



**THE COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN)
OF THE REPUBLIC OF AZERBAIJAN**

**REPORT
ON THE USE OF CHILDREN IN HATE POLICY
CARRIED OUT AGAINST AZERBAIJANIS BY
ARMENIA**



BAKU - 2023

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Introduction

Despite the significant measures being taken at the global level to protect the rights and interests of children, provide them with comprehensive care, and create a necessary environment for them, children still encounter different challenges in the reality of the modern world and suffer from a number of hazards, including war.

The international legal documents specify the norms for protecting the rights of children and ensuring their security in times of war.

For many years, unfortunately, Armenia has continued to seriously violate children's rights against these international norms. As a result of Armenia's policy, numerous rights of children, including the right to life, have been violated during the Armenia-Azerbaijan armed conflict.

More than 20 percent of the internationally recognized territories of Azerbaijan were held under occupation for almost thirty years by Armenia; over one million Azerbaijanis, including children, became refugees and internally displaced persons (IDPs); greater than 20 thousand Azerbaijanis were killed in hostilities; and above 50 thousand people had injuries that caused disability.¹

There is not yet information about the fate of 3890 Azerbaijanis, including 71 children, 267 women, and 326 elderly, who went missing (according to the information by December 1, 2020) during the First Karabakh War as a result of the armed aggression of Armenia against Azerbaijan.^{2 3}

There were 224 children among the 1480 Azerbaijanis released from Armenian captivity as a result of the First Karabakh War.⁴

During the 1988-1993 years in Karabakh, in total, 900 settlements, 150 thousand houses, 7 thousand public buildings, 693 secondary schools, 855 kindergartens, 695 medical establishments, 927 libraries, 44 temples, 9 mosques, 473 historical monuments, palaces, and museums, 40 thousand museum exhibits, 6 thousand industrial and agricultural entities, and 160 bridges and other infrastructures have been destroyed.⁵

During the Khojaly genocide that occurred on the night of February 25 to 26, 1992, the killing of 613 people, including 63 children, the badly wounding of 487 peaceful civilians, 76 of whom were children, the loss of both parents by 26, and one parent by

¹ Official website of the President of the Republic of Azerbaijan, "Armenia-Azerbaijan conflict", <https://president.az/en/pages/view/azerbaijan/karabakh>

² Official website of the State Commission on Prisoners of War, Hostages, and Missing Persons of the Republic of Azerbaijan, "İtkin düşmüş şəxslər" (Missing persons), <http://human.gov.az/az/munaqise/birinci-qarabag-muharibesi/itkin-dusmus-shexsler.html>

³ Official website of the President of the Republic of Azerbaijan, "Armenia-Azerbaijan conflict", <https://president.az/az/pages/view/azerbaijan/karabakh>

⁴ Official website of the State Commission on Prisoners of War, Hostages, and Missing Persons of the Republic of Azerbaijan, "İtkin düşmüş şəxslər" (Missing persons), <http://human.gov.az/az/munaqise/birinci-qarabag-muharibesi/itkin-dusmus-shexsler.html>

⁵ Official website of the President of the Republic of Azerbaijan, "Armenia-Azerbaijan conflict", <https://president.az/en/pages/view/azerbaijan/karabakh>

130 children,⁶ as well as in 2011, the murder of 9-year-old Fariz Badalov in Aghdam district and 13-year-old Aygun Shahmaliyeva in Tovuz district, and in 2017, the death of Zahra Guliyeva, who was not yet 2-years old, together with her grandmother⁷ as a result of Armenian armed forces attacks civilian objects are the clear evidence of the victimization of children due to war crimes committed by Armenia.

As a result of intensive attacks on densely populated settlements along the contact line by the Armed Forces of Armenia from their positions in our occupied territories using artillery and large-caliber weapons starting from the early hours on 2 April 2016, and the hostilities afterward, civilians, including six children, were killed and 33 people were severely injured. The state, including schools, hospitals, places of worship, and houses, as well as private properties, have been damaged. The attack on the Tartar district by Armenia in April 2016 resulted in the killing of civilian Turana Hasanova, a 16-year-old Azerbaijani IDP from the Kalbajar district.⁸

During the 44-day Karabakh War in 2020, 12 children were killed and 67 were injured as a result of the attacks on civilian objects in Azerbaijan by heavy artillery and long-range missiles by the Armenian armed forces. Parents of many children were killed, and four children have lost both parents. The targeting of civilian objects and the destruction of many houses, education, and health institutions led to violations of the rights of children to education, health, and other rights and caused psychological trauma for them.⁹

The intentional mining process by Armenia in the Azerbaijani territories for thirty years has continued in the aftermath of the war. In general, despite the ongoing demining processes after the liberation of the territories, which require serious efforts, numerous servicemen and civilians were killed or injured by falling into the buried anti-tank and anti-personnel mines. One of the consequences of Armenia's avoiding handing over minefield maps to Azerbaijan in a timely and accurate manner is that many Azerbaijani children lost their parents after the end of the war due to Armenia's hatred-based policy, and the number of mine victims is still increasing.

