ACCESS TO JUSTICE IN THE REPUBLIC OF ARMENIA

FOR WOMEN WHO ARE VICTIMS OF VIOLENCE

REPORT

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Report

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Introduction

The right to access justice for women who are victims of violence is an important prerequisite for the protection of women's rights and especially for the elimination of discrimination and violence. Access to justice includes both the existence of appropriate legal regulations and functioning mechanisms as well as procedures that guarantee the restoration of justice, the protection of women, the prevention of violence, the prosecution of perpetrators and their just punishment.

The Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence, a benchmark in the fight against domestic violence, states that participating states[1] shall take all the necessary legislative and other measures to diligently prevent, investigate, punish and provide reparation for acts of violence against women.

Within a number of key cases on domestic violence, the European Court of Human Rights has also established standards for member states for examining such cases.[2] The most important of these standards is that the authorities, when informed of the fact of violence, shall be obliged to investigate the case with due diligence, bring the perpetrator to justice and protect the victim of violence and her children (if there are children in the family)[3].

[1] The Republic of Armenia signed, but has not ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

[2] The Republic of Armenia has been a member of the Council of Europe since 2001.

[3] Արման Ղարիբյան, Ընտանեկան բռնության իրավական հասկացության ծագումն ու զարգացումը, «Անալիտիկոն», փետրվար, 2017, https://theanalyticon.com/%d0%bd%d0%be%d 0%b2%d0%be%d1%81%d1%82%d0%b8-hy/%d5%a8%d5%b6%d5%bf%d5%a1%d5%b6%d5% a5%d5%af%d5%a1%d5%b6-%d5%a2%d5%bc%d5%b6%d5%b8%d6%82%d5% a9%d5%b5%d5%a1%d5%b6-%d5%ab%d6%80%d5%a1%d5%be%d5%a1%d5%af%d5%a1%d5 %b6-%d5%b0%d5%a1%d5%bd%d5%af%d5%a1%d6%81/

The UN Committee on the Elimination of Discrimination against Women shares the same position. In General Recommendation No. 33 on access to justice for women[4], the Committee established that access to justice encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims and the accountability of justice systems.

This report aims to assess how well abused women's right to have access to justice is protected in the Republic of Armenia. The report addresses the attitude of state authorities, from a police officer to a judge, towards abused women in the pre-trial and judicial stages as well as the challenges on the way to justice. It does not include the analysis of the amendments to the Criminal Code that came into force on July 1, 2022.

To achieve the above-mentioned goal, the court hearings on cases on domestic violence were monitored in 2021-2022, and the judicial acts made in domestic violence cases in 2018-2022 were studied. In order to reveal the existing problems at the pre-trial stage, in-depth interviews were conducted with women who were victims of domestic violence. Thus, this is a good opportunity to identify the specificities within the legal practice, in pertinence to criminal liability within domestic violence cases, along with the trends of criminal prosecution and the established judicial practice.

This report was compiled before the new RA Criminal Code came into force, hence, the analyses herein are based on the provisions of the previous Code, the cited Articles are from that Code, too. After the new Criminal Code has taken effect, the amendments to the articles covering domestic violence are presented in Appendix 3.

[4] Committee on the Elimination of Discrimination against Women, General recommendation No. 33 on women's access to justice, August 3, 2015, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_33_7767_E.pdf

METHODOLOGY

The monitoring of judicial hearings on criminal cases on domestic violence and the study of judicial acts were conducted following the methodology, designed for the purpose of this report, a number of methodological questionnaires were structured. All interviews with abused women were based on a pre-structured questionnaire. It was designed based on the manual on Issues and Recommendations on the Coverage of Domestic Violence and Sexual Abuse Against Women, prepared by the Coalition to Stop Vioence Against Women.

To monitor court hearins on domestic violence cases, an equal number of court heartings were selected in the capital and in the regions. The cases which had long been under judicial examination, as well as current and newly initiated cases were monitored to enable an observation of the course of proceedings at various stages.

The monitoring of judicial hearings included not only the course of the hearing, but also the observaton of the situation inside, outside and around the court premises prior to and after the hearing. Special attention was paid to the safety of women that were victims of violence, as well as the potential interactions between the accused and the victim or the relatives of the accused and the victim. In order to asess the situation, the observer would arrive at the court 15 minutes prior to the court hearing and would leave the court only after the victim, her representative, as well as the accused and their defense had already left. The observer would continue focusing attention on the participants of the trial during court recesses, too. All this enabled the identification of issues that are taking place beyond the recorded court hearing.

When monitoring the course of the court hearing, attention was paid to the attitude of the court and the other participants of the litigation to the abused woman and her representative. The questions asked, and the statements and exclamations made during the court hearing were analyzed from the viewpoint of gender discrimination, stereotypes and other forms of violence. The effectiveness of the trial was assessed from the viewpoint of protecting the woman from violence, the punishment for the perpetrator, and the prevention of violence in the future.

The judicial acts on domestic violence were studied along two lines: a study

of judicial acts, based on the merits of the case by courts examining criminal cases and a study of judicial acts, passed on the dismissal of the criminal case at the stage of trial.

The study of judicial acts covers the scope of judicial acts in 2018 – 2022. In 2018 – 2022, the judicial acts on domestic cases, passed by courts, were identified through the search engine for judicial acts www.datalex.am. Given the multitude of identified judicial acts and the infeasibility of encompassing the analysis of all acts within this report, it was decided to draw up a sample of judicial acts on the merits of cases, based on the proportional distribution of judicial acts by the years of the adoption of the judicial acts, their geographical location (regions and Yerevan) and the degree of gravity of the crime.

This research was conducted following the methods of comparative analysis and synthesis.

The methodological questionnaires, developed to monitor court hearings on domestic violence cases and to study judicial acts are presented in Appendices 1 and 2, respectively.

ACCESS TO JUSTICE FOR WOMEN WHO ARE VICTIMS OF VIOLENCE IN THE PRE-TRIAL STAGE

To identify the issues, related to exercising the right to access to justice for abused women at the pre-trial stage, in-depth interviews were conducted with 14 women who were victims of violence in the first four months of 2022. An in-depth interview was conducted jointly with Zaruhi Mejlumyan, an attorney, who defends the victims of domestic violence in court cases and represents Women's Support Center NGO.

All interviewees were abused by their ex-husbands or partners. Violence was a continuous practice in all cases (lasting for minimum 2 and maximum 13 years). Physical abuse was prevalent, accompanied by psychological and economic abuse. None of the interviewees had reported about the very first manifestations of violence to law-enforcement bodies. In all cases, women went to the Police at a certain stage of continued violence, when, for example, the physical violence had had graver consequences or when it was used against children, too.

All abused interviewees mentioned that the Police had not explained their rights to them, had not specified the types of domestic violence and were not willing to hear about the continued violence in their relationships. Investigators[5] usually recorded only one, namely the most recent episode of violence, where they could identify the *corpus delicti.* Women also stated that they experienced an unfavourable attitude when interacting with the officers of various Police Departments, and some of them were treated with contempt, sarcasm, skepticism, and even personal insults were voiced in the law-enforcement bodies.

> Investigators insult, scold and mock the women who were victims of violence.

[5] The victims of domestic violence found it hard to recall or tell the rank or position of the Police representative or the investigator who talked to them, hence in this chapter the term "investigator" may refer to the police officer, detector or investigator.

The vast majority of interviewed women said that investigators openly insulted, scolded or made fun of them. A.I., 17, experienced an especially unfavourable attitude in Vanadsor Police Department, when she withdrew the complaint she filed against her husband. "Thumbelina, kiddo, are you tricking us...?" the representative of the Police told the young woman. K.V., 37, was scolded in the similar manner at Mashtots Police Department "You have no pride. You first allow for such things to happen, then you report, then you withdraw the complaint."

The complaint or report on domestic violence, when withdrawn by the woman who filed it in, is quite a common practice: even though the legislation provides for the continued investigation in the absence of a complaint, too, the law-enforcement bodies generally cease the preparation of the materials of the case or dismiss inquiry, should there be no complaint filed by the woman. However, the Order of the Chairman of the RA Investigative Committee, dated December 17, 2014,[6] clearly instructs to initiate a public criminal lawsuit in cases of domestic violence or continue the criminal proceedings, should the victim withdraw her complaint.

Citing Para 168 of the case law judgment of the European Court of Human Rights *Opuz vs. Turkey*, the Chairman of the RA Investigative Committee ordered that "in privately prosecuted domectic violence cases, criminal proceedings shall be launched or pursued in the public order if the applicant (victim) has withdrawn the application (complaint) if there is a threat of repeat offense against the applicant. In the absence of a complaint by the applicant in domestic violence cases, within the framework of diligent investigation of the launched criminal case, the investigator shall determine the gravity of the offense, the nature of the damage caused to the victim (physical or psychological), the use of a weapon by the perpetrator, the threats after the attack, the impact on the children living in the house (including psychological), the likelihood of a repeat offence by the person, the likelihood of the continuous threat to the health and safety of the victim or any other person, the current state of the relations between the accused and the victim, the impact of the continuation of criminal prosecution on the relationship, against the victim's will and so on."[7] A similar requirement is set by the Council of Europe Convention on the Preventing and Combating Violence Against Women and

[6] An order on approving the guideline on the uniformity of initiating a criminal case or refusing to initiate a criminal case by way of private accusation, https://investigative.am/news/view/hraman2.html

[7] Ibid., Para 10

Domestic Violence.[8] 6 of the interviewed women did submit a complaint, however, withdrew it later, and yet the investigators of the given cases did not comply with the above-mentioned order, and when the women returned some time after the withdrawal of the complaint, they were often scolded by the law-enforcement officers.

At Mashtots Police Department, they threatened a victim of violence. The investigator told A.K., 27, and her ex-husband at the face-to-face interrogation: "You should both start behaving yourselves, or else, I will write to the Guardianship and Trusteeship Body and will take your child away from you."

S.A., 43, was called "a snitch, informing against her own husband", and when the wife continued to insist on filing her complaint, she was accused of "not having selected the the right man…" A.B., 37, too, had a negative experience in the same department, when during her interrogation the investigator said: "Oh, where have you found him? If he was like that, why did you keep leaving and returning to him?"

The "Access to Justice for Women" manual developed for lawyers, as adapted from the Council of Europe "Traning Manual for Judges and Prosecutors on Ensuring Women's Access to Justice", states that prosecutors must supervise the legality of the investigation and evidence collection process and should ensure that the investigators conscientiously respected the human rights related criteria.[9] Whereas the rights of interviewed women were violated by the investigors. N.S., 36, was not openly insulted, however, after the investigation, three male investigators from Vagharshapat Police Department called her later in the evening on Viber app, courting her and pursuing intimate relations, which dramatically insulted her dignity. The woman had to turn to an acquaintance of hers who was an official so that the latter could restrain the investigators' actions. Another woman – N.B., 44, said that when she was nervously shaking at Shengavit Police Station, the male police officer approached her from behind, hugged her shoulders, squeezed them and said, "Do not tremble." At the same Police Department, T.M., 42, was mocked at: "They were

[8] Council of Europe Convention on the Preventing and Combating Violence Against Women and Domestic Violence, Article 55.1, https://rm.coe.int/168046246d

[9] Access to Justice for Women, A manual for lawyers, p. 20, https://rm.coe.int/methodology-womens-access-to-justice-arm-pgg/16809c8282

mocking me and my ex-husband during our face-to-face interrogation, they were laughing at what we were both saying." And P.K., 39, was asked at Erebuni Police Station: "Has your lawyer advised you to come here and submit such a complaint?"

Police officers and investigatiors discourage women to complain.

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence instructs the Council of Europe participant states to encourage people to report on cases of violence against women,[10] however, the majority of women participating in in-depth interviews had noticed just the opposite attitude in the Police Departments. The women mentioned that they did not feel either safe or secure in Police Departments, and that the investigators neither heard nor supported them, on the contrary, many of the latter had tried to discourage women from reporting.

In Malatia Police Department, A.B., 37, was told by the investigator: "Why have you come here to tell me about your lyrical spirits and moods in this relaxed manner, sitting back with your legs crossed." And at Vanadsor Police Department, A.I., 17, was given the personal example by the police officer to convince her out of filing a complaint against her husband: "He was saying, kiddo, if we are drunk, we may smack our own wives. Do you think they should leave us and the house because of that?..." At Mashtots Police Department, the law-enforcement representatives accused N.B. of sharing her private life with the officers to discourage her from filing a complaint: "One of them asked me: why are you taking us into your marital bed, we do not want to slip through between the ring and the finger. And the investigator who was collecting my evidence was constantly hurrying me up, saying 'Be quick, I have to leave.' The atmosphere was so negative that I said: 'Just give it to me to sign and leave.' I just ran away from there," N.B., 44, told us. In the same Police Department, K.V. was asked by the investigator: "Now what? Are you going to file against the man who is the father of your children?"

The "Access to Justice for Women" manual states that "perceptions, which hold that some manifestations of gender-based violence, such as domestic violence or harrassment are less important than other crimes, that they are just "domestic issues" or do not pose threat to the wider population, shall not

[10] Council of Europe Convention on the Preventing and Combating Violence Against Women and Domestic Violence, Article 27, https://rm.coe.int/168046246d

impact on the decision making."[11] The women who are victims of violence, however, menioned that generally law-enforcement body representatives are not inclied to record complaints on violence, sometimes openly declaring that they were not going to file a case. "We are just going to waste the paper, I am not going to file a case anyway," S.A., 43, was told by the investigator at Malatia Police Department.

