

**STATE PARTY EXAMINATION OF ARMENIA'S  
INITIAL REPORT ON THE OPTIONAL PROTOCOL ON  
THE INVOLVMENT OF CHILDREN IN ARMED CONFLICT**

**63<sup>RD</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
27 MAY – 14 JUNE 2013**

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*Armenia ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 30 September 2005. On 30 May 2013, the Committee on the Rights of the Child (the Committee) examined the initial report of Armenia. The State party has a declaration in relation to article 3(2) and understandings with respect to articles 1, 3, and 4.*

**Opening Comments**

The delegation of Armenia was led by H.E. Mr. Yegishe Kirakoysan, Deputy Minister of Justice. He was supported by a delegation consisting of representatives from the Ministry of Education and Science, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Defence, the Department of Family, Mother and Children Issues, the Criminal Investigation Department, the National Assembly and the Deputy Permanent Representative of Armenia to the United Nations in Geneva.

Mr Jorge Cardona, one of the Country Rapporteurs for the OPAC, acknowledged the absence of armed conflict in Armenia, despite the situation in Nagorny Karabakh.

Ms Sara De Jesús Oviedo Fierro, also one of the Country Rapporteurs for the OPAC, indicated that the main issue concerned the concrete application of the OPAC, including on issues related to dissemination and prevention.

**General Measures of Implementation**

***Dissemination and training***

The Committee asked whether the text of the OPAC had been disseminated and emphasised that dissemination was an obligation of the State party under the OPAC.

### ***Data Collection***

The Committee was concerned that data collected was not being properly analysed and used to elaborate effective strategies for the respect of the State's obligations under OPAC. The delegation indicated that the data and statistics collection was the task of the national police in coordination with the Ministry of Social Welfare.

### ***Monitoring***

The Committee emphasised the importance of monitoring steps taken for the effective implementation of the OPAC, and asked which institution was mandated to perform this role.

## **Prevention**

### ***Military schools***

The Committee was concerned about the existence of military schools. It observed that children from the age of 16 could be enrolled in such schools and that a high number of children from economically disadvantaged backgrounds and children without parental care seemed to be enrolled. The Committee asked the delegation to describe the military training received in military schools and whether children under the age of 18 were taught to use weapons, including how to load and unload guns.

The delegation explained the distinction between military academies and military schools. Military academies used to admit from the age of 17; however, amendments to the legislation extended the duration of compulsory education for all children to 12 years starting from age six; there was therefore no possibility to finish school before the age of 18 and no student could enter military academies without their high school graduation diploma.

Military schools were high schools specialised in sports and military activities. They operated under the Ministry of Education and Science and not under the Ministry of Defence, and existed among other specialised schools, such as schools for music or science. Military schools specialised in sport and military activities but followed the national curriculum used in all schools, plus the addition of a specialisation in the military. These schools provided additional classes of basic physical training, which were popular among pupils that may wish to continue their education at a military academy. Students of military schools did not automatically continue on to military academies, since they had to pass an exam to be accepted in the academies. As part of the training in military schools, students could learn to assemble and reassemble guns; however, those guns were not real combat weapons but only simulators.

The delegation added that there was no statistics on the number of children without parental care enrolled in military schools and that records were not kept of students' socioeconomic backgrounds.

The Committee subsequently asked whether children in military schools from 16 to 18 years old could be called up to the national armed forces in cases of emergency since they were registered in the military system. The delegation explained that children were only registered so that a special military and civilian commission could assess their physical condition and decide whether they would be apt for future military service.

The Committee was concerned that children had to return the money allocated for their military training in military schools if they chose not to continue their education and training in the army after school. The delegation answered that there were no reimbursement

mechanisms and that students of those schools received an ordinary high school diploma and had access to all ordinary universities, with no obligation to continue their military education.

The Committee asked for information about military training provided in ordinary schools, to students from the age of 14. The delegation explained that a preliminary military education was provided in ordinary schools, in classes nine, ten and eleven. Former fire fighters or policemen taught such skills and curricula included such subjects as human security, defence, history of the military art, military tactics, first aid skills and international humanitarian law. Students could then choose to continue their education in a military school.

