



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

List of issues to be taken up in connection with the consideration of the
initial report of Armenia (CRC/C/OPAC/ARM/1)

Addendum

Written replies of Armenia*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPAC/ARM/Q/1)

1. Relevant governmental departments of the Republic of Armenia within the framework of their competence are responsible for the coordination, monitoring and implementation of Optional Protocol in accordance with the international commitments assumed by the Republic of Armenia and by the procedure provided for in Article 52 of the Law of the Republic of Armenia “On International Treaties”. At the same time, the general coordination of the mentioned activities is carried out by the Ministry of Defence of the Republic of Armenia; in particular, the Department of Defence Policy of the Ministry of Defence is responsible for activities in this sphere regarding call-ups, education, staffing and general recruitment, raising legal awareness and other activities.

2. Actions related to the implementation of the Optional Protocol are included within the scope of general obligations of ministries, other governmental departments and subdivisions included within their system, and therefore the budget funds provided for that purpose are included in the general budget, in some cases in different items of the budget. See the replies of the State party to the issues raised in paragraph 4 of the list of issues to be taken up in connection with the consideration of the combined third and fourth periodic reports of Armenia (CRC/C/ARM/Q/3-4/Add.1, p. 11 ff).

Reply to the issues raised in paragraph 2 of the list of issues

3. Respective measures are taken in the Republic of Armenia aimed at protection of the rights of the child in the society and raising awareness on these rights. The Human Rights Defender devotes a special part in his annual reports to the issues of the rights of the child.

4. The “Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel” was prepared by joint efforts of the OSCE Office for Democratic Institutions and Human Rights and the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) upon the initiative of the Ministry of Defence and with the support of the OSCE Office in Yerevan, which within the framework of a special course is provided as an educational material in the military-educational institutions and military subdivisions of the Republic of Armenia. In particular, Section V, Chapter 15 of this Handbook, titled “Children associated with armed forces”, addresses comprehensively the issues of children and children of military servants enlisted into the armed forces on a voluntary basis, as well as the problems of children participating in preliminary military training programmes. Such kind of theoretical sources give an opportunity to study the best international practice, compare local and foreign actions and methods for the protection of rights, thus enabling further improvements in the legislation. It should be noted that the reforms in the defence sphere of the Republic of Armenia focus mainly on the issues of military education and contractual recruitment of armed forces personnel. Thus, major attention is paid to the improvement and reform of pre-military training issues.

5. Moreover, all the matters related to the armed forces are considered in their dynamics, and consequently the reforms are of continuous nature, and measures are taken for raising legal consciousness, as well as for approximation of the legislation to the international standards taking into account the issues of national security of the Republic of Armenia. In particular:

(a) In 2011 a short-term programme of lectures titled “Human Rights in Armed Forces” was implemented in the Armed Forces of the Republic of Armenia, aimed at familiarising the commissioned staff with the provisions of the “Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel” and its application methods;

(b) In 2012 in a number of high schools of the Republic of Armenia (including those in marzes) a programme of lectures “On military-psychological, social and general

legal awareness among young people of pre-military age” was provided aimed at increasing the awareness about the legislation on the military sphere among pupils of pre-military age, as well as inform them on their rights during and in the period prior to call-up, explaining the potential social-psychological problems emerging in the course of military service and showing the ways for solving them.

Reply to the issues raised in paragraph 3 of the list of issues

6. According to the Law of the Republic of Armenia “On Conscription”, male citizens of the Republic of Armenia aged between 16 and 18 are deemed to be young people of pre-military age and are subject to military registration (listing). The procedure for military registration is defined by the Government of the Republic of Armenia. Military registration is the state system for analysing registration of pre-draftees (aged 16-18), draftees (aged 18-27) and citizens in the reserve and for the call-up, training muster and mobilization resource analysis of the Republic. Article 5 of the Law prescribes that pre-draftees undergo military registration in accordance with the procedure defined by the Government, which is deemed to be listing. In the Republic of Armenia exclusively male citizens having attained the age of 16 are subject to registration. According to Article 11(1) of the law "On Conscription", “male draftees aged between 18 and 27 are called up to military service”. Citizens of the Republic of Armenia not having attained the age of 18 are not called up to Military Forces of the Republic of Armenia. Moreover, they may not be called up to Armed Forces of the Republic of Armenia even upon their own desire (application).