The Council of Europe Convention on the Preventing and Combating Violence Against Women and Domestic Violence instructs the Council of Europe participant states to protect the victims from intimidation at all stages of investigations and judicial proceedings.[12] The interviewed women told about intimidation and pressure against them during the pre-trial proceedings. In particular, perpetrators often threatened their wives, however, criminal cases on this occasion were filed in very rare cases. "So what? He is just threatening, there are no facts that he will fulfil the threat, we cannot constantly surveille you," I.A., 45, was told in Kanaker-Zeytun Police Department. Moreover, sometimes threats were voiced even in the presence of the investigator, during the interrogation, however, with no legal implications. "In the face-to-face interrogation, he was saying he would kill me. I told the investigator to write it down that he was threatening me, yet, the investigator would not do so," T.M., 42, said. A similar incident happened also in the course of the interrogation of the H.B., 28, and her ex-husband. "In the presence of the investigator, my ex-husband said: 'If the case lands in the court, you will find yourself in hell.' The investigator did not put it in the protocol. When I went there to take the case file, I reminded him of those words, and he said: 'Well, he just said it, but he did not do it.' It means he should have done it first for them to record," H.B. said.

Law-enforcement officers try to reconcile the perpetrator and the victim.

The manual "Access to Justice for Women" addresses alternative dispute resolution, highlighting that when the latter is applied for domestic violence cases, it is based on the misconception that both the perpetrator and the victim are equallty to blame for the violence, and that both parties should behave in a restrained manner. "This approach reduces the gravity of the crime. In general terms, it also contradicts the rule of law and the equality of women before the law, since it is putting serious crimes out of the scope of the judicial system, such as the crimes, that contain violent acts against women."[13]
Contrary to this, many interviewed women said that various representatives of

11 "Access to Justice for Women" manual for lawyers, p. 21, https://rm.coe.int/methodology-womens-access-to-justice-arm-pgg/16809c8282

12 The Council of Europe Convention on the Preventing and Combating Violence Against Women and Domestic Violence, Article 56.1a, https://rm.coe.int/168046246d

13 "Access to Justice for Women" manual for lawyers, p. 42, https://rm.coe.int/methodology-womens-access-to-justice-arm-pgg/16809c8282

the law-enforcement bodies tried to propose reconciliation between the victim of violence and the perpetrator as an alternative dispute resolution. At Vagharshapat Police Department, the police officer told N.S., 36: “I will put up a candle at church when you reconcile.” N.B., 44, received a call from their district officer, who was trying to convince the woman to reconcile with the male perpetrator. “I asked ‘Have I come to you to get protection or watch you make attempts at reconciling me? Then I found out that he was close friends with my ex-husband, they have parties together, they drink...,” N.B. said. At Vanadsor Police Department, A.I., 17, was told by the investogator: “You should realize that tomorrow your child will hold you accountable and accuse you of divorcing his father.” The same investigator was also trying to discourage the young woman who was a victim of violence to go to a shelter. “He said, ‘Think well, it’s a dump for bums, the conditions are much worse than in a hostel, whoever went there, was very dissatisfied. And another one pretended that they were calling the hotline, but there was no one to answer the call,” A.I. said.

Other obstacles encountered at Police Departments

Many interviewees did not only experience huge discomfort when they entered or left Police departments, but they also faced the threat of being victimized again, for example, according to the indictment of Case ՇԳ/0151/01/20, the perpetrator’s extended family abducted the wife when she was leaving Artik division of Shirak Regional Investigative Department.

Some of the women could recall that during the face-to-face interrogations ex-husbands swore at them, and even though the investigators tried to restrain the perpetrators, it was not very effective. Generally, face-to-face interrogations constantly caused a sense of alarm and fear, infringements of dignity and an apprehension that they might be revictimized because of the imminent danger of recurrence of violence. Even though the legislation provides for remote video conferencing for interrogation and confrontment, Zaruhi Mejlumyan, the representative of Women’s Support Center NGO states that this option has never been used in domestic violence cases, regardless of the motions submitted by the lawyers of the victims.

Some of the women stated that male investigators would use swear words when talking to each other in the presence of the women, and would cast long and unpleasant glances at them. “While you are sitting in front of the

investigator and writing your testimony, the door to the room keeps opening, and everyone in the building keeps coming in and going out, they stare at you attentively, they gaze at you," N.B., 44, said. Some respondents noticed that there was a significant change in the attitude when they showed up at the Police Department with their lawyer. However, not all of them had that opportunity or at least, could not do so at all the stages of the process. Often, women would call the Police Department and would immediately get invited to give testimony, which means that they did not manage to contact support centers and receive pro bono legal services. Women are not normally aware of that opportunity.

The vast majority of women who had overcome the above mentioned challenges and obstacles, however, gave a positive answer to the question "Would you recommend a woman who is a victim of violence to go to the Police?" Many mentioned that they should first go to non-governmental organizations that deal with women's rights, and then go to the Police with the former's assistance, so that their rights are not violated at the Police department.

ACCESS TO JUSTICE FOR WOMEN WHO ARE VICTIMS OF VIOLENCE AT THE JUDICIAL STAGE

2.1 The results of monitoring court hearings in domestic violence cases

In order to determine the level of access to justice for women who are victims of violence and the related issues and challenges, we have monitored the judicial cases on domestic violence from August 1, 2021 to June 30, 2022. 40 court hearings, of which 20 in the capital and 20 in the regions were monitored in the given period on 18 criminal cases (5 in Yerevan, 13 in the regions).

The monitored cases are as follows: ԱՎԴ/0068/01/21, ԱՎԴ/0156/01/21, ԱՐԱԴ/0021/01/19, ԱՐԱԴ/0073/01/21, ԱՐԴ/0036/01/21, ԱՐԴ/0081/01/20, ԱՐԴ/0164/01/20, ԱՐԴ/0170/01/21, ԱՐԴ/0190/01/19, ԱՐԴ/0203/01/20, ԱՐԴ/0277/01/21, ԵԴ/0367/01/18, ԵԴ/0670/01/21, ԵԴ/1057/01/20, ԵԴ/1886/01/21, ԿԴ/0030/01/21, ՇԴ/0151/01/20. One of the cases was about the examination of a complaint brought to court by a woman to challenge the decision of the prosecutor.

In all monitored cases, apart from one, the perpetrator of violence against the woman were men. The criminal cases were initiated in accordance with the articles of the RA Criminal Code, effective in the given period, as follows:

Article 118 (battery) - 7 cases/episodes,

Article 113.1 (Infliction of willful medium-gravity damage to health) - 4 cases/episodes,

Article 137.1 (threat to murder) – 3 cases/episodes,

Article 147.1 (Entering an apartment against the will of the person) – 3 cases/episodes,

Article 353.1 (Deliberate failure to fulfil a judicial act) – 3 cases/episodes,

Article 131.2 Clause 1 (Kidnapping a person by a group of persons with prior agreement) – 2 cases/episodes,

Article 34- Article 104 Part 1 (Attempt at a murder) – 1 case/episode,

Article 110.1 (Abetment to Suicide) – 1 case/episode,

Article 117 (Infliction of willful light damage to health) – 1 case/episode,

Article 112.1 (Infliction of willful heavy damage to health) – 1 case/episode,

Article 176.1 (Robbery) – 1 case/episode,

Article 141 (Sexual acts with a person under 16) – 1 case/episode.

In the monitoring period, judicial acts were made only in nine court cases, and in relation to the other cases, the trial was in progress at the time of the publication of this report. In case of more than half of the concluded cases, namely 5, a decision was made to terminate the criminal prosecution and release the accused from criminal liability on the basis of the expiry of the statute of limitations for criminal prosecution, and in two cases a conviction was reached, in one case the court upheld the woman's complaint against the decision of the prosecutor's office on not initiating a criminal case. There was another case that was completed with the reconciliation of the parties.
In both cases with convictions the court set a milder sentence than requested by the prosecutor.

The manual "Access to Justice for Women" states that, in cases on violence against women, prosecutors and judges must make sure that the requested penalty reflects the gravity of of the crime. "In such cases, sentencing must be fair, without discrimination, proportionate, uniform and consistent. The primary goal of sentencing must be the prevention of repeated infliction of violence, the protection of the victim and holding the perpetrator liable. The rehabilitation of the offender must not be the primary goal of the criminal penalty."[14] Judges must take into account other episodes of violence in the course of the relationship between the accused and the victim, too, which perhaps did not trigger a criminal case. "Is this the first crime, committed by

[14] Ibid., p.31.

the perpetrator? It does not necessarily have to lead to a shorter sentence term. Many offenders that end up at the court for the first time have a history of violence infliction, however, they were never accused before. Prosecutors and judges must use other sources of information in order to reveal the history of infringements by the perpetrator."[15] In the judicial acts of the monitored cases, no reference was made to the violence beyond the scope of the official accusation.

Apart from mild punishments assigned, the monitoring revealed issues related to the investigation of the case within a reasonable timeframe, the safety of the woman involved in the trial, as well as the attitude of the judge and other participants of the litigation to her. We will cover these issues in further detail below.

The causes of the long duration of the trial

The Convention of the Council of Europe on preventing and combating violence against women and domestic violence stipulates that pre-trial and judicial proceedings in cases of violence against women must be carried out without undue delay.[16] And a commonly applied good practice, as cited in the "Access to Justice for Women" manual is the use of expedited procedure in cases of violence against women through specialized courts. "Granting investigative competences to quasi-judicial bodies specializing in equality issues is considered an adequate practice in a number of countries."[17]

However, the trials of almost all monitored cases proceeded with undue delays, as a result of which the perpetrator was released from criminal liability in exactly half of the judicial acts. The majority of charges brought against the perpetrator were based on minor crimes with light punishments as well as a statue of limitations of only two years provided for in the legislation (according to the Criminal Code in force at the given time).

Article 75 of the Criminal Code of the Republic of Armenia provided that a person should be exempted from criminal responsibility if the following time

15 Ibid., p.31.

16 The Council of Europe Convention on the Preventing and Combating Violence Against Women and Domestic Violence, Article 49.1, https://rm.coe.int/168046246d

17 "Access to Justice for Women" manual for lawyers, p. 22, https://rm.coe.int/methodology-womens-access-to-justice-arm-pgg/16809c8282

periods specified below have elapsed after the crime was committed:

1) two years after the date of considering a minor crime as completed;

2) five years after the date of considering the crime of medium gravity as completed;

3) ten years from the date of considering a grave crime as completed;

4) fifteen years from the date of considering an especially grave crime as completed.

Taking into account the workload of the inquiry body, the prosecutor's office and the courts, this is quite a short period of time to have a legally effective judicial act.

The workload of the courts

The proceedings last long due to the workload of the courts. The average period between two hearings on the same case was more than 47 days in the monitored cases. The minimum number of days was 6, and the maximum was 127 days.

The judges mostly explain the long intervals between court hearings by their workload and sometimes the coincidence of the hearing dates with the judges' vacations or business trips. For example, in case ԱՐԴ/0036/01/21, during the court session held on April 1, 2022, the examination of the case was postponed for more than two months. And although the victim's representative shared her concern with the judge as to the closer expiry of the statute of limitations, and due to the long intervals between the sessions, they might not be able to finish the trial on time, Artur Adamyan – a judge of the Armavir Region Court of General Jurisdiction – said that the workload of the court did not allow for scheduling a session earlier than for June 6. And as the lawyer assumed, the accused was released from criminal liability in this case on the basis of the expiration of the statute of limitations for the crime.

Very rarely was the examination of the case completed within 2-3 court sessions. On average, the number of sessions held was over 10. The minimum number of sessions scheduled for the monitored cases was 2, the maximum was 42.[18] The ԵԴ/1886/01/21 case was an exception among the monitored

[18] The trials on the majority of monitored cases were not over before the compilation and finalization of this report, hence the mean of scheduled hearings was calculated, including only the number of hearings scheduled to take place before the publication of this report.

cases. The trial of the case started and ended on the same day. In this case, Judge Manvel Shahverdyan of the Court of General Jurisdiction of the city of Yerevan appointed only 2 court hearings. The first court session was not held because of the nonappearance of the accused. During the second court session, the judge succeeded to complete the examination of the case and publish the verdict on the same day. Judge Shahverdyan demonstrated exemplary behavior during the investigation of this case, which, however, is an exception in the Armenian judicial system.

Nonapprearance of trial participants and the duration of the court session

In addition to the objective causes for the workload of the judicial system, there are also other factors that contribute to delays in examining cases.

Many of the monitored court sessions were simply not held due to the nonappearance of trial participants, and in the monitored cases, the prosecutors were the ones to be absent most frequently. The excuses for the prosecutor's absence for the court session were mainly presented orally, over the phone, such as their participation in another court session, their workload, a presentation of a report at the General Prosecutor's Office, health problems, and so on. In some cases, prosecutors did not notify on their absences at all. For example, in case ԱՐԴ/0036/01/21, the prosecutor did not appear at the session scheduled for June 6, 2022, and did not contact the judge's staff to explain his absence. Judge Artur Adamyan from the Court of General Jurisdiction of Armavir Region, while adjourning the session, only expressed hope that the prosecutor would appear at the next session. The defense attorney failed to appear at the same session, too, who, in a written appeal to the court, asked to postpone the session, citing the excuse of his paticipation in another hearing where he was motioning a change of the restraining order in another case. It can be assumed that the prosecutor was in contact with the defense attorney and, learning that the latter was not going to appear and the session was going to be postponed at the latter's request, he did not appear himself, not even considering it necessary to contact the court. By the way, the statute of limitations expired in this case as well, and the judge made a decision to terminate the criminal prosecution and release the offender from criminal liability based on the expiration of the statute of limitations.

Judge Marine Melkonyan of Yerevan General Jurisdiction Court displayed a different attitude towards prosecutors' absences and failure to inform about them. The latter ruled that the prosecutor's nonappearance at the session scheduled for October 21, 2021 on case ԵԴ/0670/01/21 and the prosecutor's failure to notify about his absence before the court session was inexcusable and announced that a letter reflecting this fact would be sent to the

prosecutor's office of the administrative district.