The Committee asked whether students of military schools received human rights education to balance the military training received at a young age. The delegation answered that human rights was a mandatory subject in all schools.

The Committee finally asked about the way discipline was administered in military schools. The delegation answered that there were no special disciplinary measures that applies in those schools compared to in others.

### ***Enrolment and voluntary recruitment***

The Committee asked whether the law explicitly prohibited the recruitment of children under the age of 18, both in the national armed forces and in non-State armed groups. The delegation affirmed that there was no conscription before the age of 18; similarly, voluntary recruitment was only possible from the age of 18. The procedure to enrol in the military consisted of several steps and mechanisms to ensure that no person below the age of 18 could be enrolled. In addition, the Administrative Code included sanctions for the violation of the military registration process.

### ***Export of weapons***

The Committee enquired how the State ensured that Armenia did not export weapons to countries involved in an armed conflict where those weapons could be used by children. The delegation referred to article 215 of the Criminal Code, which criminalised the smuggling of military weapons. Armenia had a number of international obligations under which they were required to refrain from carrying out such exports. Armenia recognised the importance of combating the illicit transfer of weapons. It had submitted information to the United Nations Office for Disarmament Affairs on the transfer of small arms and fulfilled its obligations within all United Nations and European frameworks on this issue.

## **Prohibition and Related Matters**

### ***Extraterritorial jurisdiction***

The Committee asked whether the principle of dual criminality applied in Armenia for the application of the Criminal Code when a crime contained in OPAC was committed abroad by a citizen of Armenia, a resident of Armenia or against an Armenian citizen or resident. The delegation indicated that the Criminal Code recognised personal, territorial and universal jurisdiction. The criteria of dual criminality did apply for ordinary crimes, as provided in article 15 of the Criminal Code; however, regarding crimes prescribed by international treaties ratified by Armenia, or for grave crimes, such as genocide or war crimes, the principle of dual criminality did not apply, and Armenia could prosecute the commission of crimes contained in OPAC even where they would not be criminalised in the State where it was

committed, if the victim or author were Armenian citizen. The delegation was not sure about the application of the extraterritorial jurisdiction for people only residing in Armenia.

### ***Extradition***

The Committee asked whether Armenia considered OPAC as a sufficient basis to extradite people who had allegedly committed a crime under OPAC, to the country where this act had been committed. The delegation explained that the Constitution of Armenia included a principle of non-extradition of its citizens, unless otherwise provided for by international treaties ratified by Armenia. As such, the OPAC could be used to extradite citizens or foreign nationals, as it is the case for other United Nations treaties. In addition, Armenia was party to the European Convention on Extradition and had signed numerous bilateral agreements on this matter.

## **Protection, Recovery and Reintegration**

### ***Assistance to former child soldiers***

The Committee observed that Armenia was located close to zones of conflict and asked whether there was a system in place to identify foreign children entering Armenia that could have been involved in an armed conflict abroad, and whether any assistance was provided to them.

### **Witness and victim protection**

The Committee asked whether there were cases where children had testified in a trial of a military nature and what specific protection these children received.

## **Concluding Remarks**

Mr Cardona, one of the Country Rapporteurs for OPAC, thanked the delegation for its efforts to respond to the Committee's questions, which reflected the good will of the government to respect their obligations. Many questions have been answered, while others could not be answered because of the lack of time. The Committee would analyse all the information given to issue recommendations to ensure that the children of Armenia feel more protected and safer from offences contained in the OPAC.

Mr. Kirakoysan thanked the Committee and Rapporteurs for actively involving in the dialogue. The session has been very useful for the State to understand in details its obligation under the OPAC. Armenia has been consistently concerned about with the full implementation of the OPAC. Mr. Kirakoysan expressed his gratitude to the Committee for its support, cooperation and questions. He added that Armenia was ready to provide written responses to pending questions to facilitate the drafting of the Concluding Observations by the Committee.