**R E F E R E N C E**

**on the challenges of human rights protection in the global fight against drugs**

Department for Crimes against Public Health of the Prosecutor General’s Office of the Republic of Armenia

In accordance with the obligations undertaken by the Republic of Armenia in the field of protection of human rights and fundamental freedoms, necessary guarantees for the protection of human rights, fundamental freedoms and dignity are defined by the domestic legislation.

As a result of the judicial reforms implemented in the Republic of Armenia, with the adoption of the new criminal procedure and criminal codes of the Republic of Armenia in 2021, human rights in the field of criminal justice, guarantees and arrangements for their implementation and protection were subjected to a more complete and comprehensive regulation.

Within the framework of Resolution 52/24 of the Human Rights Council, for the protection of human rights and fundamental freedoms and for facing the challenges effectively, both constitutional and criminal procedural, as well as criminal legal guarantees are re-established in Republic of Armenia.

Directly applicable constitutional and legal norms define human rights and fundamental freedoms, including dignity, rights to life, physical and mental integrity, as well as constitutional procedures for the prohibition of torture, inhuman or degrading treatment or punishment, discrimination, deprivation of personal liberty and limitation of other rights. The mentioned provisions are reflected in the Criminal Procedure Code of the Republic of Armenia defining the criminal procedure, and the publicly dangerous [harassment](https://context.reverso.net/translation/english-russian/harassment) against social relations related to the protection of the mentioned high values are defined by the Criminal Code of the Republic of Armenia.

In particular, Chapter 28 of the RA Criminal Code is entirely dedicated to crimes against constitutional rights and freedoms, according to which criminal liability is envisaged for discrimination, violation of privacy of personal or family life, correspondence, telephone conversations and other forms of communication, as well as apartment integrity. Article 450 defines criminal liability for torture by an official in order to extract information or confession.

In accordance with international obligations in order to protect human rights and re-socialize a person who has committed a crime and has been punished by using alternative means of punishment, within the framework of the new criminal code adopted in the Republic of Armenia, the possibility of imposing non-custodial sentences for illegal drug trafficking without the purpose of realization is also provided. Fines, community service and restriction of freedom may also be imposed as punishment for illegal drug trafficking in significant or large amounts.

It should be noted that judicial coercion measures are also revised by the criminal procedure legislation of the Republic of Armenia, effective from July 1, 2022, in particular, the grounds, conditions and procedures for the use of arrest and detention, as a result of which the effectiveness of judicial control over the legality of the said measures has been increased, as well as the limits of the use of alternative means of arrest have been expanded, ensuring the proper protection of the rights and legal interests of the relevant participants in the proceedings, including vulnerable persons.

At the same time, in all cases where arrest or detention is used as a coercive measure against persons involved in drug trafficking proceedings, non-discriminatory care, treatment and other social services are offered to them in prison or detention center.

Prosecutor's control over the legality of pre-trial criminal proceedings and judicial guarantees of pre-trial proceedings are an important and effective guarantee of the realization and protection of the rights and legal interests of persons involved in criminal proceedings, and in the case of every criminal infringement against the rights and freedoms defined by the Resolution 52/24 of the Human Rights Council, a defense investigation is carried out by the competent authorities of the Republic of Armenia.