Regular adjournments of court sessions are extremely frustrating for victims, making attendance of court hearings inconvenient and financially burdensome, as many of the victims fend for themselves and their families on their own, handling their financial and social problems. For example, in case ԱՐԴ/0190/01/19, when the court session was put off again because of the nonappearance of the prosecutor, the victim stated in court that she was unable to earn daily bread for her five children because of the prosecutor. The victim worked for a daily wage and had had to miss work on the given day in order to appear in the court session, but only after her arrival in court did she find out that the session was not going to be held. There are also quite a few cases in which the victim has to travel from a different region, because after the divorce she had changed her address.

The reason for the frequent postponement of the court hearings was also the nonappearance of the accused or their defense attorneys. Sometimes this can be a strategy, selected by the defense in order to delay the trial until the statute of limitations expires. Out of 18 monitored cases, the accused was detained in only 3. In the remaining cases, a signed acknowledgement of travel restrictions was chosen as a restraint measure. In other words, the accused were free, which gave them the opportunity not to show up for some court hearings. Moreover, in such cases, the judge did not always make a decision on arrest. A non-custodial restraining order is frustrating for women who rely on the protection of the state, because they often see the detention of the abuser as the only guarantee for their safety.

Some court hearings were postponed due to the nonappearance of the victim and/or his representative, which, however, was a rare occurrence. The victims and theirs representatives are usually interested in completing the examination of the case as soon as possible.

The trials were delayed also because of the short duration of the court sessions. The average duration of the monitored court sessions was only 25-50 minutes. In such a short time period, it was often impossible to conduct an objective and substantive trial. Such a short duration of court sessions could be accounted for by three reasons. The prosecutors asked to postpone the ongoing court session, because they had to attend another court session (1), the judge was forced to postpone the court session, because the time of the court session scheduled for another case was approaching (2), the start of the court sessions was mostly delayed, and there was little time left to work during the day's session (3).

Only two of all monitored court hearings started on time, both of them presided over by Judge Davit Balayan of Yerevan General Jurisdiction Court. All other sessions started late. On average, the sessions started more than 13 minutes later than the scheduled time. Minimum delay time was 4 minutes, the maximum was 57 minutes. In almost no case did the judges refer to the reasons for the late start of the court session. An exception was the court session scheduled for October 21, 2021 in case ԵՂ/0670/01/21, during which Judge Marine Melkonyan of the Court of General Jurisdiction of the city of Yerevan stated that the reason for the late start of the session was the nonappearance of the prosecutor and his failure to answer calls. It is noteworthy that the other court hearings on the same case also started with a delay, but the judge did not refer to them. The late start of court sessions was often accounted for by the late appearance of the parties, mostly the prosecutor. But also there were quite a few sessions when the parties appeared on time, but the judge showed up late in the court room. In general, the judges do not consider the late start of the sessions problematic, and it hardly ever becomes a subject of discussion during the court session.

The safety of the victims in the court

In the course of monitoring court sessions, special attention was paid to the victim's safety, integrity and the possible manifestations of re-victimization before, during and after the court session. Domestic violence cases are special in that violence has generally continued for many years and sometimes continues even during the judicial investigation, especially when the accused is not in detention. The safety of the woman participating in the trial is sometimes threatened within the court premises or even in the courtroom. The judge and the prosecutor have a special responsibility to ensure the safety and physical integrity of the woman, as well as respect for her dignity. They are "obliged to initiate risk assessments to determine the level of risk of escalated violence, manage the risk during court proceedings and identify the level of supervision and intervention, required by the justice system."[19] The manual "Access to Justice for Women" also states that "prosecutors and judges should talk to female litigants, especially victims of violence, about plans for ensuring their safety and that of any members of their families"[20], and "incidents of violence against women require special management and

[19] "Access to Justice for Women" manual for lawyers, p. 34, https://rm.coe.int/methodology-womens-access-to-justice-arm-pgg/16809c8282
[20] Ibid., p. 34.

regulation techniques in the judicial system".[21]

In any of the monitored cases, the victim was not escorted by the representative of the relevant body, although it is not excluded that she could have been assaulted by the accused and/or his relatives before, during or after the court session. However, in one of the cases there were similar situations when the victim's representative appealed to the police and they were escorted out of the courthouse to ensure safety. "Inside the court building, in the courtroom, the presence of bailiffs plays a restraining role. However, there are problems outside the courthouse. Sometimes I ask the bailiffs to accompany us to the car. There were cases when they were escorted by two police cars out of the region to Yerevan, because we were chased by a car. There was another case when the victim and her lawyer had to approached the building of the RA Appellate Court accompanied by a policeman," said Zaruhi Mejlumyan, the lawyer of the Women's Support Center NGO.

However, the victim does not always have a lawyer representing her interests. Out of 18 monitored criminal cases, only 10 victims had a representative in the trial stage. In all cases, legal services were provided free of charge by non-governmental organizations (by Women's Support Center in 9 cases and Helsinki Association in 1 case), and in the remaining 8 cases the victims refused to have a representative. The monitoring results show that if the victim has a representative, in addition to representing her interests in court more effectively, the lawyer will also help to somewhat reduce the risk of being attacked by other trial participants and their relatives. The presence of a lawyer during, as well as before and after the session, gives confidence to the victim, and the accused and/or his relatives are often not allowed to approach the victim and talk to her. For example, in case ԱՐԴ/0170/01/21 of October 28, 2021, the victim who came to participate in the session, was afraid to go up to the court room on the second floor, seeing the accused in the hall of the court building. The lawyer noticed this and asked the secretary of court sessions to invite the accused to the courtroom, only after which did the victim dare to come into the courtroom. In order to exclude the meeting between the perpetrator and the victimized woman in the court building but outside the court room, experts recommend designing the court buildings so that the parties to the proceedings can wait in separate waiting rooms.[22]

[21] Ibid., p. 35.
[22] Ibid., p. 37.

However, the presence of the lawyer did not always have a restraining role. For example, in case ԱՐԱԴ/0073/01/21 in the Ashtarak seat of the General Jurisdiction Court of Aragatsotn Region, before the court hearing scheduled for December 15, 2021, the relatives of the accused shouted insulting words at the victim in the hall of the court. One of them came to the court with the victim's personal photos in her hand to "shame her". In this case, the representative of the victim submitted a petition to the court to hold the sessions behind closed doors, which was granted, and the relatives of the accused were deprived of the opportunity of being present in the court room. However, they continued to behave aggressively towards the victim in the hall of the court building, at the same time shouting insulting expressions addressed at the observer of the Human Rights PowerNGO, thinking that he had come to protect the interests of the victim.

In case ԾԴ/0151/01/20, the presence of a lawyer did not hinder the accused from insulting the victim. During the court session scheduled for October 1, 2021, at the Gyumri seat of the General Jurisdiction Court of Shirak Region, the accused directly insulted the victim, saying: "You are a lousy mother, and everyone else here will think you are a lousy mother." Judge Karen Beglaryan of the General Jurisdiction Court of Shirak Region issued a warning to the accused for insulting the trial party. When the court session was over, the accused repeated the same words, and while leaving the courtroom, he said in a loud voice: "You don't have the right to be called a mother, I will spit on you, piece of shit." Already outside the court building, the accused shouted into the air. "I will cut you up, I will cut you into pieces." The victim was afraid that after the court session the accused might follow her, and she waited outside with the lawyer until the accused left. "My body is shaking from fear," the victim told the lawyer. None of the bailiffs accompanied the victim either inside or outside the court building.

Courts should take steps to avoid such incidents. “It is considered proper practice to let the parties leave the court with a lag in time, allowing the victim to leave the court first and, if necessary, offering escort by bailiffs”[23] in cases when the accused is not detained.

The attitude of the judge and the parties of the proceedings toward the victim

[23] Ibid., p. 34.

During the monitoring, we also focused on the attitude of the court and the trial participants towards the victim. The majority of judges, presiding over court sessions in monitored cases, were generally respectful and neutral to the victim. Davit Balayan, the judge of the Court of General Jurisdiction of the city of Yerevan, who addressed the victim using the informal and in this context disrespectful personal pronoun "դու" was an exception. After listening to the victim's testimony that her ex-husband was harassing her, sending voice messages and after familiarizing with the content of those messages, the same judge asked: "So what...? Why is this a problem?" And during the break, the judge scolded the woman, saying: "Have you brought this child to testify against his father?", meaning that the child was going to testify against his father in court. The same judge regularly interrupted the victim during her interrogation because he did not want to hear details about her ex-husband's behavior. The judge paid attention exclusively to the episode of violation of the court decision by the accused, because that was the basis of the accusation. By the way, in this regard, Judge Balayan is not an exception. In all monitored cases, during victim interrogations, judges are unwilling to hear about the behavior of the accused and go beyond the scope of the charges. This proves that the judges do not take into account the nature and specificity of the crime of domestic violence and want to consider the case only based on a specific episode, limiting themselves to the facts underlying the accusation. However, experts recommend researching the abuser's history of harassment. Moreover, in the case of obtaining information from other sources about continuous or frequent manifestations of violence, no criminal record of the defendant should not necessarily be considered as a mitigating circumstance, because "many offenders who appear in court for the first time have committed violence before, but they have never been charged."[24]

In all monitored cases, prosecutors treated the victim with respect. However, the defense party did not show the same attitude. Mostly, the accused, often their defenders, too, used questions or expressions about the victim, which humiliated the latter's dignity. Quite often there have been cases when during interrogations the accused would come up with accusations against the woman, referring to her immoral behavior and presenting information irrelevant to the case.

Judges generally do not allow the accused to continue such behavior either

[24] Ibid., p. 31.

at their own initiative or after the objection of the victim's representative. For example, in case ԿԴ/0030/01/21, during the interrogation of the victim in the session scheduled for March 18, 2022, at the Abovyan seat of the Court of General Jurisdiction of Kotayk region, the accused repeatedly accused the victim of failing in her maternal duties and having sexual relations with a certain man. Judge Gor Shahbazyan reprimanded the accused first and then deprived him of the right to ask questions. And in case ՇԴ/0115/01/20, during the session scheduled for October 1, 2021, at the Gyumri seat of the Shirak Region Court of General Jurisdiction, Judge Karen Beglaryan recorded that the defense attorneys of the accused are asking the victim questions that "turn interrogation into a practice of double victimization."

The manual "Access to Justice for Women" states that in cases of domestic violence, there is a high probability that the accused "will use tactics to intimidate the victim or maneuver in the court proceedings (such as giving angry looks, staring at the victim, making emotional speeches, etc.)." Judges must resort to decisive actions by giving a warning, changing the seats of the parties to the proceedings in the court or, if necessary, removing the party resorting to such asctions from the courtroom."[25]

The accused sometimes make insulting remarks about the victim during the recess of the court session, when the judge is not present in the courtroom. For example, in case ԵԴ/0367/01/18, during the break of the session on November 4, 2021, the accused, addressing the victim, said: "You seem very happy, huh?", "You have not figured out what may happen, huh?"

The court does not take any action to exclude contact between the victim and the accused during the breaks of court sessions. The woman who is a victim of violence and the perpetrator spend a long time in the same room and in such circumstances neither offensive remarks nor physical attacks can be ruled out. In the monitored cases, however, no cases of physical attacks were recorded.

Most of the interviewed women stated that they felt insecure both during the court session, the breaks, as well as before and after the sessions. And the physical conditions within some court premises do not even allow for

[25] Ibid., p. 34.

maintaining sufficient distance between the victim and the accused. For example, one of the court rooms of the Armavir seat of the Court of General Jurisdiction of Armavir region is only about 30 square meters, and the distance between the accused and the victim is about 4 meters.

In that court room, there are not even enough seats for the participants of the trial, which is why at the beginning of the October 28, 2021 session, in Case ԱՐԴ/0170/01/21, the bailiff suggested the representative of the victim should sit next to the accused, because the prosecutor should have sat next to the victim, and simply there was no third seat on that side. This is unacceptable, because the victim's representative must protect the victim's rights in court, and during the court hearing there is often a need to consult on the spot, so the victim's representative must always sit next to her.

2.1. Studying judicial acts on domestic violence

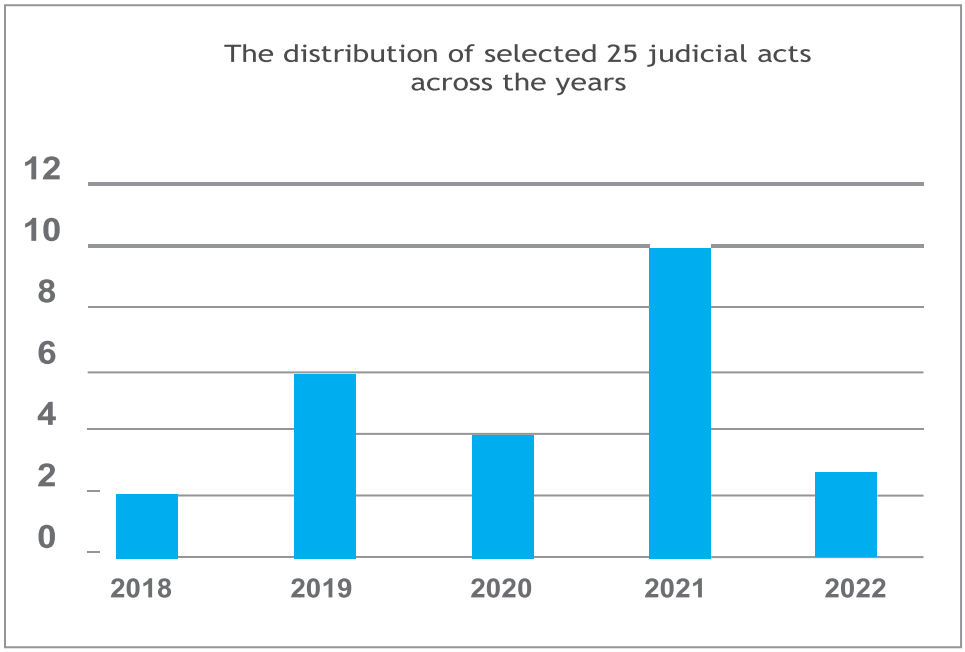
In order to analyze the specific features of applying criminal liability in cases of domestic violence, the trends of criminal prosecution in cases of domestic violence and the developed judicial practice, 35 judicial acts made in 2018-2022 were studied, of which 25 were judicial acts on the merits of the case and 10 were acts on cases dismissed at the trial stage.

