

Committee on Economic, Social and Cultural Rights
Parallel Submission for 74 Session with respect to Armenia
concerning the access of individuals who use drugs to health services¹

from

Eurasian Harm Reduction Association,² and HIV Legal Network³.

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INDEX

BACKGROUND.....	2
SUMMARY AND RECOMMENDATION	2
SECTION ONE: NEGATIVE ROLE OF CRIMINALIZATION AND STATE- SPONSORED STIGMA IN ADDRESSING DRUG USE AND ITS IMPACT ON PUBLIC HEALTH AND THE RIGHT TO HEALTH IN ARMENIA.....	4
SECTION TWO: SIGNIFICANT GAPS IN DEVELOPING HEALTH RESPONSES TO DRUG USE.....	7
CONCLUSION	9

¹ This report is based on Analysis of National Trends on Human Rights Violations of People Who Use Drugs in Armenia by Ashot Gevorgyan. August, 2023

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BACKGROUND

This report provides information on the measures taken, and the outcome thereof, to address the obstacles faced by individuals who use drugs in gaining access to healthcare services, including stigmatization, discrimination, and criminalization of the use and possession of drugs (Item 23(b) of the List of Issues⁴). Although the Government provided information on this item,⁵ the information is incomplete with respect to people who use drugs and the criminalization of the use and possession of drugs.

SUMMARY AND RECOMMENDATION

In summary, Armenia faces critical challenges in addressing drug use, which have far-reaching implications for public health and human rights. Urgent attention is required to reform the current legal framework, shift the focus from punitive measures to health-centered approaches, and ensure that harm reduction services are comprehensive and accessible. This will be crucial in safeguarding the rights and well-being of individuals who use drugs and, ultimately, the broader Armenian society.

The overarching recommendation is to help the Government of Armenia improve the implementation of the right to health concerning individuals who use drugs.

We strongly urge the Government of Armenia to reconsider its approach to drug policy and make significant changes in alignment with human rights principles and public health best practices. Specifically, we recommend the following steps:

- **Reform Drug Laws:** Revise and reform current drug laws to ensure that criminal and punitive measures are not applied to individuals whose actions do not clearly constitute wholesale drug trafficking with the purpose of systemic enrichment. These laws should be revised to reflect a more balanced and proportionate response to drug-related issues. Consider lifting all sanctions for the possession of drugs for personal use, and proportionate

⁴ Committee on Economic, Social and Cultural Rights. List of issues in relation to the fourth periodic report of Armenia. E/C.12/ARM/Q/4/. 15 November 2021. Online: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW0fp9m5PoYHYLH3qkguQgxwg95LxdDWFfmXyXtazyoZG%2F9tpxWK6w2CEV%2BQ72funb%2BOBCFfmD0RCkTkIIXlwh1VOdsjmbUF1cDrT58%2Bi2SIq>

⁵ Replies of Armenia to the list of issues in relation to its fourth periodic report. E/C.12/ARM/RQ/4. 2 June 2023. Online: <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW0fp9m5PoYHYLH3qkguQgxy26Fs6Hlio%2F1wIs9NH6gFz6Akpq5Lpuy08j15BOG4NdVca5vE1Y4tLvQNf6B0harlW36ZTOaHjbwW7Ky3xptn%2F>

non-punitive responses to the possession of illicit substances with no intent to distribute for the purpose of systemic enrichment. Reforms can help reduce the burden on the criminal justice system and allow individuals to access necessary health services without fear of legal repercussions.

- **Ensure Transparency and Data Sharing:** Improve transparency in law enforcement practices by making relevant statistics on drug-related arrests and activities publicly available. Promote accountability in drug enforcement operations.
- **Engage Civil Society and Affected Communities:** Collaborate closely with civil society organizations and communities affected by drug use to design, implement, and evaluate policies and programs. Ensure their meaningful involvement in decision-making processes.
- **Prioritize Health and Social Interventions:** Shift the primary response to drug-related issues towards health and social interventions. Invest in evidence-based programs that prioritize harm reduction, treatment, rehabilitation, and support services for individuals who use drugs. These interventions should be accessible, affordable, and free from discrimination.
- **Promote Harm Reduction:** Emphasize tailored, geographically accessible, and responsive harm reduction strategies, including needle exchange programs in prisons, safe consumption spaces, take-home naloxone, and peer-driven naloxone distribution, safer smoking kits and stimulant prescription options, education campaigns. These measures can significantly reduce the negative health consequences associated with drug use and protect both individuals and communities. Establish a network of healthcare and social services for people who use drugs across the country, ensuring that individuals outside of the capital city have equitable access to support. Expand services beyond Yerevan to address the unique needs of rural and remote populations.
- **Evaluate and Monitor:** Establish a robust system for monitoring and evaluating the impact of these policy changes to ensure that they are effectively reducing harm, protecting human rights, and improving public health.

