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The Ombudsman has come up with recommendations pertaining to around 40 problematic regulations, which in various cases also related to the breach of the principle of legal certainty.

For instance, it is stipulated in the Draft that the detained person must obey the orders of the person conducting the detention and the body conducting the administrative proceedings. Whereas, the mentioned statement entails a risk that the body conducting the administrative proceeding may give illegal orders. The Draft doesn't require mentioning the ground for detention in the Protocol of Detention. As a result of this, there is a violation of the person's right to clarify the ground of the offence attributed to him/her.

Besides that, neither the list of persons who cannot be detained, nor the rights of detained persons are set in the Draft. In addition to that, there are no conditions envisaged in the Draft allowing detention only in the case when after the notification from the designated state authority the person didn't show up without any good reason.

Although a large number of recommendations have been presented, it must be noted that the Draft entails a lot of positive provisions as well.

Office of the Human Rights Defender of the Republic of Armenia