2.1.1. The study of judicial acts on the merits of cases on domestic violence

We have narrowed our focus on 25 judicial acts out of the sample of judicial acts, passed in 2018-2022 by the RA courts on criminal cases related to domestic violence through datalex.am search. The sample court acts are as follows:

ԱՐԴ/0078/01/18, ԵԱԴԴ/0099/01/17, ԱՐԴ/0021/01/19, ԱՐԴ1/0001/01/19, ԱՐԴ/0050/01/19, ԵԴ/0299/01/19, ԱՎԴ/0015/01/19, ԳԴ3/0033/01/18, ԱՐԴ/0166/01/19, ՇԴ/0074/01/19, ԼԴ/0113/01/19, ԿԴ1/0040/01/19, ԱՎԴ2/0038/01/20, ԵԴ/0041/01/20, ԱՎԴ2/0055/01/21, ՇԴ/0147/01/21, ԱՎԴ/0018/01/21, ԿԴ/0007/01/20, ԱՎԴ4/0014/01/18, ԱՎԴ/0066/01/19, ԱՐԴ/0210/01/21, ԱՐԴ/0020/01/21, ՇԴ/0217/01/21, ԱՎԴ2/0010/01/22, ՇԴ/0046/01/22:

2 of the selected 25 judicial acts were passed in 2018, 6 in 2019, 4 in 2020, 10 in 2021, and 3 in the first half of 2022.



The sample of judicial acts included the judicial acts issued by Yerevan court as well as 7 regional courts on the merits of domestic violence cases. Accordingly, the quantitative distribution of judicial acts across Yerevan and regional courts looks as follows:.

N	Court	Number of judicial acts
1	Yerevan General Jurisdiction Court	3
2	Armavir Region General Jurisdiction Court	7
3	Ararat and Vayots Dsor Regions General Jurisdiction Court	7
4	Shirak Region General Jurisdiction Court	3

5	Syunik Region General Jurisdiction Court	1
6	Kotayk Region General Jurisdiction Court	2
7	Gegharkunik Region General Jurisdiction Court	1
8	Lori Region General Jurisdiction Court	1

The judicial acts were selected according to the gravity of the committed crime, taking into account the most common classes of crimes in cases of domestic violence. In particular, sample judicial acts were made according to the following articles of the RA Criminal Code:

- murder (Article 104 of the RA Criminal Code),
- abetment of suicide (Article 110 of the RA Criminal Code),
- infliction of willful grave damage to health (Article 112 of the RA Criminal Code),
- infliction of willful minor damage to health (Article 117 of the RA Criminal Code),
- battery (Article 118 of the RA Criminal Code),
- infliction of severe physical pain or severe mental suffering (Article 119 of the RA Criminal Code),
- the threat of murder, serious damage to health or destruction of large property (Article 137 of the RA Criminal Code).

Convictions and acquittals

In 23 out of the 25 selected criminal cases, the court of first instance found the defendant guilty of the crime. In one judicial act, the court of first instance acquitted the defendant on the grounds that the evidence base for the accusation was insufficient, and the evidence presented could not serve as a ground for a guilty verdict due to its inadmissibility, irrelevance and insufficiency, and the court decided to stop the criminal prosecution and acquit the defendant on the basis that his participation in the incriminated acts was not proven. The prosecutor filed an appeal against the verdict to the

criminal court of appeals, on the basis that the verdict was invalid and illegal, and the evidence was sufficient to prove the guilt. The Criminal Court of Appeal overturned the decision made by the court of first instance and found the defendant guilty under Article 104.1 of the RA Criminal Code and sentenced him to 8 years of imprisonment.

With one judicial act, the court released the defendant from criminal liability and punishment, based on the fact that he had committed the acts defined by Article 104.1 (murder) of the RA Criminal Code and Article 118 (battery) in a state of insanity, and a decision was made to apply a coercive measure and place him in a psychiatric ward of a special type of control in National Center for Mental Health CJSC to receive forced treatment.

Types of Sentences Appointed by Courts

The judgments made in 25 selected criminal cases were also studied according to the type of punishment chosen. According to that, 10 judicial acts imposed imprisonment, 14 imposed a fine, and 1 imposed a coercive measure for medical treatment.

Moreover, the following picture can be observed in relation to the actual serving of the sentences, appointed by the court. In the case of 5 of the punishments imposed by 25 judicial acts, an amnesty was applied and the defendants were released from serving the sentence. In case of 3 judicial acts, the court decided not to apply the conditional suspension of sentence, imposed on the defendant under Article 70 of the RA Criminal Code and set a probation period of 1 year in 2 cases by conviction, and for a period of 2 years by conviction in one case. Basically, in 8 out of 25 criminal cases, the defendants were actually released from serving the sentence. Moreover, in 7 out of those 8 criminal cases, the court imposed a prison sentence. This means that the defendants actually served the sentence, set by 10 studied judicial acts within only 3 criminal cases. In other words, in the vast majority of criminal cases, judicial acts involving imprisonment have not resulted in actual liability for abusers.

Mitigating and Aggravating Circumstances for Liability and Sentencing

The judge determines the type and amount of the penalty based on the degree and nature of the crime, the danger it poses for the public, the information characterizing the criminal's personality, including the mitigating or

aggravating circumstances for liability and sentencing. Hence, the circumstances mitigating and aggravating the liability and the sentencing of defendants in domestic violence cases that were used by the courts as a basis for setting the sentence have been studied separately.

In the judicial acts, included in the sample, the courts considered the following as circumstances mitigating liability and punishment:

1. recognizing the error of their ways,
2. admitting guilt,
3. having children of up to 14 years of age in one's care,
4. being physically unwell,
5. having retired parents in care,
6. pleading guilty,
7. voluntarily appearing at the police station,
8. the victim's failure to complain,
9. the victim's failure to file a civil claim,
10. no history of convictions,
11. being a woman,
12. assisting in crime detection,
13. the illegality or immorality of the victim's behavior, causing the crime,
14. the defendant's active participation in raising his minor children, supporting them financially, frequent visits of the children to the defendant's apartment and spending the night there,
15. having a disability.

In sampled judicial acts, the courts considered liability and punishment to be aggravated only in two circumstances:

1. having committed the crime under the influence of alcohol,
2. recidivism.

It should be noted that in 13 out of the 25 criminal cases studied, the court recorded the absence of circumstances aggravating the defendant's

punishment and liability. Articles 62 and 63 of the RA Criminal Code of the Republic of Armenia provide for liability and mitigating and aggravating circumstances, respectively. The list of mitigating circumstances is not exhaustive, and the court may consider other mitigating circumstances as well. Meanwhile, the list of circumstances aggravating liability and punishment is exhaustive, and the court cannot take into account circumstances not provided for by the RA Criminal Code.

It is necessary to establish that the list of circumstances aggravating liability and punishment, as defined by Article 63 of the RA Criminal Code of 2003, does not contain any such circumstance that is typical of domestic violence cases and can be used as an aggravating circumstance. Comparing the list of aggravating circumstances with the identical provisions in the new criminal code, it should be noted that although the commital of a crime by a family member has not been included in the list of aggravating circumstances as a separate aggravating circumstance, some crimes committed by a close relative against a person's life and health, freedom, honor, dignity, physical and mental integrity, sexual freedom and sexual integrity were considered as a ground for aggravating a crime under relevant articles, thus providing for a more severe punishment. In particular, among those are the articles on murder (Article 155), abetment of suicide (Article 162), inflicting severe damage to health (Article 166), inflicting moderate damage to health (Article 167), inflicting light damage to health (Article 171), coercion to abortion or sterilization (Article 176), psychological manipulation (Article 194), physical influence (Article 195), sexual acts of violence (Article 198), coercion to sexual acts (Article 199), etc.[26] Such legal regulations are considered to be an important step forward in criminalizing the act committed in cases of domestic violence and imposing an appropriate punishment for it. However, it should be noted that one of the crimes characteristic of domestic violence, which is often hard to detect, is abetment to suicide, the commital of the crime by a close relative was not considered as a ground for aggravating the crime.

However, there is a need to explore international standards and best practices regarding mitigating circumstances in domestic violence cases, given that some mitigating circumstances applicable to other crimes are by their nature not applicable to domestic violence cases. For example, the fact of having minor children is often used as a mitigating circumstance in the case of domestic violence, while it is more of an aggravating circumstance, because domestic violence is often committed in the presence of children, which is

[26] For details, see Appendix 3.

essentially psychological abuse against them.

A comparison of the prescribed sentence with the types of punishment for the crime

The sentence imposed by the court vis-a-vis the term provided for this type of crime, namely the mildest or the most severe, was studied within a separate analytical exercise. In this respect, the punishments assigned by the studied judicial acts and the punishments defined by the Criminal Code of the Republic of Armenia for a specific act were juxtaposed. In the table below, the mentioned juxtaposition is presented more visibly.

N	Article of the RA Criminal Code	The punishment, set by the relevant article	The punishment, assigned by the court
1	Article 112.1	Imprisonment for a term of 3 – 7 years	Imprisonment for a term of 4 years
2	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 60,000 AMD for each of three episodes, in the amount of 150.000 AMD taken together
3	Article 104.1 Article 118	Imprisonment for a term of 8 –15 years A fine of up to one hundred times the minimum wage, or detention for up to two months	Imprisonment for a term of 8 years Acquitted, on the grounds that his participation in the act had not been proven
4	Article 112.1	Imprisonment for a term of 3 – 7 years	Imprisonment for a term of 3 years and 6 months
5	Article 112.1	Imprisonment for a term of 3 – 7 years	Imprisonment for a term of 4 years

6	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 40.000 AMD
7	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 50.000 AMD
8	Article 117 Article 118	A fine of up to one hundred and fifty times the minimum wage, or detention for up to two months A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 50.000 AMD A fine of 40.000 AMD
9	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 30.000 AMD
10	Article 117 Article 118	A fine of up to fifty to one hundred times the minimum wage, or detention for up to two months A fine of up to one hundred times the minimum wage, or detention for up to two months	Defendant 1. A fine of 100,000 AMD for each of the three episodes and a total of 200,000 AMD, summing up all fines Defendant 2. A fine of 100,000 AMD for each of the three episodes and a total of 250,000 AMD, summing up all fines
11	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	Dismissed upon reconciliation

	Article 147.1 Article 353.1	A fine of fifty to one hundred times the minimum wage, or imprisonment for a maximum period of two months A fine of three hundred to five hundred times the minimum wage, or imprisonment for a term of one to three months, or imprisonment for a maximum term of six months	Detention for a term of 1 month Imprisonment for a term of three months per each of the two episodes, summing up sentence term to amount five months
12	Article 112.1	Imprisonment for a term of 3 – 7 years	Imprisonment for a term of 3 years
13	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 50.000 AMD
14	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 80.000 AMD
15	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 60.000 AMD
16	Article 118 Article 104.1	A fine of up to one hundred times the minimum wage, or detention for up to two months Imprisonment for a term from 8 to 15 yeares	A fine of 70.000 AMD. A coercive measure of forced treatment was applied on the grounds of the crime commital in the state of insanity

	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	
17	Article 104.1 Article 118	Imprisonment for a term of 8 – 15 years A fine of up to one hundred times the minimum wage, or detention for up to two months	A coercive measure of forced treatment was applied on the grounds of the crime commital in the state of insanity
18	Article 110.1	Imprisonment for a maximum term of three years	Imprisonment for a term of three months
19	Article 110.1 Article 119.1	Imprisonment for a maximum term of three years Imprisonment for a maximum term of three years	Imprisonment for a term of three years With a partial summation of terms, a final sentence for a term of four years
20	Article 118 Article 258.2	A fine of up to one hundred times the minimum wage, or detention for up to two months A fine, ranging from one hundred to three hundred times the minimum wage, or detention for a period from one to three months, or imprisonment for a maximum term of two years	A fine of 60.000 AMD Imprisonment for a term of a year and two months
21	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 70.000 AMD per each of 2 episodes, a fine of 70.000 AMD Due to a partial summation of penalties, a fine of 100.000 AMD

22	Article 118 Article 137.1	A fine of up to one hundred times the minimum wage, or detention for up to two months A fine in the amount of 50 to 150 times the minimum wage, or detention for a maximum period of two months, or imprisonment for a maximum period of two years	A fine of 30.000 AMD per each of 2 episodes A fine of 70.000 AMD Summing up the penalties, a fine in the amount of 100.000 AMD
23	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine in the amount of one hundred times the minimum wage, in the amount of 100.000 AMD
24	Article 118	A fine of up to one hundred times the minimum wage, or detention for up to two months	A fine of 80.000 AMD per each of the two episodes With the summation of the penalties – 160000 AMD
25	Article 104.1	Imprisonment for a term from 8 to 15 years	Imprisonment for a term of 13,5 years

This juxtaposition revealed the following: when imposing a sentence in cases of domestic violence, the courts most often choose a milder sentence from among the options of penalties defined by the RA Criminal Code. For example, in the studied judicial acts on the cases qualified under Article 118 (battery) of the RA Criminal Code, which is the most common occurrence in domestic violence cases, the courts almost exclusively selected the fine. Male perpetrators were fined in the amount of 63,880 AMD on average for beating a woman, which is less than the minimum wage in the Republic of Armenia.