By implementing these recommendations, the Government of Armenia can make significant strides in aligning its drug policy with international human rights standards and promoting the health and well-being of its citizens, while still addressing wholesale drug trafficking in a systematic manner.

SECTION ONE: NEGATIVE ROLE OF CRIMINALIZATION AND STATE-SPONSORED STIGMA IN ADDRESSING DRUG USE AND ITS IMPACT ON PUBLIC HEALTH AND THE RIGHT TO HEALTH IN ARMENIA

Armenia is currently grappling with significant challenges related to drug use, which are posing severe threats to public health and human rights. Individuals who use drugs often find themselves subjected to discrimination, stigmatization, and a range of human rights violations, from being denied healthcare services to facing unjust legal persecution.

In 2023, the Ministry of Interior unveiled a new Drug Strategy, declaring an ambitious "war on drugs."⁶ This initiative has raised concerns, given that Armenia had already enacted a new Criminal Code in 2021, which adopted a dated and vague approach to defining drug crimes and prescribed stringent punishments for drug-related offenses. Both the Criminal Code and the New Drug Strategy grant law enforcement agencies extensive and unchecked powers. Notably, the public lacks access to critical law enforcement statistics.

Limited media coverage, however, hints at aggressive drug enforcement operations targeting individuals who use drugs, frequently portrayed as drug traffickers by law enforcement. It appears that the Ministry of the Interior provides mass media outlets with reports that categorize all drug-related arrests as linked to drug trafficking, without providing detailed data on the number of crimes related to drug distribution versus those involving drug possession without the intent to distribute. Neither the Criminal Code, nor drug laws or drug policy documents provide the definition or any clear guidance to distinguish small-scale drug distribution among peers from wholesale drug trafficking for the purpose of systemic enrichment. The current set of threshold quantities for narcotic drugs and psychotropic substances lacks clarity and fairness. It sets extremely low limits for possession offenses, resulting in almost all individuals caught with illicit substances for personal use facing punitive consequences, be it administrative or criminal. This approach places drug users in the jurisdiction of law enforcement rather than focusing on public health concerns.

⁶ Armenpress. The police declared 2023 as the year of the fight against drugs. Minister. 1 March 2023. <https://armenpress.am/arm/news/1105338.html> (accessed 1 Aug 2023)

In cases involving drug trafficking, criminal liability is determined by establishing the intent to distribute. The quantity of illicit substances only affects the severity of punishment in these cases. The vague boundary between possession and trafficking offenses in drug laws and policies means that any action could potentially be categorized as either simple possession or possession with the intent to distribute. The absence of clear definitions and guidelines in the Criminal Code and drug policy documents has inadvertently enabled law enforcement to manipulate statistics, potentially framing individuals who use drugs as drug traffickers.

Official law enforcement data for 2022 revealed 743 cases of illegal drug trafficking, marking a staggering 76% increase from 2021.⁷ After 2023, when the Ministry of Interior declared the year for combatting illegal drug trafficking, the number of detected cases surged further, reaching 2,365 during the first half of 2023. The Ministry of Interior reported 1,236 of these cases as pertaining to the illegal sale of narcotics, psychotropic substances, and their precursors.⁸ However, without information on the quantity of seized drugs in each case, it remains unclear how many were associated with wholesale drug trafficking and how many involved small-scale distribution among peers. Media reports also suggest a disproportionate focus on individuals who use drugs rather than wholesale drug traffickers, with documented raids on popular nightclubs in April and June 2023⁹. Such frequent raids and mass arrests, as reported on the Ministry of the Interior's Facebook page¹⁰, have led to the criminalization and stigmatization of individuals who use drugs, hindering their access to essential services and undermining their human rights. Disturbingly, instances of excessive force and brutality by drug police have been noted¹¹, with at least three individuals committing suicide in police custody in 2023 after being arrested on drug-related charges¹². These incidents highlight a failure to ensure the safety and well-being of detainees who use drugs.

