



Legal Analysis and Research Public Union

Additional submission to the UN Child Rights Committee on the situation on Article 38

- States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

Situation on Children affected by 44-days war

As the second anniversary of the second Armenia-Azerbaijan war in the Karabakh region of Azerbaijan approaches, the impact of the hostilities is still being felt in some areas in Azerbaijan, including in education infrastructure, which suffered serious damages and losses.

During the war, which took place between September and November 2020, the Armenian military destroyed a total of 60 schools, as well as kindergartens in various districts of Azerbaijan. 10 children, aged between 6 and 10, were killed and 14 injured in Azerbaijan in the wake of the Armenian attacks. At least 300,000 students studying at 1,150 schools located in the vicinity or within a certain radius of the frontline in Azerbaijan were not able to continue their education due to Armenian missile threats.

Rocket fires hit 17 schools in the district of Aghdam, one of the areas where the war was fought, and 14 in the district of Tartar, which was said to be the most-bombed European city after World War 2. In Ganja, the second-largest city of Azerbaijan, nine schools were destroyed or badly damaged.

Armenian forces targeted Ganja with ballistic missiles and rockets, including Russia-made SCUD/Elbrus operative-tactical ballistic missiles and Smerch multiple launch rocket systems, five times in October 2020. At least 27 civilians were killed and 125 injured in the missiles attacks on the city with a population of 500,000 and located about 60 kilometers far from the last year's conflict zone in Azerbaijan's once occupied territories.

Arthur Mayakov case

Funeral service for 13-year-old Arthur A funeral service for 13-year-old Artur Mayakov, who died due to the Armenian terror, is being held at the Christian Church in Azerbaijan's Ganja city, Trend reports. The leadership of the Mayor's Office of Ganja city, representatives of the local community, and other residents of the city are taking part in the farewell ceremony. Artur Mayakov, who was wounded due to Armenia's missile strike on Ganja on October 17, died on October 24.

Human Rights Law aspects

According to the Article 38 of the Convention on the Rights of the Child (1989), State undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

Thus, by targeting the civilian population, the Armenian armed forces are not only committing war crimes under humanitarian law, but also grossly violating the principles and provisions of international human rights norms.

The Declaration on the Protection of Women and Children in Emergency and Armed Conflict and calls for the strict observance of the Declaration by all Member States. Attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned.

Humanitarian Law aspects

In **accordance with the IV Geneva Convention** the protection of civilians during armed conflict is therefore a cornerstone of international humanitarian law. International Humanitarian Law (IHL) also identifies and protects particularly vulnerable civilian groups such as women, children and the displaced persons. If we talk about specific protection of children and women, international humanitarian law provides general protection for children and women as persons taking no part in hostilities, and special protection as persons who are particularly vulnerable.

The Use of Child Soldiers

The use of child soldiers in hostilities as well as use of educational facilities for military forces during the 44-days Karabakh war.

"Some videos shows that Armenia employs child-soldiers. Recruiting and using children under the age of 15 as a soldier is prohibited under international humanitarian law – treaty and customs – and is defined as a war crime by ICC. Here is the link to the video:

<https://twitter.com/DailySabah/status/1320360750322515969>

UN Secretary General in its report titled “Children and Armed Conflict” at the 74th session in June 2020, called upon Member States to respect the rights of the child, including through accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the endorsement and implementation of the Paris Principles and Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers. International Humanitarian Law prohibits the recruitment and use of children in hostilities. The article 50 of the IV Geneva Convention, stated that, an Occupying Power must not enlist children on the occupied territory (GC IV, Art. 50).

It is not the first time; Armenia commits a war crime in relation to children. According to the “Child Soldiers Report 2001- Armenia”, “Recruitment of children has been reported to occur in practice. The Committee on the Rights of the Child, at its January 2000 session, raised questions regarding reports of refugee children from Azerbaijan being forced to join the Armenian army. (see the UN press release, UN CRC concluding observations on the status of children's rights in Armenia, 20/1/00, HR/CRC/00/15 and also UN document reference CRC7C794).