When determining the amount of the fine based on the set range, provided for by the relevant article of the Criminal Code of the Republic of Armenia, the courts defined an amount of the fine both close to the ceiling, and the threshold and within the medium levels of the given range. Therefore, no

pattern was recorded in this regard. And when only deprivation of liberty was provided for by the legislation, the courts generally assigned imprisonment for a period close to the threshold level.

Public and private accusation

The sampled verdicts were examined as per the characteristics of public and private prosecution of criminal cases on domestic violence. Article 183 of the RA Criminal Procedure Code of 1998 establishes the list of cases to be initiated in no other way than on the basis of the victim's complaint, and are subject to dismissal in case of reconciliation with the suspect or the accused or the defendant.[27] According to the above parameter, the study of judicial acts shows that 11 out of 25 criminal cases were subject to public prosecution on the basis of accusation, and 14 cases were initiated on the basis of private accusation.

None of the studied judicial acts revealed any data on the requalification of the crime at the preliminary investigation stage.

[27] Those are the crimes, provided for by Article 113.1, Article 116.1, Article 117, Article 118, Article 120.1 and 120.2, Article 121.1 and 121.2, Article 124.1, Article 128.1, Article 137.1, Article 137.1(1), Article 158.1, Article 174, Article 177.1, Article 178.1, Article 179.1, Article 114.1, Article 115.1, Article 181.1, Article 183.1, Article 184.1, Article 185.1, Article 186.1 and 186.2, Article 197, Article 213.1, Article 242.1.

Duration of Judicial Examination of Court Cases

The duration of judicial examination of court cases was studied separately. Accordingly, the interval between the receipt of each case and the issuance of the final judicial act was studied, given the date of receipt of the case and the date of the judgment, passed by the first instance court. The following can be obersved as a result of this study:

N	Details of the court case	Duration of the examination of the case
1	ԱՐԴ/0078/01/18	3 months
2	ԵԱԴԴ/0099/01/17	8 months
3	ԱՐԴ/0021/01/19	9 months
4	ԱՐԴ/0001/01/19	1 month, expedited procedure
5	ԱՐԴ/0050/01/19	2 months, expedited procedure
6	ԵԴ/0299/01/19	4 months
7	ԱՎԴ/0015/01/19	2 months, expedited procedure
8	ԳԴ3/0033/01/18	5 months
9	ԱՐԴ/0166/01/19	6 months
10	ԾԴ/0074/01/19	9 months
11	ԼԴ/0113/01/19	9 months
12	ԿԴ1/0040/01/19	5 months
13	ԱՎԴ2/0038/01/20	6 months, expedited procedure
14	ԵԴ/0041/01/20	4 months

15	ԱՎԴ2/0055/01/21	4 months
16	ՇԴ/0147/01/21	3 months, a reconciliation procedure was applied
17	ԱՎԴ/0018/01/21	2 months, expedited procedure
18	ԿԴ/0007/01/20	1 year and 3 months
19	ԱՎԴ4/0014/01/18	2 years and 1 month
20	ԱՎԴ/0066/01/19	1 year and 7 months
21	ԱՐԴ/0210/01/21	2 months
22	ԱՐԴ/0020-01-21	4 months
23	ՇԴ/0217/01/21	2 months, a reconciliation procedure was applied
24	ԱՎԴ2/0010/01/22	2 months
25	ՍԴ/0046/01/22	1 month

The study of the duration of criminal court proceedings revealed varied durations, which may be due to the complexity and multi-componencial composition of the cases, along with other factors. In 5 out of 25 criminal cases, an expedited procedure was used, and in 2 cases, a reconciliation procedure was used. The number of court sessions, the circumstances of their completion and postponement were studied separately. The causes for the postponement of court hearings in various criminal cases were as follows:

1. nonappearance of the defendant[28] and defense counsel,
2. nonappearance of the victim and witnesses,
3. modified panel composition because of secondment,
4. the need of the newly assigned prosecutor to familiarize himself/herself with the materials of the case,
5. defense counsel's petition regarding the postponement of the session, and so on.

Application of international law by courts

[28] In the old version of the Criminal Procedure Code of the Republic of Armenia, the defendant was the accused, whose case is assigned for judicial examination. Currently, the current code defines and uses only the term "accused."

The direct application of international law could be observed in 2 out of 25 verdicts within the judicial acts issued by the courts. In particular, references were made to the international treaties on human rights, ratified by the RA, and the case law decisions of the European Court of Human Rights.

The references made to international treaties on human rights ratified by the RA referred to the European Convention on the Protection of Human Rights and Fundamental Freedoms, the Universal Declaration of Human Rights as well as the International Covenant on Civil and Political Rights. The references were made by simply stating the fact that this or that right is enshrined in the given international document.

In terms of content, the application of the case law of the European Court of Human Rights by the courts consisted in references to institutions such as the reasoning of the court's decisions, the inadmissibility of the evidence, served as the ground for the accusation, if obtained by violating the law, as well as the presumption of innocence. Courts did not record any direct application of any international norm or interpretation regarding domestic violence.

The effect of the cycle of domestic violence on the qualification of the crime

The existence of previous episodes of domestic violence and the periodic nature of violence as well as its impact on the qualifying the crime were viewed within a separate study. It should be noted that in all judicial acts under review, the criminal case was initiated upon a specific episode of violence. If violence took place multiple times with many episodes, a criminal case was initiated for each episode, and punishment was assigned per episode.

It should be noted that in a number of cases, the judicial act recorded previous cases of violence committed by the abuser against the victim or the periodic nature thereof or considered those as established facts. However, the fact that the court recorded the cycle of violence did not affect the qualification of the crime or sentencing. From this point of view, the presence of appropriate grounds as defined by the RA Criminal Code is also important because this would allow the court to consider the cycle or periodic nature of violence as an aggravating circumstance. While the Criminal Code of the Republic of

Armenia does not qualify the periodic nature of the offense as a separate aggravating factor, but only defines as a ground for qualifying certain crimes (for example, sexual intercourse with a person under the age of sixteen or performing sexual acts against a person under the age of sixteen, lewd acts).

The claim for compensation of damage caused by the crime

In only one out of the 25 judicial acts studied, the successor of the victim claimed compensation for the material damage caused. In particular, a civil lawsuit was filed against the defendant with a demand to confiscate 3,000,000 (three million) AMD to cover the expenses for the funeral of the victim. The court partially granted the civil claim, filed by the victim's successor, and ruled to confiscate 2,000,000 (two million) AMD from the defendant in favour of the victim's successor as compensation for the necessary expenses related to the victim's funeral. In 25 court cases, the victim had a representative in 2 cases only.

Protective Order

In the studied cases, a protective order was made only in one court case. In particular, according to Article 7(3(2)) and Article 7(3(3)) of the RA Law "On Prevention of Violence within the Family, Protection of Victims of Violence within the Family and Restoration of Peace in the Family", the person who committed violence in the family was prohibited to approach the victim of violence in the family closer than 100 meters, visit the place of residence of the victim of violence in the family that did not live with him in a shared residential area, return there for a period of 20 days, approach the victim's child, and restrictions was imposed on their use of phone, mail and other means of communication, aiming to disturb the victim. No motion was filed to extend the preventive order.

Appeal of judicial acts

Out of 25 sampled judicial acts, issued by the courts of first instance, only 3 were appealed. One of the appeals was filed by the accuser, and the other two were filed by the defendants. The Criminal Court of Appeal rejected the appeals in all cases, with the exception of one case wherein it partially upheld the complaint. In one of the criminal cases, a complaint was filed in the Court of Cassation, challenging the act of the Criminal Court of Appeal, which was

upheld by the RA Court of Cassation.

Reproduction of gender stereotypes in judicial acts

The wording, questions and answers in judicial acts that reproduce existing gender stereotypes in the society and reinforce existing myths about gender roles were studied separately. In particular, the judgment made by the Court of General Jurisdiction of Ararat and Vayots Dzor Regions in ԱՎԴ4/0014/01/18 case contained the transcript of interrogations conducted during the trial. The interrogation transcripts contained questions that aimed at blaming the victim, legitimizing the motive for the murder with reference to the woman's infidelity or immoral behaviour, along with questions and answers that justified the perpetrator. Such are directly quoted below.

“Question - Why would T. N. have wanted to kill your sister if he did not suspect her of infidelity? You say that she was a moral woman. What other reason would he have to kill your sister?”

“Question - Why wouldn’t she get divorced?”

“Question - According to you, what happened, what was the result, what did L. die of?”

“Answer - They said she drank some pesticide. That is his assumption, it is his opinion, he thinks she was blackmailing or it was a protest against others or against the family, because no matter how desperate a person is *she should not do such a thing*.”

“Question – Do you mean she was blackmailing her husband?”

“Answer - Probably everyone, family members, not him. She loved life, she didn't drink it to die, she was very proud of being a doctor's mother, maybe she drank it to scare him.”

Such issues were not identified in other judicial acts, due to the mere lack of directly transcribed or recorded interrogations, questions and answers in the process of trial in the vast majority of judicial acts.

2.1.2. A study on the judicial acts on dismissing domestic violence cases at the stage of trial

In addition to the judicial acts on the merits of domestic violence cases, ten judicial acts on the dismissal of domestic violence cases at the trial stage were studied, too. These acts were studied to reveal the grounds and general trends of dismissal of criminal cases.

The identification and selection of dismissed court cases at the stage of the judicial examination were made through the www.datalex.am searchable portal of judicial acts. When structuring the sample of judicial acts on dismissal, the principle of equal geographical distribution and that of proportional distribution across years were applied to the extent possible.

Hence, the judicial acts in the following criminal cases in the period of 2019-2022 were selected:

ԱՐԱԴ/0021/01/19,	ԱՎԴ2/0067/01/20,	ԱՎԴ4/0012/01/19,
ՇԴ/0104/01/19,	ԼԴ/0113/01/19,	ԱՎԴ/0138/01/21,
ԵԴ/0658/01/21,	ԵԴ/1104/01/19,	ԵԴ/0710/01/19,
ԵԴ/0638/01/19:		

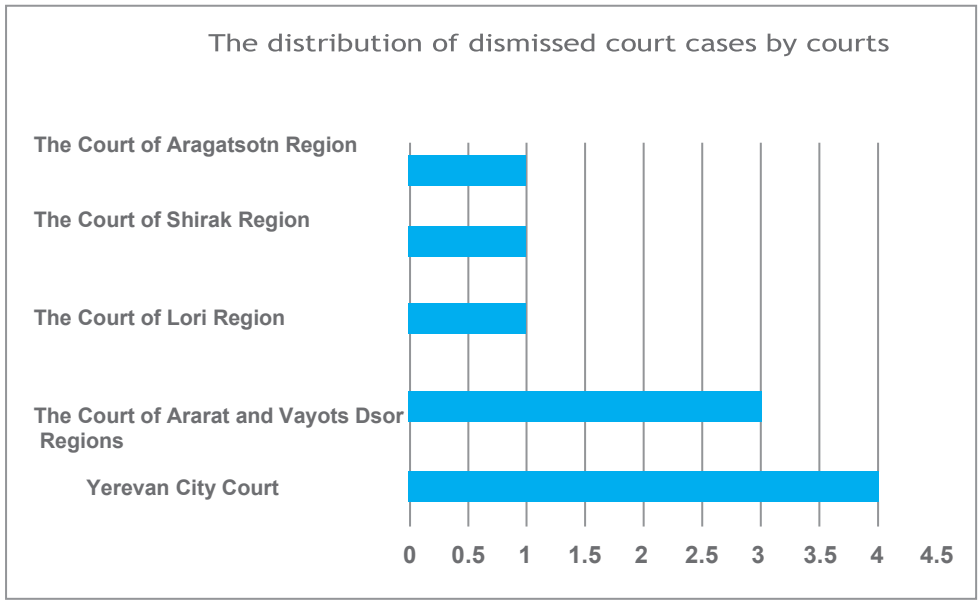
The legal relations regarding the dismissal of criminal cases at the stage of judicial examination are regulated by Article 35 of the RA Criminal Procedure Code, according to which no criminal case can be initiated, and criminal prosecution cannot be carried out, and the proceedings of the initiated criminal case shall be subject to termination, if:

1) in the absence of any criminal act;
2) if the alleged act contains no corpus delicti;
3) if the alleged act, which has resulted in damages, is legitimate under criminal law;
4) in the event of absence of a complaint of the victim, in cases prescribed by the RA Criminal Procedure Code;
5) in the event of reconciliation of the victim and the suspect or the accused, in private prosecution cases;
6) if the statute of limitations has expired;
7) there is a verdict against the person on the grounds of the same charges against the person or some other decision of the court, establishing impossibility of criminal prosecution;

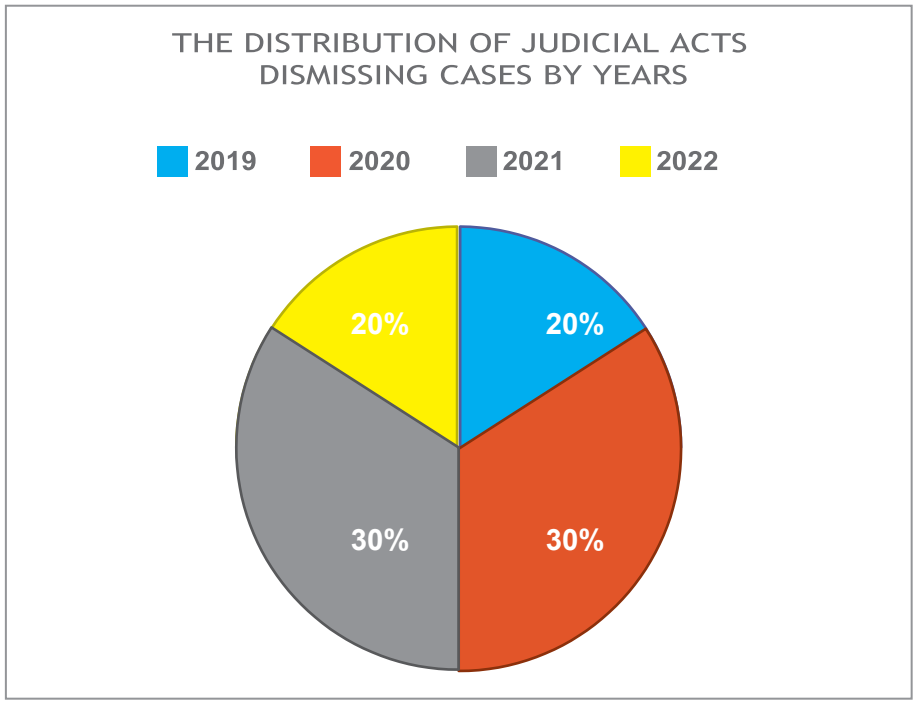
8) there is an unabolished decision of the inquest body, the investigator and the prosecutor on refusing to execute criminal investigation against the person on the same charges,
9) at the time of committing the crime the person has not reached the age punishable by law, as established by law;
10) the person died, except the cases when the proceedings are necessary to rehabilitate the rights of the deceased or resume the case on the occasion of new circumstances with regard to other persons;
11) the person refused to complete the crime on one's own accord, if the action already committed has no other formal elements of crime;
12) the person is liable to exemption from criminal liability as stipulated in the General Part of the Criminal Code of the Republic of Armenia;
13) An Amnesty act has been adopted.

