⁵” in article 223, section 1, clause 1 after the number “206¹³”.

Article 4: Add the number “47.14,” in article 224, section 1 after the number “44.2,”.

Article 5: Add the number “47.14,” in article 254, section 1, clause 3 before the number “172.3”, and substitute the phrase “and 182” with the phrase “182 and 206¹⁵”.

Article 6: This law shall come into force six months after the day of its official promulgation.

REPUBLIC OF ARMENIA LAW ON

“ADDENDUM IN THE REPUBLIC OF ARMENIA CRIMINAL CODE”

Article 1: Add a new article 353.1 to the chapter 31 of the Republic of Armenia *Criminal Code* dated April 18, 2003 that reads:

“Article 353.1: Intentional failure to implement the emergency intervention order or the protection order

1. “Intentional failure by the perpetrator of violence within the family to implement requirements stipulated in article 7, section 3, clauses 1 to 4 and article 8, section 5, clauses 1 to 4 of the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* shall entail a fine in the amount from three to five hundredfold of the minimum wage or detention for the term of one to three months or imprisonment for a maximum term of six months.”

Article 2: This law shall come into force six months after the day of its official promulgation.

REPUBLIC OF ARMENIA LAW ON

“ADDENDUM IN THE REPUBLIC OF ARMENIA ADMINISTRATIVE PROCEDURE CODE”

Article 1: Add a new chapter 31.3 to the section 5 of the Republic of Armenia *Administrative Procedure Code* dated December 5, 2013 that reads:

“CHAPTER 31.3.

APPEAL PROCEDURE FOR EMERGENCY INTERVENTION ORDER

Article 222.11: Emergency intervention order appeal cases

1. The appeal against an emergency intervention order specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* shall be reviewed in accordance with the regulations stipulated in this *Code* taking into account peculiarities of this chapter.

2. If an appeal is launched against an emergency intervention order specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family*, the court shall make one of the decisions listed in article 77, section 1 of this *Code* within 36 hours after receiving the application.

3. Notice on emergency intervention order appeal case to the applicant, the respondent and the victim of violence within the family or her legal representative shall be served immediately after setting the date of the court session. A public notice cannot serve as a way of notification.

4. The court shall review an appeal against an emergency intervention order specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* and make a substantive judgment within 48 hours after the admission of the application.

Article 2: This law shall come into force six months after the day of its official promulgation.

REPUBLIC OF ARMENIA LAW ON

“ADDENDA IN THE REPUBLIC OF ARMENIA CIVIL PROCEDURE CODE”

Article 1: Add a new article 149.16 to the chapter 22.3 of the Republic of Armenia *Civil Procedure Code* (hereinafter referred to as “Code”) dated June 17, 1998 that reads:

Article 149.16: Conciliation under protection order applications

1. Provisions on conciliation of this chapter shall not apply to official decisions made pursuant to the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* and the procedure set forth in chapter 35.1 of this Code. In the aforementioned cases the conciliation between the victim and the perpetrator of violence within the family shall follow the procedure set forth in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family*.

Article 2: Add a new chapter 35.1 to the Code that reads:

“Chapter 35.1 PROCEDURE FOR ISSUING PROTECTION ORDER

Article 201.1: Submission of application

1. The application for protection order specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* shall be submitted to the court of general jurisdiction at the residence address of the alleged victim of violence within the family or at the location of support center submitting such application with the consent of the alleged victim.

Article 201.2: Content of application

1. In addition to requirements set forth in article 87 of this *Code*, the application for a protection order shall also include:

1) Information about the person to whom the restrictions of the protection order will apply;

2) Relevant provisions of the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family*;

3) Information on relations in the family and/or blood ties between the respondent and the alleged victim of violence within the family;

4) Information supporting the existence of a real threat of violence within the family;

5) Note on application of restrictions set forth in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family*;

6) Note that the respondent is on preventive registration pursuant to the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family*.

2. Warnings on impermissibility of violence within the family and/or emergency intervention orders issued against the respondent pursuant to the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* shall be attached to the application, if available.

Article 201.3: Review of application

1. Applications for protection orders shall be reviewed in accordance with the regulations stipulated in this *Code* taking into account peculiarities of this chapter.