Reply to the issues raised in paragraph 4 of the list of issues

7. Besides the guarantees referred to in question 3, the law defines another guarantee as well, which rules out the call-up of a citizen not having attained the call-up age. In particular, the call-up issue is determined by the decision of the collegial body — the call-up committee acting in the territorial military commissariat — which, before adopting a decision examines all the documents relating to the draftee, including the official document attesting the birth of the citizen, and only after that adopts the relevant decision.

Reply to the issues raised in paragraph 5 of the list of issues

8. Learners on their 8th, 9th (basic school), 10th and 11th grades (high school) at general education schools study the subject “Preliminary military training” for an hour a week. The subject “Preliminary military training”, among other sections, includes also the section on “Firearm training”. Firearm training is one of the most important sections of combat skills training.

9. The subject “Preliminary military training” comprises 9 sections:

- (a) Armed Forces of the Republic of Armenia and the history of military art;
- (b) General military regulations of the Armed Forces of the Republic of Armenia;
- (c) Drill training;
- (d) Principles of tactics;
- (e) Firearm training;
- (f) Military topography;
- (g) International humanitarian law;
- (h) Secure vital activities;
- (i) Basics of first medical aid.

10. In accordance with point 2 of the Decision of the Government of the Republic of Armenia No 532 of 25 August 1999 “On approving the regulations of pre-military training for learners of basic, secondary general education schools, high schools, lyceums, educational complexes and middle level vocational education institutions of the Republic of Armenia”, a joint order of the Minister of Defence of the Republic of Armenia and Minister of Education and Science of the Republic of Armenia “On approving the regulations of pre-military training for learners of basic, secondary general education schools, high schools, lyceums, educational complexes and middle level vocational educational institutions” was elaborated (adopted on 10 November 2011), which regulates the issues of organising and conducting pre-military training.

11. In accordance with the provisions of the regulations:

(a) Pre-military training is provided in educational institutions through teaching the subject “Preliminary military training” and organising military-patriotic upbringing activities;

(b) “Preliminary military training” is taught in educational institutions by a military instructor;

(c) Military-patriotic activities conducted with learners are an integral part of the general upbringing activities and are carried out in a planned manner by the head of the class, other pedagogues and military instructor under the supervision of the principal;

(d) The general management and supervision over the teaching the subject “Preliminary military training” to learners is carried out by the Ministry of Education and Science of the Republic of Armenia in cooperation with the Ministry of Defence of the Republic of Armenia and Ministry of Emergency Situations of the Republic of Armenia.

12. The Ministry of Education and Science of the Republic of Armenia:

(a) Carries out the general management providing the subject “Preliminary military training” to students;

(b) Ensures the necessary level for carrying out the educational and military-patriotic upbringing activities of the subject “Preliminary military training”;

(c) Coordinates the elaboration and publication activities of programmes, textbooks, time-board, instructions, assignments, guidance and other regulatory documents with respect to the subject “Preliminary military training”;

(d) Organises the elaboration and publication of didactic materials on the subject “Preliminary military training”;

(e) Studies, generalises and shares the positive experience in teaching the subject “Preliminary military training”, gives moral and financial incentives to the best educational institutions and employees, organises competitions for “The Best Military Instructor”, “The Best Chief of Staff of Civil Defence”;

(f) Takes part in the activities for the qualification advancement of military instructors, teachers of basics of first medical aid, carries out the certification thereof;

(g) In cooperation with the Ministry of Defence of the Republic of Armenia develops the procedure for education, training and certification of military instructors;

(h) Manages and controls the state of physical fitness of learners, provides methodological assistance to physical education teachers and military instructors in issues regarding conducting strengthening exercises;

(i) Organises and holds games, competitions, scientific conferences and other events together with the Ministry of Defence, Ministry of Healthcare, Ministry of Culture,

Ministry of Sport and Youth Affairs of the Republic of Armenia, the Police adjunct to the Government of the Republic of Armenia, National Security Service of the Republic of Armenia.