The findings of the study on judicial acts, terminating criminal prosecution and the criminal case at the stage of the judicial investigation

4 out of 10 judicial acts in dismissed domestic violence cases at the trial stage were issued by Yerevan city court, and 6 were issued by regional courts. These judicial acts are geographically distributed in the following manner:



2 of the 10 selected judicial acts in domestic violence cases terminated at the trial stage were made in 2019, 3 in 2020, 3 in 2021, and 2 in 2022.



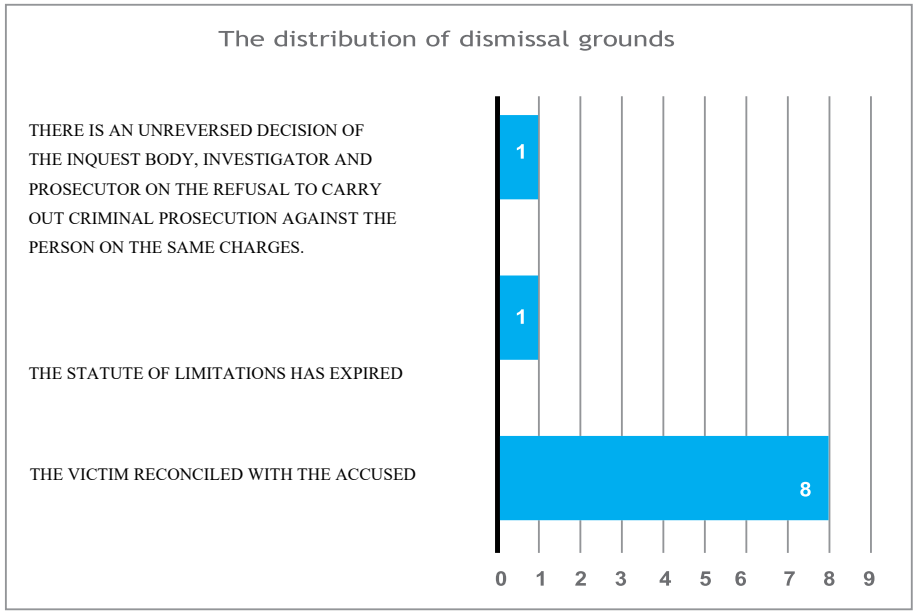
The domestic violence cases, dismissed at the trial stage, were initiated on the bases of the following articles of the RA Criminal Code:

1. Article 113.1 – Infliction of willful medium-gravity damage to health
2. Artcile 117 – Infliction of willful light damage to health
3. Article 118 – Battery
4. Article 119.1 – Infliction of a severe physical pain or severe mental suffering
5. Article 147.1 – Entering an apartment against the will of the person
6. Article 353.1(1) – Deliberate failure to fulfil an emergency intervention or protective order

The review of the studied judicial acts revealed that 8 out of 10 cases dismissed at the trial stage were initiated under Article 118 of the RA Criminal Code (Battery).

The studied court cases on domestic violence were dismissed at the trial stage on the following grounds:
- the victim reconciled with the accused,
- the statute of limitations has expired,
- there is an unreversed decision of the inquest body, investigator and prosecutor on the refusal to carry out criminal prosecution against the person on the same charges.

80% of the dismissed cases were terminated on the basis of reconciliation between the victim and the defendant. The studied judicial acts as distributed according to the grounds for termination showed the following.



It should be noted that reconciliation between the victim and the accused is the most common basis for dismissing domestic violence cases at the trial stage.

Upon studying the judicial acts on the dismissal of domestic violence cases on the grounds of the reconciliation of the victim and the defendant, we can infer that the criminal procedure law, due to the circumstance of less danger to the public, delineates and clearly defines the scope of private prosecution cases, providing for a special procedure of examination. Private prosecution cases can be initiated solely on the grounds of the victim's complaint and shall be subject to dismissal in the event of reconciliation with the person who committed the alleged crime. Dismissal of the criminal case on the grounds of reconciliation between the victim and the accused shall be carried out only in the case of a private accusation (in the presence of a complaint filed by the victim).

Private prosecution cases constitute a significant share in the total number of criminal cases, involving domestic violence (battery, willful infliction of moderate damage to health, willful infliction of light damage to health, and so on).

The RA Court of Cassation expressed a legal position on A. Babayan's case, stating that: "[I]n the absence of a voluntary and mutual reconciliation, the court cannot make a decision on terminating the proceedings of the criminal case and stopping the criminal prosecution on the ground of reconciliation. In other words, reconciliation is the mutual consent of both parties, it can never be unilateral, and if the victim expresses a desire to reconcile, and the person who committed the crime objects to it or vice versa, the legal grounds for the termination of proceedings of the criminal case and the cessation of the criminal prosecution on the grounds of reconciliation will be absent. Identically, the reconciliation cannot be considered voluntary and mutual, hence, the proceedings of the criminal case cannot be terminated on that ground, if the reconciliation is a consequence of the victim's unlawful interference by a person who has committed a crime." The court's application of this interpretation deserves to studied separately, considering the court's approach in each specific dismissed criminal case. It is necessary to keep in mind that in domestic violence cases, there is a high probability that the victim may reconcile with the accused under pressure and threats, especially when she has common children with the accused.

The amended Article 183.4 of the RA Criminal Procedure Code entered into force on January 31, 2018, according to which, regardless of whether or not a complaint has been filed by the victim, in the event of a crime of domestic violence, the prosecutor shall have the right to initiate a criminal case, if a person cannot protect his/her

legitimate interests due to the helplessness of his/her state or the fact of being dependent on the alleged perpetrator. Hereby, the criminal case shall be initiated and investigated per standard procedure, and in case of reconciliation between the victim and the accused, the criminal prosecution shall not be terminated. This is an important preventive solution. However, as recorded by the courts, "the legal regulation defined by Article 183.4 of the RA Criminal Procedure Code is applicable only to those cases of private accusations, where criminal prosecution is initiated by the prosecutor."[29]

Considering that reconciliation in domestic violence cases involves risks of intimidation and pressure on the victim by the defendant, both the voluntary nature of the reconciliation and the absence of undue influence deserve to be assessed and verified by the court at the stage of judicial investigation. In the observed judicial acts, this assessment was based on the facts such as the victim calling the police on the occasion of the alleged crime, filing a corresponding report, testifying against the defendant during the preliminary investigation, which, according to the court, indicate that at the moment of reconciliation the victim was helpless or dependent on the alleged perpetrator.[30] Whereas an application filed by the victim and a testimony during the preliminary investigation against the defendant cannot directly testify to the voluntariness of the reconciliation between the victim and the defendant and the lack of the defendant's unlawful influence on the victim.

It should be emphasized that the above-presented analysis is based on the regulations in force and the legal practice, preceding entry into force of the new Criminal and Criminal Procedure Codes. According to Article 11.4 of the Criminal Procedure Code of the Republic of Armenia, which entered into force on July 1, 2022, "Regardless of filing a criminal claim or after abandoning the criminal claim, the prosecutor shall initiate public criminal prosecution of crimes with corpus delicti of violence in the family." According to this regulation, domestic violence cases are henceforth considered to be criminal cases, initiated on the basis of public charges, therefore, criminal cases related to domestic violence can no longer be dismissed on the grounds of reconciliation.

The practice of dismissing domestic violence cases based on the expiration of the statute of limitations can be a subject of a separate study, and we have referred to this issue in the summary on the court session monitoring results. Out of all studied cases, in 2 which were dismissed on the ground of the expiration of the statute of limitations,

29 ԾԴ/0104/01/19, ԵԴ/1104/01/19

30 ԾԴ/0104/01/19

the prosecutor appealed the first instance court's decision to dismiss the case. In court case ԱՐԱԴ/0021/01/19, both the prosecutor and the victim appealed the first instance court's decision to dismiss the criminal case. The appeal was partially satisfied. The prosecutor appealed the decision of the court of first instance in court case ԼԴ/0113/01/19, and the appeal was rejected.

CONCLUSION

The in-depth interviews with women who were victims of domestic violence and the lawyer Zaruhi Mejlumyan, along with the results of the monitoring conducted over court hearings in domestic violence cases and the relevant judicial acts come to prove that access to justice for women who are victims of violence in Armenia has to do with many obstacles and problems. For the most part, women do not enjoy sufficient support and protection from law enforcement agencies either at reporting violence or at the subsequent stages. Moreover, abused women often do not feel safe at police stations, and sometimes they even have to protect themselves from the police representatives who have the duty to guarantee the protection of a person who has been a victim of violence. It is even more difficult for women who do not receive legal assistance during the pre-trial phase and/or after it.

The majority of criminal cases on domestic violence were initiated on the basis of private accusations, and the initiation of the criminal case or its further course depended on the woman's complaint. In such situations the probability of exerting pressure on the woman by the abuser and his close relatives was quite high. This might also be the reason why many criminal cases initiated on the basis of private accusations, were later terminated on the grounds of reconciliation during the trial stage. The legislative changes that came into effect in 2022 attempt to solve this problem, in particular, domestic violence cases from then on have been considered as criminal cases initiated on the basis of public accusation, therefore, domestic violence criminal cases can no longer be dismissed on the grounds of reconciliation.

In cases of domestic violence, the protective decision was rarely applied, and law enforcement officers did not show due diligence in protecting the woman from the recurrence of violence. As for perpetrators, they were mostly punished mildly and the penalty assigned was not imprisonment. The studied acts and the monitored cases document that the courts choose more lenient sentences in cases of domestic violence. The imposure of fines is a common practice for minor crimes and may not act as a sufficient deterrent to avoid recidivism. When determining the punishment, the courts recorded the absence of an aggravating circumstance in most of the cases, because in the context of domestic violence, no aggravating circumstance was defined by the legal regulations in force at the time of the adoption of the studied judicial acts.
The list of aggravating circumstances in the new criminal code does not include the crime committed by a family member (or relative) as a separate aggravating circumstance either, however in a number of articles related to cases of domestic violence, the crime when committed by a close relative is considered as an

aggravating ground for an aggravated crime, in which case a stricter punishment must be defined.

In domestic violence cases, a law-enforcement practice of multi-episodal qualification and, thereby, the practice of assigning punishment with separate episodes have emerged. The cycle of domestic violence as well as previous regular uses of violence do not affect the qualification of the crime or the imposition of punishment. When choosing a type of punishment, entailing imprisonment, the courts generally set a sentence close to the minimum threshold of the prescribed punishment type. The judicial acts drawn up by the courts did not indicate any direct application of domestic violence specific international norms and case law. In the vast majority of domestic violence cases, claims for the compensation of the damage caused by the crime, including treatment costs, were not submitted. Frequently, this is due to the inability of the victim to fully protect her rights. Health-related expenses generally remain undocumented by the victim, especially in those cases when they do not receive any legal assistance.

Both the court sessions and the judicial acts contained questions asked by the participants of the trial and expressions, which reproduced the gender stereotypes existing in the society, hereby strengthening the existing myths about gender roles. Particularly, those include blaming the victim, citing the woman's infidelity or the circumstance of being an immoral woman as tendencies aimed at legitimizing the motive of violence against her, along with inclinations to justify the abuser.

The main obstacle to bringing abusers to justice is the overload of the judicial system, rendering the process so long that many cases are dismissed on the ground of the expiration of the statute of limitations. And although the new criminal code sets the statute of limitations for minor crimes at 5 years instead of the 2 years set previously, the long duration of the investigation and trial not only lead to delayed (denied) justice, but are also fraught with dangers of violence against women. In most cases, the accused is not in custody, and there is no protective order prohibiting him to approach the woman. Abused women often do not feel safe in or near courthouses, where they may encounter the perpetrator at any time when the latter attends a court session, unless in custody, which, however, is not the case. Court buildings do not have separate waiting rooms for trial participants. The parties usually wait for the start of the court hearing in the hallway of the court, and the sessions start more than 13 minutes late on average.

Considering the above, we can state that the right to access to justice for abused

women is not protected in the Republic of Armenia. Tangible systemic changes are necessary to ensure the comprehensive protection of that right.