2. The court *ex officio* shall clarify the merits of the case. The court shall not be limited by evidence, motions, proposals, explanations and objections presented by the parties, and may undertake adequate measures to obtain available and accessible information on actual facts required for judgment of the case.

5. The court shall make a decision on the admission of the case within 3 days after the receipt of application.

6. The court shall examine the application for issuing a protection order and adjudicate within 7 days after the decision on admission of the case.

Article 201.4: Judicial act

1. After examining the case, the court adopts the following substantive judgments:

- 1) Grant the application and issue a protection order;
- 2) Reject the application;
- 3) Partially grant the application and apply one or several restrictions specified in the application;
- 4) Partially grant the application and apply restriction(s) other than those specified in the application.

2. Shall the court identify evident elements of an offence during the examination of application, it makes a motion to the Republic of Armenia Prosecutor General to check the presence of grounds for institution of a criminal case without suspending the proceedings.

3. The substantive judgment of the court shall come into force after its promulgation.

4. The court may revoke the protection order before the deadline specified therein if conciliation specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* is reached between the perpetrator and the victim of violence within the family. The perpetrator or the victim of violence within the family shall submit to the court an application to revoke the protection order and the

conciliation agreement concluded with participation of the support center. The court makes a decision to revoke the protection order without convoking a court session.

5. The protection order may also be revoked upon a motion of the perpetrator of violence within the family if established that the victim of violence within the family intentionally and regularly commits actions that make impossible for the perpetrator of violence within the family to fulfil his obligations under the protection order.

6. The decision shall indicate the validity term of the protection order. The protection order may stipulate:

1) the need to relocate the victim of violence within the family or persons under her/his care to a shelter;

2) payment of treatment costs for the victims of violence within the family by the perpetrator.

7. The protection order is send to the perpetrator and the victim of violence within the family and to the applicant, if the application is made by a person other than the victim of violence within the family. If necessary, copies of the order are provided to the Police, the Competent Authority specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* and the Republic of Armenia Ministry of Justice's Service for Compulsory Enforcement of Judicial Acts to oversee the execution of the order. The order is also sent to the guardianship and trusteeship body if the interests of a minor or incapable person are involved.”

Article 3: This law shall come into force six months after the day of its official promulgation.

**REPUBLIC OF ARMENIA LAW ON
“AMENDMENTS IN THE REPUBLIC OF ARMENIA LAW ON SOCIAL
ASSISTANCE”**

Article 1: Annul article 2, section 1, clause 7 of the Republic of Armenia **Law on Social Assistance** AL-231-N dated December 17, 2014.

Article 2: Redraft article 12, section 2, clause 3 of the law to read:

“3) victims of violence within the family as a shelter specified in the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family* for up to 12 months.”

Article 3: Article 1 of this law shall come into force one month after the day of its official promulgation, and article 2 shall come into force one year after the day of its official promulgation.

**REPUBLIC OF ARMENIA LAW ON
“ADDENDUM IN THE REPUBLIC OF ARMENIA LAW ON ADVOCACY”**

Article 1: Add a new clause 16 to article 41, section 5 of the Republic of Armenia *Law on Advocacy* AL-29-N dated December 14, 2004 that reads:

“16) Victims of violence within the family the Republic of Armenia *Law on Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family.*”

Article 2: This law shall come into force six months after the day of its official promulgation.

**REPUBLIC OF ARMENIA LAW ON
“ADDENDUM IN THE REPUBLIC OF ARMENIA CRIMINAL PROCEDURE CODE”**

Article 1: Add a new section 4 to article 183 of the Republic of Armenia *Criminal Procedure Code* (hereinafter referred to as “Code”) dated July 1, 1998 that reads:

“4. Irrespective of the victim’s complaint, the prosecutor is eligible to institute a criminal case on violence within the family for offenses specified in section 1 of this article, if the person due to his/her helpless state or dependence from the alleged perpetrator is unable to protect own lawful interests. In such instances the criminal case is instituted and investigated following general procedure established by this Code and the criminal proceedings are not dismissed in case of conciliation between the victim and the accused.”

Article 2: This law shall come into force one month after the day of its official promulgation.