⁷ Radio Free Europe/Radio Liberty. Online drug dealers are constantly using new methods". 04 July 2023 <https://www.azatutyun.am/a/32489027.html> (accessed 1 Aug 2023)

⁸ Armenia Sputnik. Illegal drug trafficking in Armenia increased by 154% in half a year. 20 July 2023. <https://armeniasputnik.am/20230720/hajastanum-tmranjuteri-aporini-shrjanarutjuny-kes-tarva-tvjalnervov-atshel-e-154-vov-63251397.html> (accessed 1 Aug 2023)

⁹ Aravot daily. 37 people from. Ban club were taken to the police, 3 were arrested, 1 was detained. 27 Jun 2023. <https://www.aravot.am/2023/06/27/1351384/> (accessed 1 Aug 2023)

¹⁰ RA Police Facebook page link <https://www.facebook.com/www.police.am> (accessed 1 Aug 2023)

¹¹ Public Journalism club. Joint Statement "Civil society condemns police violence against young people". 26 Apr 2023. https://pjc.am/qaghhasarakutyune-datapartum-e-eritasardneri-nkatmamb-ostikanakan-brnutyune/?fbclid=IwAR2TisRZ7ltqoiVAuRdYcUWBkbf6vZhK8HI5vNbDmELj_nz3n52Mt7_nb4 (accessed 1 Aug 2023)

¹²- Network of independent journalists. Drugs "smuggling". the second suicide in the Investigative body. 20 Jul 2023. https://epress.am/2023/07/20/suicide-at-investigative-committee.html?fbclid=IwAR3kDw7Jz-Zq28SFJIEOf_50c4Bn33ADsImu6UVAjIazorcrW76k9JW1Yhs (accessed 1 Aug 2023)

The prevailing legal framework primarily embraces a punitive approach, dissuading individuals from seeking healthcare and support due to fears of legal repercussions. This, in turn, exacerbates public health issues and increases human rights violations.

The criminalization of drugs and stigmatization of individuals who use drugs have diverted attention away from critical health and social services, including harm reduction initiatives aimed at preventing HIV and hepatitis C among this vulnerable population (See details below). While some efforts have been made to implement harm reduction programs in Armenia, they remain incomplete. Opioid substitution therapy is available, but essential interventions such as overdose prevention and response, safer drug consumption spaces, drug checking services, peer support and outreach programs, counseling and mental health services, and education and awareness campaigns are either absent or inadequately supported (See details below). Notably, Armenia's drug strategy fails to incorporate these interventions as essential responses to drug use in the country.

Criminalization of drug use-related behavior leads to state-sponsored stigmatization, prevailing misconceptions, and negative societal attitudes surrounding drug use. These factors collectively contribute to the marginalization and discrimination faced by individuals who use drugs, significantly impeding their access to essential drug treatment and other critical health services.¹³ The repercussions of such discrimination are far-reaching. People who use drugs frequently encounter rejection from their families, friends, and communities, leading to profound social isolation and a dearth of vital social support systems.¹⁴ Furthermore, these individuals often become victims of stereotypes and labels, perpetuating negative public perceptions and creating substantial barriers to their successful reintegration into society.¹⁵ Perhaps most distressingly, this pervasive stigmatization extends its corrosive reach into the realm of employment, resulting in employment discrimination that makes it exceedingly challenging for people who use drugs to secure and maintain stable employment opportunities, thereby further compromising their overall health and well-being. This

¹³Suren Nazinyan, Narcologist. Stigma and discrimination against drug addicts. <https://www.youtube.com/watch?v=8n7sv5hO2mw&t=8s> (accessed 1 Aug 2023)

¹⁴Helsinki Citizens' Assembly-Vanadzor. Peculiarities of policy applied in relation to drug users in Armenia. Main gaps and need for amendment. 25 Feb 2023. https://hcav.am/en/25-02-2016-036987-2587/?fbclid=IwAR23GNvk_pLKgpw7r1SrSSIZy4QaVLt62MebSOMnYLiNPEFE4P2eUb_PIL (accessed 1 Aug 2023)

¹⁵JAMnews. Drugs become more accessible in Armenia through social networks. 8 Sep 2023. <https://jam-news.net/drugs-become-more-accessible-in-armenia-on-social-networks/> (accessed 1 Aug 2023)

multifaceted web of discrimination and marginalization constitutes a clear violation of the fundamental right to health.

Pervasive stigma instills fear and hesitancy among individuals who use drugs, deterring them from openly engaging in policy discussions due to the looming threat of judgment and discrimination. Moreover, the criminalization of drug use exacerbates this issue by creating a chilling effect on drug users' willingness to participate in decision-making processes, as they fear potential legal consequences. In Armenia, this problem is particularly pronounced, as the participation of drug users in policy and program development is severely limited and fraught with substantial challenges.¹⁶ Regrettably, young drug users, who are most affected by these policies, are not actively included in decision-making processes that directly shape their lives and overall well-being.¹⁷ This profound lack of meaningful participation hampers the development of inclusive and effective strategies to comprehensively address the array of challenges associated with drug use in the country.