RECOMMENDATIONS

To the RA Government, the Police, the Investigative Committee, the General Prosecutor's office

1. To show due diligence to ensure the protection of the woman and her children from violence, moving them to a shelter if necessary, and temporarily isolating the abuser upon the receipt of an alarm on domestic violence, when preparing materials and in the course of the preliminary investigation.
2. To provide immediate explanation of the rights of the person reporting domestic violence, provide information on the support center(s) operating in her region/community, inform her about her opportunities to receive free legal aid, move to a shelter and live there temporarily. To assess the risk of violence recurrence and, in case the risks score high, undertake active intervention to prevent it.
3. To create appropriate conditions in the premises, where the interrogation of the abused woman will take place in a safe, secure and confidential environment and will not be interrupted by the employees of the given department who are either present or walking and out during the interrogation.
4. To grant the abused woman the status of a victim as soon as possible, explain to her the rights of a victim, encourage and support her to go to support centers that specialize in domestic violence cases.
5. To ensure remote (video-call) interrogations of the woman who has suffered from violence (especially the face-to-face interrogations of the perpetrator or his relative). And when inviting the abused person and the abuser to the police station, make sure they appear on different days for separate interrogations.
6. In order to prevent the recurrence of violence and oppression when the victim and perpetrator appear for interrogations, to guarantee the safe movement of the abused woman both when appearing at and leaving from the relevant unit. In case of face-to-face interrogations, to have the woman leave first, only to be followed by the perpetrator and his relatives some time later.
7. To pay attention to the perpetrator’s attitude towards the woman during face-to-face interrogations with him, this includes not only his actions and words, but also the way in which he looks at the woman. To avoid attempts at humiliating, intimidating, or blackmailing the victim during interrogations.
8. To encourage the abused woman to present a comprehensive picture of violence she experienced, when collecting an explanation/testimony from her, evaluating that picture in the context of domestic violence, which is usually a long-term and recurring phenomenon, record it and, if possible, give a legal qualification not to an episode, but the entire cycle of violence.

9. To regularly train the personnel of all levels of law enforcement agencies that deal with the detection and prevention of domestic violence, the preparation of materials, as well as conducting and monitoring the preliminary investigation.
10. To investigate alarms, reporting on law enforcement bodies' dereliction of duty, practices of exceeding authority, violation of the rights of abused women, disrespect shown towards them in the cases of domestic violence, and impose severe punishments (if necessary, also criminal prosecution) in case of obtaining the necessary evidence. To investigate and follow up on such alerts publicly to the extent possible.

To the RA Supreme Judicial Council, Presidents of Courts, and Judges

1. To discuss the possibility of creating specialized courts and/or specialized departments within the court structure to investigate domestic violence cases, cooperate with the RA Government and the National Assembly to draft legislative amendments.
2. To investigate domestic violence cases in the shortest possible time, excluding unnecessary delays in the trial, the absences of the parties for invalid reasons. To establish the shortest possible terms for investigating domestic violence cases (with a maximum duration of 2 months). To take steps to make sure that the court session starts on time and the time allotted for the session is used as efficiently as possible. To immediately inform the victim and her representative about the failure to hold a court session, upon the receipt of such information.
3. To establish procedural rules for the courts to investigate cases of domestic violence, introduce mechanisms that will help to ensure the safety of the abused woman when she appears in court, while she is in the court building, when she participates in court sessions and leaves the court building. For example, to define a sequence in which the litigants of domestic violence cases should leave the court building. To have the woman leave the first and be followed by the accused with some time lag, unless the latter is detained.
4. To ensure that the victim and the accused are not in the same space during the breaks of court hearings. For example, the accused can wait outside the courtroom and the victim can wait inside.
5. To create separate waiting rooms in the courts for the litigants in domestic violence cases.
6. To conduct regular training for the judges on the specificities of crimes involving domestic violence, gender-based violence and discrimination.
7. To allow the victim and witnesses to present the entire cycle of violence, reveal the periodocity and frequency thereof. These circumstances may be important in assigning the penalty. Many perpetrators do not have a criminal record, not because they have

not commited crimes, but rather because they have not been charged, mainly due to the lack of complaints from the abused woman.

To the RA National Assembly

1. To amend the RA Criminal Code, excluding the imposition of a fine as a punishment in cases of domestic violence.
2. To amend the RA Criminal Code, including domestic violence as a separate crime.
3. To amend the RA Criminal Code, including stalking as a separate crime.
4. To amend Articles 163 (“attempting suicide”) and 164 (“abetment of suicide”) of the RA Criminal Code to add the commital of the act by a close relative to the list of aggravated crimes.
5. To make changes to the RA Criminal Code regarding domestic violence in the case of crimes, including the periodicity and continuity of violence as an aggravating circumstance.

To the RA Human Rights Defender

1. To be consistent about the reports, received from abused women on law enforcement agencies and the judiciary. To control the process of holding liable those officials who have exceeded their authority, regularly informing the public about such cases.
2. To assist the Supreme Judicial Council of the RA in establishing procedural rules for investigating domestic violence cases.
3. To refer abused women to domestic violence support centers when women turn to the human rights defender's office.

To the support centers for the victims of domestic violence, the representatives of the civil society and the mass media

1. To continue to encourage and support abused women so that they speak out about the barriers to access to justice within the law enforcement and judicial system.
2. To monitor criminal proceedings in domestic violence cases, based on the new Codes, in order to find out the impact of the new legal regulations on the legal practice.
3. To carry out a comparative legal analysis of the provisions of the old and new criminal and criminal procedure codes in order to assess the impact of the new provisions on the legal practice in domestic violence cases.
4. To consistently cover trials in domestic violence cases, paying attention to access to justice for abused women.

Appendix 1

Methodological Questionnaire on Monitoring Court Hearings in Domestic Violence Cases

- How long did the judicial examination last, how many times was the session postponed, and for what reasons?
- Is the victim's safety ensured during, before and after the court hearing? What was the atmosphere like in the courtroom, inside and around the courthouse?
- Did the court adopt protective orders, in particular, for how long did it establish a protective order, how many times was it extended and for how long?
- Did the victim or the victim's successor have a lawyer, at what stage was the lawyer hired and in what manner?
- Does the content of the questions addressed to the victim, the witness, the accused in court contain elements of multi-/cross-sectoral discrimination due to its wording, particularly based on the women's ethnic origin, socio-economic status (single mother), rural residence, disability, and so on?
- Do the judge and the participants of the trial use such wording, expressions, and gender bias in the indictment and during the court session that reinforce the existing myths and stereotypes about gender roles?
- What decisions were made in the cases, what type of punishment was selected, would it entail imprisonment or not?
- What mitigating and/or aggravating circumstances were taken into account when assigning the sentence?
- To what extent are the punishments proportionate and do they serve the purpose of protecting the victim, preventing the recurrence of violence by the abuser and reducing domestic violence in the country?

- Is the crime included in the indictment presented as a manifestation of discrimination?

- Are there any court cases where the relevant norms or standards of international law have been directly applied based on Article 81 of the Constitution, where the applicable norm has been construed, based on the practice of treaty bodies (for example, ECHR case law)?

- Did the fact of previous episodes of domestic violence or its periodic nature, have an impact on qualifying the crime, or was the crime qualified in relation to one episode only?

- Has the victim, on the basis of the initiated criminal case, received compensation for the costs incurred as a result of the violence (for example, regarding the use of healthcare services)?

Appendix 2

Methodological questionnaire for studying the judicial acts on domestic violence cases

- What decision was made in the court case?
- What kind of punishment was chosen: imprisonment or not?
- What mitigating and/or aggravating circumstances were taken into account in sentencing?
- Which of the punishments defined by the given article was chosen: the least or the most severe one?
- How many of the considered cases were cases of public accusation, and how many were cases of private accusation?
- How long did the trial last?
- Is the crime included in the indictment also presented as a manifestation of discrimination?
- Are there any court cases where the relevant norms or standards of international law have been directly applied based on Article 81 of the Constitution, where the applicable norm has been construed, based on the practice of treaty bodies (for example, ECHR case law)?
- Did the fact of previous episodes of domestic violence or its periodic nature, have an impact on qualifying the crime, or was the crime qualified in relation to one episode only?
- Has the victim, on the basis of the initiated criminal case, received compensation for the costs incurred as a result of the violence (for example, regarding the use of healthcare services)?
- Did the victim or the victim's successor have a lawyer, at what stage and on what basis (if possible, find out from the court act)?

- Did the victim or the victim's successor have a lawyer, at what stage was the lawyer engaged and in what manner?

- Did the court issue protective orders?

- How long did it take for the protective order to be issued and for how many days was it issued?

- Was the protective order extended? If so, who applied for it and for how long was it extended?

Appendix 3

Amendments to articles related to domestic violence cases in the Criminal Code that came into effect on July 1, 2022

Old Criminal Code	New Criminal Code
Article 75. **Exemption from criminal liability as a result of expiry of the statute of limitation** 1. The person is exempted from criminal liability, if the following periods of time have elapsed after the committal of the crime: 1) 2 years, since the day of committal of not grave crime; 2) 5 years, since the day of committal of medium-gravity crime; 3) 10 years, since the day of committal of grave crime; 4) 15 years, since the day of committal of particularly grave crime.	Article 83. **Releasing from criminal liability as a result of expiry of the statute of limitations** 1. A person shall be released from criminal liability, if the following terms have elapsed since the day following the day of committing the criminal offence: 1) 5 years, in case of a minor criminal offence; 2) 10 years, in case of medium gravity criminal offence; 3) 15 years, in case of a grave criminal offence; 4) 20 years, in case of particularly grave criminal offence.
Article 104. **Murder** 1. Murder is illegal willful deprivation of one's life punished with imprisonment for 8 to 15 years.	Article 155. **Murder** 1. Murder – unlawfully depriving another person of life — shall be punished by imprisonment for a term of eight to fifteen years. 2. Murder ... ... 9) by a close relative, punished by imprisonment for a term of fourteen to twenty years or by life imprisonment.

Article 110. **Causing somebody to commit suicide** 1. Causing somebody to commit suicide or make an attempt at a suicide by indirect willfulness or by negligence, by means of threat, cruel treatment or regular humiliation of one's dignity, is punished with imprisonment for a term of up to 3 years.	Article 162. **Causing Somebody to Commit Suicide** 1. Negligently causing a person to commit suicide or attempted suicide by means of threat, cruel treatment or humiliation of dignity — shall be punished by restriction of liberty for a term of maximum two years, or a shortterm imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years. 2. The act provided for in Part 1 of this Article, committed: ... ... 3) by a close relative,[31] punished by imprisonment for a term of one to four years.
Article 111. **Abetment of suicide** Abetment of suicide, creation of determination in the person to commit suicide by means of instructions, deception, etc., if the person committed suicide or made a suicide attempt, is punished with imprisonment for a term of up to 3 years.	Article 163. **Inducement to Suicide** 1. Stimulating decisiveness in person to commit suicide through convincing, persuading or deception, where the person has committed suicide or attempted suicide — shall be punished by imprisonment for a term of maximum four years.

[31] The term *close relative* is defined among the basic concepts, used in the RA Criminal Code. Namely, 'a close relative – irrespective of the fact of sharing the residence – spouse, ex-spouse, the parent, including the step parent, the adopting parent, the custodian parent, the child (including adopted, step, godchild), brother, sister (including stepbrother and stepsister) grandfather, grandmother, grandchild, the spouse or ex-spouse of the adopting parent or custodian parent, the parents of the spouse or ex-spouse, as well as the daughter or son in 22 laws for the spouse's or ex-spouse's parent. The spouse or ex-spouse is also considered to be a person who is or is in a de facto marital relationship.'

Article 112. **Infliction of willful heavy damage to health** 1. Infliction of willful bodily damage which is dangerous for life or caused loss of eye-sight, speech, hearing or any organ, loss of functions of the organ, or was manifested in irreversible ugliness on face, as well as caused other damage dangerous for life or caused disorder, accompanied with the stable loss of no less than one third of the capacity for work, or with complete loss of the professional capacity for work obvious for the perpetrator, or caused disruption of pregnancy, mental illness, drug or toxic addiction, is punished with imprisonment for the term of 3 to 7 years.	Article 166. **Causing Grave Harm to Health** 1. Causing bodily injury to another person or other harm to his/her health, which is: 1) dangerous to the life; 2) has resulted in the loss of eye-sight, speech, hearing or any other organ or its function; 3) was expressed by irreversible defacement of face, head, ear or chin; 4) has resulted in disruption of health accompanied by constant loss of not less than one third of the general working capacity or full loss of professional working capacity; or 5) has resulted in mental disorder, drug or toxic addiction — shall be punished by imprisonment for a term of three to seven years. 2. Causing bodily injury to another person or other harm to the person's health, which negligently caused termination of pregnancy— shall be punished by imprisonment for a term of four to eight years. 3. The act provided for in Part 1 of this Article, committed: ... ... 9) by a close relative, shall be punished by imprisonment for a term of five to ten years.

Article 113. **Infliction of willful medium-gravity damage to health** 1. Infliction of willful bodily injure or any other damage to health which is dangerous for life and did not cause consequences envisaged in Article 114 of this Code, but caused protracted health disorder or significant stable loss of no less than one third of the capacity to work, is punished with arrest for a term of 1 to 3 months or imprisonment for a term of up to 3 years.	Article 167. **Causing Medium Gravity Harm to Health** 1. Causing bodily injury or any other harm to health of another person, which is not dangerous for life and has not caused consequences established in Article 166 of this Code, but has caused: 1) persistent health disruption; or 2) significant constant loss of less than one third of the general working capacity—shall be punished by restriction of liberty for a term of maximum three years, or shortterm imprisonment for a term of maximum two months, or imprisonment for a term of maximum three years. 2. The act provided for in Part 1 of this Article, committed: ... ... 9) by a close relative; shall be punished by imprisonment for a term of two to five years.