13. The Ministry of Defence of the Republic of Armenia:

(a) Together with the Ministry of Education and Science, Ministry of Healthcare, Ministry of Culture, Ministry of Sport and Youth Affairs, Ministry of Emergency Situations of the Republic of Armenia assists in the organisation of field trainings (musters), academic competitions in the subject “Preliminary military training” and military-athletic games for students;

(b) Nominates candidates for military instructors from among the reserve officers;

(c) Submits recommendations to the Ministry of Education and Science of the Republic of Armenia regarding the quality of teaching the subject of “Preliminary military training”;

(d) Carries out training of military instructors on military knowledge;

(e) Attaches a military unit to the educational institution, which permanently supports in organising the subject “Preliminary military training”;

(f) Organises for learners visits to military units, open days and meetings with participants in military operations, persons having excellent combat skills;

(g) Familiarises learners with military technology, life and routine of military servants;

(h) Identifies military officers, non-commissioned officers and sergeants for conducting practical trainings, as well as allocates shooting range, weapons, bullets and other necessary means;

(i) Provides assistance to military commissariats in conducting demonstrative trainings with military instructors,

(j) Assists in improving the academic base, as well as material and technical resources required for “Preliminary military training” in educational institutions.

14. The number of hours per week for the subject “Preliminary military training” in each grade and academic group is defined in accordance with the annual curricula approved by the Ministry of Education and Science of the Republic of Armenia. The subject “Preliminary military training” is considered a mandatory subject provided for in the curriculum.

15. Field trainings (musters) provided for in the curriculum are conducted on the bases of the attached unit at the final stage of studying military science for the purpose of strengthening the knowledge and skills obtained during trainings,.

16. The Ministry of Defence of the Republic of Armenia, Ministry of Education and Science of the Republic of Armenia, other ministries and departments under the subordination whereof the educational institutions are functioning, ensure the material and technical base for the subject “Preliminary military training”, in particular, the Ministry of Defence provides educational weapons, ammunition, small calibre rifles and their bullets in accordance with the Law of the Republic of Armenia “On arms” and as prescribed by legal acts ensuing therefrom.

Reply to the issues raised in paragraph 6 of the list of issues

(a) The minimum age of admission to military schools

17. There are no military schools as such in the Republic of Armenia. There are two military-educational complexes functioning under the subordination of the Ministry of Education and Science of the Republic of Armenia. Children start attending military-educational complex upon attaining the age of 12-13.

18. Curricula of the mentioned schools are not different from those of general education schools, and they do not allocate more time for military subjects.

19. M. Melkonyan military-educational academy has a status of high school and admits adolescents having graduated from middle school aged up to 15.

20. Children whose health state is satisfactory enough for studying in the complex may enter the military-educational complex irrespective of their social and economic status, urban and rural, ethnic origin.

21. There are 3 military-educational institutions in the Republic of Armenia:

- “Tigran Mets”
- “Poqr Mher”
- “Monte Melkonyan”

22. The admission of students into military-educational complexes is provided by a competition procedure.

23. All the educational programmes in the complexes are implemented based on a boarding-school procedure. In “Poqr Mher” academy the admission begins from the 6th grade, in “Tigran Mets” academy — from the 8th grade, and in “Monte Melkonyan” academy — from the 10th grade.

(b) The proportion of military and academic courses in the national curricula

24. Number of learners in military-educational academies:

- “Tigran Mets” — 190 learners
- “Poqr Mher” — 247 learners
- “Monte Melkonyan” — 200 learners

25. As stated above, the curricula of military-educational complexes and academies are not different from those of general education schools. As regards the teaching of the subject “Preliminary military training”, in general education schools it is taught in the 9th, 10th and 11th grades, and in the Military-training academy — in the 10th, 11th and 12th grades, but with the same number of lessons, that is, 134 hours.

(c) Whether pupils are subject to military discipline and punishment

26. Pupils are not subject to military discipline and punishment. Schools are working as other educational institutions of the Republic of Armenia.