SECTION TWO: SIGNIFICANT GAPS IN DEVELOPING HEALTH RESPONSES TO DRUG USE

In violation of the right to health, the Government of Armenia invests in counterproductive punitive drug enforcement despite having the following serious gaps in developing health responses to drug use:

- **Geographic Disparities in Access to Healthcare and Social Services:** The concentration of healthcare and social services for people who use drugs within the capital city, Yerevan, particularly through the National Addiction Treatment Center, raises concerns regarding accessibility and coverage.¹⁸ This geographic centralization exacerbates disparities, leaving individuals residing in rural and remote areas with limited access to essential support, thereby violating the right to health for these marginalized populations.

¹⁶ Dignity Movement. Political participation of marginalized and disadvantaged youth groups in Armenia. 2022 <https://drive.google.com/file/d/1TDFHbLVs8l6bDChKW3E7ajZdEdLMdDWM/view?usp=sharing> (accessed 1 Aug 2023)

¹⁷ Drug Reporter. The Needs of the Youth Are Ignored in Armenia. 30 Sep 2021. <https://drogriporter.hu/en/the-needs-of-the-youth-are-ignored-in-armenia-interview-with-ashot-gevorgyan/> (accessed 1 Aug 2023)

¹⁸ National Addiction Treatment Center. <https://ncat.am/> (accessed 1 Aug 2023)

- **Economic Barriers and Inadequate Tailoring of Services:** While Armenia provides certain services free of charge to registered drug users, such as new needles and psychological services, a notable gap exists in adapting these services to address evolving trends in drug use and associated challenges. This lack of responsiveness hinders the effectiveness and impact of these services, perpetuating health inequalities.
- **Absence of Supervised Drug Consumption Rooms:** The absence of operational drug consumption rooms denies individuals access to a harm reduction strategy that could promote safer drug use practices and connect them with essential healthcare services. This omission undermines the right to health by exposing individuals to avoidable risks associated with unmonitored drug consumption.
- **Lack of Take-Home Naloxone Programs:** The unavailability of take-home naloxone, a medication critical for reversing opioid overdoses, represents a significant gap in harm reduction services. Naloxone distribution programs empower both first responders and individuals, and their absence poses a substantial risk to the right to health, particularly in situations where immediate medical assistance may not be accessible.
- **Absence of Naloxone Peer Distribution Programs:** The lack of operational naloxone peer distribution programs further exacerbates the challenges associated with opioid overdose prevention. These programs are instrumental in reaching marginalized and at-risk communities, enhancing their capacity to respond to overdose incidents, and safeguarding the right to health.
- **Incomplete Harm Reduction Landscape:** The absence of safer smoking kit distribution programs and stimulant prescription options highlights the incompleteness of the harm reduction landscape. These programs are essential for mitigating risks associated with substance use and ensuring safer consumption practices, thus contributing to the protection of the right to health.
- **Exclusionary Practices and Evolving Drug Trends:** The current service landscape often fails to address the diverse needs of individuals struggling with substance use. This exclusionary approach creates inequalities in access to care, particularly for individuals using drugs through various methods. To uphold human rights principles of non-discrimination and equitable access, there is a pressing need for

comprehensive and inclusive services that cater to evolving drug trends and ensure the protection of the right to health for all individuals affected by substance use.

- **The lack of harm reduction services in prisons:** The number of inmates serving prison sentences for drug offenses continues to rise due to stringent drug enforcement measures. Unfortunately, the exact number of such inmates remains undisclosed and inaccessible to the public. As of January 1, 2023, Armenia's total prison population stood at 2,357 inmates, based on data from the Council of Europe, with only 9.33% of these individuals receiving opioid agonist therapy¹⁹. Regrettably, as of June 2023, no needle and syringe program is available in penitentiary institutions in Armenia.

CONCLUSION

In conclusion, the continued reliance on criminalization and punitive measures to address drug use not only fails to effectively address the complex challenges associated with substance use but also diverts public attention and resources away from health-oriented and human rights-based approaches. This diversion represents a clear violation of the fundamental right to health. It is imperative that societies prioritize comprehensive, evidence-based strategies that prioritize health, human dignity, and social integration, rather than perpetuating punitive systems that perpetuate harm and discrimination. Embracing a rights-based approach not only upholds the principles of justice and compassion but also offers a more promising path toward addressing the multifaceted issues surrounding drug use in our communities.

¹⁹ The World Prison Brief. <https://www.prisonstudies.org/country/armenia> (accessed 24 Aug 2023)