Article 117. **Infliction of willful light damage to health** Infliction of a willful bodily injury or other damage to health which caused short-term health disorder or insignificant loss of the capacity to work, is punished with a fine in the amount of 50 to 150 minimal salaries,[32] or with arrest for up to 2 months.	Article 171. **Causing Light Harm to Health** 1. Causing bodily injury or other harm to health of another person, which has resulted in 1) short-term health disruption; or 2) insignificant constant loss of general working capacity — shall be punished by a fine in the maximum amount of ten-fold or public works for a term of maximum one hundred hours, or restriction of liberty for a term of maximum one year, or short-term imprisonment for a term of maximum one month, or imprisonment for a term of maximum one year. 2. The act provided for in Part 1 of this Article, committed: ... ... 6) by a close relative; shall be punished by a fine in the maximum amount of twenty-fold, or public works from eighty to one hundred and fifty hours, or restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years.

[32] Before July 1, 2022, according to Article 3 of the RA Law "On Minimum Monthly Salary", the "minimum salary" was defined as 1000 RA AMD as the basis of calculation in the articles of the RA Criminal Code. From July 1, the concept of "minimum salary" mentioned in the articles of the RA Criminal Code corresponds to the current minimum salary in the Republic of Armenia. At the time of publication of the report, it was AMD 68,000. Thus, it turns out that the fines have been increased by the new criminal code. For example, a fine of 50-150,000 AMD was previously set for causing light damage to health, currently the minimum threshold is not defined by the current code, the maximum threshold is 680,000 AMD. And in case the same act is committed by a close relative (domestic violence), the maximum fine amounts to 1 million 360 thousand AMD.

Article 118. **Battery** Battery or committal of other violent acts which did not cause the consequences envisaged in Article 117, is punished with a fine in the amount of up to 100 fold the minimum wage, or with arrest for a term of up to 2 months.	Article 195. **Physical Pressure** 1. Hitting or performing other violent actions, in the absence of the consequences established in Article 171 of this Code — shall be punished by a fine in the maximum amount of twenty-fold, or public works for a term of eighty hours to one hundred fifty hours, or restriction of liberty for a term of maximum one year, and or short-term imprisonment for a term of maximum one month. 2. The act provided for in Part 1 of this Article, committed: ... ... 6) by a close relative; shall be punished by a fine in the amount of ten-fold to thirty-fold, or public works for the term of one hundred to two hundred hours, or restriction of liberty up to two years, or short-term imprisonment for a term of maximum two months.

Article 119. **Torture**. 1. Torture is willfully causing strong pain or bodily or mental sufferance to a person, if this did not cause consequences envisaged in Articles 112 and 113, is punished with imprisonment for a term up to 3 years. 2. The same actions, committed: … … 3) … to […] a person financially or otherwise dependent on the perpetrator. 4) In relation to a pregnant woman; 5) … 6) With particular cruelty, is punished with imprisonment for a term of 3 to 7 years.	Article 196. **Causing Severe Physical Pain or Severe Mental Suffering** 1. Causing severe physical pain or severe mental suffering, if it does not led to consequences provided for in Article 166 or 167 of this Code, and if the elements of criminal offence provided for in Article 450 of this Code are absent— shall be punished by imprisonment for the term of maximum three years. 2. The act provided for in Part 1 of this Article, committed: ..., 2) towards a pregnant woman; ..., 4) with a particular cruelty; ..., 6) towards a person being in material or other dependence from the criminal.

Article 131. **Kidnapping** 1. The illicit or explicit kidnapping of a person through deception, abuse of trust, violence or the threat of violence, in case of the absence of corpus delicti, provided for Article 218 of this Code, shall be punished with imprisonment for the term of 2 – 5 years.	Article 191. **Kidnapping** 1. Kidnapping – transferring a person to another place against his/her will or ignoring his/her will or using his/her helpless situation, if the elements of criminal offence established in Article 315 of this Code are absent — shall be punished by imprisonment for a term of two to five years.

Article 133. **Illegal deprivation of freedom** 1. Illegal deprivation of freedom not concerned with kidnapping is punished with a fine of 100 – 250 fold minimum wage or with an arrest for the term of 1 to 3 months, or with imprisonment for up to 2 years.	Article 192. **Illegal Deprivation of liberty** 1.Illegal deprivation of liberty, if elements of criminal offences established in Articles 188 and 189, 191 and 315 of this Code are absent— shall be punished by a fine in the maximum amount of twenty-fold, or restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years. 2.The act provided for in Part 1 of this Article, committed: - - - - - - 6) by a close relative; shall be punished by imprisonment for a term of four to eight years.

Article 137. **Threat to murder, to inflict heavy damage to one's health or to destroy property** 1. The threat to murder, to inflict heavy damage to one's health or to destroy property of big volume, provided there was real danger that this threat would be carried out, is punished by a fine 50 -150 fold the minimum wage or arrest for up to 2 months, or imprisonment for a term of up to 2 years.	Article 194. **Psychological Pressure** 1. Threat to murder, inflicting harm to health, torture, committing criminal offence against sexual freedom or immunity, kidnapping, illegally depriving from liberty, as well as destruction of large or particularly large-scale property, if there has been a real danger to perform the threat, as well as the social isolation or periodically degrading the honour and dignity— shall be punished by a fine in the maximum amount of twenty-fold, or restriction of liberty for a term of maximum one year or a short-term imprisonment for a term of maximum one month. 2. The act provided for in Part 1 of this Article, committed: . . . 4) by a close relative, shall be punished by a fine in the amount of ten-fold to thirty-fold, or restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months.

Article 139. **Violent sexual actions** 1. Homosexual, lesbian or other sexual actions against the aggrieved, by using force against the latter or other persons, or threat of using force, or by taking advantage of the aggrieved person's helplessness, shall be punished with an imprisonment for a term of 3 to 6 years.	Article 195. **Physical Pressure** 1. Hitting or performing other violent actions, in the absence of the consequences established in Article 171 of this Code — shall be punished by a fine in the maximum amount of twenty-fold, or public works for a term of eighty hours to one hundred fifty hours, or restriction of liberty for a term of maximum one year, and or short-term imprisonment for a term of maximum one month. 2. The act provided for in Part 1 of this Article, committed: ... ... 6) by a close relative, shall be punished by a fine in the amount of ten-fold to thirty-fold, or public works for the term of one hundred to two hundred hours, or restriction of liberty up to two years, or short-term imprisonment for a term of maximum two months.

Article 119. **Torture.** 1. Torture is willfully causing strong pain or bodily or mental sufferance to a person, if this did not cause consequences envisaged in Articles 112 and 113, is punished with imprisonment for a term of up to 3 years. 2. The same actions, committed: ... ... 3) … in relation to a person financially or otherwise dependent on the perpetrator. 4) In relation to a pregnant woman; … 6) With particular cruelty; is punished with imprisonment for the term of 3 to 7 years.	Article 196. **Causing Severe Physical Pain or Severe Mental Suffering** 1. Causing severe physical pain or severe mental suffering, if it does not led to consequences provided for in Article 166 or 167 of this Code, and if the elements of criminal offence provided for in Article 450 of this Code are absent— shall be punished by imprisonment for the term of maximum three years. 2. The act provided for in Part 1 of this Article, committed: … 2) towards a pregnant woman; - - - 4) with particular cruelty; …, 6) towards a person who is in material or other dependence from the criminal — shall be punished by an imprisonment for the term of three to seven years.
Article 131. **Kidnapping** 1. The illicit or explicit kidnapping of a person through deception, abuse of trust, violence or the threat of violence, in case of the absence of corpus delicti, provided for Article 218 of this Code, shall be punished with imprisonment for a term of 2 – 5 years.	Article 191. **Kidnapping** 1. Kidnapping – transferring a person to another place against his/her will or ignoring his/her will or using his/her helpless situation, if the elements of criminal offence established in Article 315 of this Code are absent — shall be punished by imprisonment for a term of two to five years.

Article 133. **Illegal deprivation of freedom** 1. Illegal deprivation of freedom not concerned with kidnapping is punished with a fine in the amount of 100 – 250 fold the minimum wage, or with arrest for the term of 1 to 3 months, or with imprisonment for up to 2 years.	Article 192. **Illegal Deprivation of liberty** 1.Illegal deprivation of liberty, if elements of criminal offences established in Articles 188 and 189, 191 and 315 of this Code are absent— shall be punished by a fine in the maximum amount of twenty-fold, or restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years. 2.The act provided for in Part 1 of this Article, committed: . . . . . . 6) by a close relative; shall be punished by imprisonment for a term of four to eight years.

Article 137. **Threat to murder, to inflict heavy damage to one's health or to destroy property** 1. The threat to murder, to inflict heavy damage to one's health or to destroy property of big volume, provided there was real danger that this threat would be carried out, is punished by a fine 50 - 150 fold the minimum wage or an arrest for up to 2 months, or imprisonment for up to 2 years.	Article 194. **Psychological Pressure** 1. Threat to murder, inflicting harm to health, torture, committing criminal offence against sexual freedom or immunity, kidnapping, illegally depriving from liberty, as well as destruction of large or particularly large-scale property, if there has been a real danger to perform the threat, as well as the social isolation or periodically degrading the honour and dignity— shall be punished by a fine in the maximum amount of twenty-fold, or restriction of liberty for a term of maximum one year or a short-term imprisonment for a term of maximum one month. 2. The act provided for in Part 1 of this Article, committed: … 4) by a close relative; shall be punished by a fine in the amount of ten-fold to thirty-fold, or restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months.

Article 139. **Violent sexual actions** 1. Homosexual, lesbian or other sexual actions against the aggrieved, by using force against the latter or other persons, or threat of using force, or by taking advantage of the aggrieved person's helplessness, shall be punished with imprisonment for a term of 3 to 6 years.	Article 198. **Violent Actions of Sexual Nature** 1. Sexual intercourse or other acts of sexual nature, including imitation of sexual intercourse or satisfying sexual needs, which have been committed against the will of the victim of crime, or by disregarding the will of the victim of crime, by use of violence or threat of use thereof, or abuse of the helpless situation of the victim of crime or other person— shall be punished by imprisonment for a term of three to six years. 2. The act provided for in Part 1 of this Article, committed: . . . 2) by a close relative or partner or ex-partner; shall be punished by imprisonment for a term of five to ten years.

Article 140. **Forced violent sexual acts** Forcing a person to sexual intercourse, homosexuality, lesbianism or other sexual actions, by means of blackmail, threats to destroy, damage or seize property, or using the financial or other dependence of the aggrieved, shall be punished with a fine in the amount of 200 to 300 minimum wage or with imprisonment for the term from 1 - 3 years.	Article 199. **Compelling to Actions of Sexual Nature** 1. Sexual intercourse or other sexual actions, including imitation of sexual intercourse or satisfaction of sexual needs, that have been committed through blackmail, or under the 156 threat of destruction, damage or seizure of property or by using the material or other dependence of the victim of crime, or without reasonable belief in his/her consent or his/her compelling to sexual intercourse or other actions of sexual nature in the same manner, if the elements of criminal offences established in Articles 188 and 189 of this Code were absent — shall be punished by restriction of liberty for a term of one to three years, or short-term imprisonment for a term of one to two months, or imprisonment for a term of one to four years. . The act provided for in Part 1 of this Article, committed: 1) towards a pregnant woman; 2) towards a minor; 3) by a close relative or a partner or an ex-partner, shall be punished by imprisonment for a term of three to six years, and if it was done towards a person at the age 12 – 16, it shall be punished with a term of 6 – 12 years.

Article 141. **Sexual acts with a person under 16** Sexual intercourse or other sexual acts with a person obviously under 16, by a person who reached 18 years of age, in the absence of elements of crime envisaged in Articles 138, 139 or 140 of this Code – shall be punished with a fine in the amount of 100 – 200 fold of minimum wage or imprisonment for the term of up to 2 years.	Article 200. **Performance of Actions of Sexual Nature towards a Person not having Attained the Age of 16 years** 1. Sexual intercourse or other actions of sexual nature, including imitation of sexual intercourse or satisfaction of sexual needs, in case they were committed by a person having attained 18 years towards a person not having attained 16 years, if the elements of criminal offences established in the Articles 189, 198 and 199 of this Code were absent— shall be punished by restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months or imprisonment for a term of maximum three years.
Article 147. **Breach of inviolability of the dwelling.** 1. Entering an apartment against the will of the person shall be punished with a fine in the amount of 50 to 100 fold the minimum wage or with arrest for the term of up to 2 months.	Article 207. **Violating the Inviolability of Residence** 1. Illegal entry into the person's residence against his/her will or ignoring it— shall be punished by a fine in the maximum amount of twenty-fold, or public works for the term of eighty to one hundred fifty hours, or restriction of liberty for a term of maximum two years, or short-term imprisonment for a term of maximum two months, or imprisonment for a term of maximum two years.

Article 353. **Willful failure to carry out a court act** Willful failure by public administration and local self-government officials to carry out an effective court sentence, verdict or other judicial act (hereinafter referred to as "judicial act") within the period defined by the court or in case of no set timeline, within a month, shall be punished with a fine in the amount of 400 to 600 fold the minimum wage, or with arrest for a term of 1-3 months, or with imprisonment for the maximum term of up to 2 years, depriving them of the right to take certain positions for up to 2 years.	Article 507. **Failing to Perform the Judicial Act or Hindering its Performance** 1. Hindering performance of the lawfully enforced court judgment or other court, as well as failure to perform the lawfully enforced court judgment or other court act within the established terms, or in case the term was not established, within one month after its enforcement, or terms established by the compulsory enforcement officer within execution of the given act by the deptor or his/her competent person, if it is not possible 335 to enforce it by means of compulsory enforcement measures, or performing an action prohibited by the given act during the period of validity of that prohibition— shall be punished by a fine in the maximum amount of ten-fold, or public works for maximum one hundred hours, or restriction of liberty for a term of maximum one year, or short-term imprisonment for a term of maximum one month, or imprisonment for a term of maximum one year.