(d) Whether pupils attending military schools have access to an independent complaints and investigation mechanism;

27. Learners attending military-training educational complexes enjoy the opportunity of filing independent complaints and initiating investigations in accordance with the general procedure (judicial, administrative, human rights protection, etc.) provided for by the

legislation of the Republic of Armenia for the citizens of the Republic of Armenia, and besides they may exercise this through councils of students.

(e) Whether pupils are classified as members of the armed forces;

28. No, students at military-educational complexes are not considered as members of armed forces. These education institutions provide the graduates with an opportunity to enter higher military education institutions.

(f) Whether pupils can be called into active service in the event of an outbreak of hostilities

29. In accordance with Article 55(13) of the Constitution of the Republic of Armenia, the President of the Republic shall — in cases of armed attack against the Republic, imminent threat thereof or declaration of war — declare martial law and may order general or partial mobilisation. In the event of outbreak of hostilities, in principle, general or partial mobilisation may be ordered, which implies exclusively mobilisation of conscripts registered in the reserve (the requirement of Article 12 of the Law of the Republic of Armenia “On mobilisation preparation and mobilisation” adopted by the National Assembly of the Republic of Armenia on 3 March 1999). Article 24 of the Law of the Republic of Armenia “On Conscription” defines the list of persons subject to inclusion and registration in the reserve. On the basis of the mentioned provision, citizens, including cadets of the military-educational institutions below the military age may not be included (registered) in the reserve. Therefore, in the event of sudden military operations persons below the age of 18 are not subject to call-up or mobilisation.

Reply to the issues raised in paragraph 7 of the list of issues

30. The initial pilot military training programme launched by the Ministry of Education and Science of the Republic of Armenia has been considered as inappropriate and therefore has been discontinued.

31. In accordance with the curriculum of the subject on preliminary military training approved by the Ministry of Education and Science of the Republic of Armenia, pupils of the 11th grade are introduced with skills of using firearms only once during a practical field training. Pupils in all education institutions undergo preliminary military training. Children under the age of 18 within the course of studying the subject “Preliminary military training” undergo firearm training, which includes partial disassembling and assembling of a machine gun and firing from a machine gun during the field military drills.

Reply to the issues raised in paragraph 8 of the list of issues

(a) The minimum age of admission to military schools

32. The fact of graduation from high school is the precondition necessary for admission to higher military education institutions. The minimum age for admission is set at 17.

(b) The number of cadets below the age of 18 enrolled in military institutions

33. Based on the present educational programme lasting for 12 years almost all the cadets upon entering the military education institution are of the age of 18.

(c) Whether cadets under the age of 18 enrolled in military institutions are subject to military discipline and punishment

34. All the students having entered military education institutions study by a general approved programme, and must necessarily study disciplinary regulations.

(d) Whether cadets attending military higher education institutions have access to an independent complaints and investigation mechanism

35. Citizens having entered military education institutions are deemed to be mandatory military servants, enjoy the rights and privileges and bear obligations prescribed for them by the legislation, with the exception of cases provided for by law. Persons removed and dismissed from such institutions compensate the costs connected to their education and are called up (sent) to mandatory military service under general procedure.

(e) Whether cadets can be called into active service in the event of an outbreak of hostilities

36. Citizens admitted into military education institutions are deemed to be mandatory military servants, enjoy the rights and privileges and bear obligations prescribed for them by the legislation, with the exception of cases provided for by law.

Reply to the issues raised in paragraph 9 of the list of issues

37. In accordance with part 5 of Article 4 of the Law of the Republic of Armenia “On defence” (adopted by the National Assembly of the Republic of Armenia on 27 November 2008) the creation of military formations in the Republic of Armenia other than those of the armed forces and other troops shall be prohibited. In accordance with parts 1 of Article 3 and Article 11 of the same Law “armed forces” include the central authority of military administration, military formations, units, military branches and military units, while “other troops” comprise troops of the Police of the Republic of Armenia, border troops and special subdivisions of the National security. Therefore, creation and activities of non-governmental armed groups are prohibited in the Republic of Armenia by virtue of law, and creation of such groups or organised armed groups (bands) entails criminal liability provided for by the provisions of Article 222 of the Criminal Code of the Republic of Armenia adopted by the National Assembly of the Republic of Armenia on 18 April 2003.

Reply to the issues raised in paragraph 10 of the list of issues

38. The concept “migrant child” is not defined in the legislation of the Republic of Armenia. The Law “On Refugees and Asylum” adopted on 27 November 2008 defines the concepts “asylum seeking minors without attendant and separated from families, and refugees”.

39. As opposed to the previous law “On Refugees” of 1999, the new law contains a number of provisions aimed at protecting the rights of persons of such category. In particular, the law guarantees the application of general procedures for providing asylum to asylum seeking minors without attendant and separated from their families, the appointment of a guardian or curator, and the provision of care thereof.

40. All the state bodies dealing with issues of asylum seeking minors without attendant and separated from their families and refugees, taking into account the special condition of and acting to the best interests thereof, should support them within the framework of their competences.

41. At the same time we should inform that no applications for the provision of asylum in the Republic of Armenia have been submitted to the State Migration Service of the Ministry of Territorial Administration of the Republic of Armenia by minors without attendant or separated from their families.

42. In accordance with Article 46 of the Constitution of the Republic of Armenia, every citizen shall be obliged to take part in the defence of the Republic of Armenia as prescribed by law. This means, that participation in the defence activities of the Republic of Armenia

is the constitutional duty of citizens of the Republic of Armenia. At the same time, according to the law of the Republic of Armenia “On Conscription”, citizens of the Republic of Armenia are considered as conscripts in the Republic of Armenia. Thus, persons having the status of refugees, those seeking asylum or migrants are not called up and their participation in military operations within the armed forces of the Republic of Armenia is excluded.

Reply to the issues raised in paragraph 11 of the list of issues

43. The Republic of Armenia within the scope of its commitments assumed by international agreements whereto it is a party, other documents adopted within the framework of international organisations, refrains from the trade in ammunition and armament, which may cause harm to legitimate interests of other states and promote violations of human (including children’s) rights.

44. Article 9 of the Law of the Republic of Armenia “On arms” defines that the manufacturing, trade, obtainment, collection or exhibition of weapon within the territory of the Republic of Armenia shall be subject to licensing provided by the Government of the Republic of Armenia. Article 215 of the Criminal Code of the Republic of Armenia criminalises smuggling of military products, explosive substances and devices other than such products, weapons, except for smooth-bore hunting gun and its cartridges, nuclear, chemical, biological weapons or other weapons of mass destruction, or dual-use goods, raw goods of strategic significance or cultural values, for transfer of which special rules are prescribed, prescribing punishment with imprisonment for a term of four to eight years, with confiscation of property. These acts by an official by use of official position, by a person exempt from certain forms of customs control, or by a person authorised to transfer through the customs border certain goods or means of transport exempt from the prescribed forms of customs control, by using violence against a person carrying out customs control, are punished with imprisonment for the term of six to ten years, with confiscation of property.

Reply to the issues raised in paragraph 12 of the list of issues

45. Part 3, Article 14 of the Criminal Code of the Republic of Armenia prescribed that the liability of a person that commits a criminal offence within the territory of the Republic of Armenia and other States shall ensue under the Criminal Code of the Republic of Armenia where he was brought to liability within the territory of the Republic of Armenia and unless otherwise provided for by international treaties of the Republic of Armenia. A person having committed a criminal offence on board the ship under the flag of the Republic of Armenia or carrying distinguishing emblem of the Republic of Armenia or on board the flying airplane or other air device — irrespective of its location — shall be subject to criminal liability under the Criminal Code of the Republic of Armenia unless otherwise provided for by international treaties of the Republic of Armenia. A person having committed a criminal offence on board the military ship or airplane of the Republic of Armenia — irrespective of its location — shall be also subject to liability under the Criminal Code of the Republic of Armenia.

46. The territorial issues of criminal liability and operation of the criminal law in the Republic of Armenia are governed by Chapter 2 of the Criminal Code of the Republic of Armenia, in particular by provisions of the Articles “Operation of criminal statute in respect of persons having committed a criminal offence within the territory of the Republic of Armenia” (Article 14) and “Operation of criminal statute in respect of persons having committed a criminal offence outside the territory of the Republic of Armenia” (Article 15), under the general procedure.