⁶ Ministry of Foreign Affairs of the Republic of Azerbaijan Department for Analysis and Strategic Studies, publication entitled "Khojaly Genocide" (26 February 2022), https://mfa.gov.az/files/shares/Xocali%20senedler_update_26.02.2022.pdf

⁷ Official website of the Campaign "Justice for Khojaly", "News from Israel: iki yaşlı Zəhra müasir erməni faşizminin hədəfi və qurbanı oldu" (News from Israel: two-year old Zahra became a target and victim of the modern Armenian fascism), <https://justiceforkhojaly.org/az/content/%E2%80%9Cnews-israel%E2%80%9D-ikiya%C5%9F%C4%B1-z%C9%99hra-m%C3%BCasir-erm%C9%99ni-fa%C5%9Fizminin-h%C9%99d%C9%99fi-v%C9%99-qurban%C4%B1-oldu>

⁸ Brochure, "Aprel 2016: Ermənistanın Azərbaycana qarşı hücumu" (April 2016: Armenia's Attack against Azerbaijan), by the Ministry of Foreign Affairs of the Republic of Azerbaijan, <https://mfa.gov.az/files/2.2%20AZ%20PDF%20Offensive%20April%202016.pdf>

⁹ Official website of the General-Prosecutor's Office of Azerbaijan, "44 gün sürən Vətən Müharibəsi (İkinci Qarabağ Müharibəsi)" (The Patriotic War, which lasted 44 days- The Second Karabakh War), <https://genprosecutor.gov.az/az/page/azerbaycan/i-ve-ii-qarabag-muharibesi/44-gun-suren-veten-muharibesi-ii-qarabag-muharibesi>

Since the end of the Second Karabakh War until today, 300 of our citizens have been injured by the mine explosion, and 55 people have been killed.¹⁰ Since 1991, in Azerbaijan, nearly 3381 people, including 38 women and 358 children, have become victims of mines.¹¹

This must be noted that along with Armenia's enduring occupation policy pursued on the basis of ethnic hatred against Azerbaijan, as a result of its policy of eco-terror, the nature, biodiversity, flora and fauna, water reservoirs, and the region as a whole have been seriously damaged, and international environmental crimes have been committed.

The eco-terror has also continued after the signing of the joint Statement of 10 November 2020 by the Presidents of Azerbaijan and the Russian Federation and the Prime Minister of Armenia.

The members of civil society organizations operating in Azerbaijan and social activists who give importance to the protection of the environment continue to hold peaceful protests on the Lachin-Khankendi road with the purpose of preventing illegal exploitation and looting of the natural resources of our country and, consequently, the serious pollution of the environment by Armenia. Unfortunately, we would like to inform you that Armenia spreads misleading information to the world community by using it for political purposes and also widely uses children to attract attention.

This report provides facts related to the involvement of children in armed groups by Armenia during the post-war period (referring to the period after the Second Karabakh War) and also the use of children in the promotion of hate speech against Azerbaijanis. Furthermore, the report analyzes Armenia's violation of the norms of international law on the protection of the rights of children in wartime.

During the preparation of the report, the documents of international organizations, media news, articles, interviews, statistical data provided by the relevant state bodies, and other similar secondary sources related to the violation of the rights of children by Armenia during hostilities were used. Though the materials used in the report are open to the general public, in the photos, the faces of children were blurred to take into account their best interests.

The goal of the report is to bring the facts of violations of children's rights as a result of the policy pursued by Armenia to the attention of the world public, as well as the relevant international organizations, and to call for the prevention of the hate policy.

¹⁰ "Azertac" Azerbaijan State News Agency, (01 May 2023), "Cəbrayıl rayonunun Cocuq Mərcanlı kəndində mina partlayışı ilə bağlı cinayət işi başlayıb" (Criminal case has been initiated in relation to the mine explosion), (Online article), <https://azertag.az/xeber/2596265>

¹¹ "Oxu.az" News Agency, (19 May 2023), "1991-ci ildən indiyədək ermənilərin mina terrorunun qurbanı olan azərbaycanlıların sayı açıqlanıb" (The number of Azerbaijanis who have been victims of Armenian mine terrorism since 1991 has been announced), (Online article); <https://oxu.az/society/731577>

1. The Involvement of Children in the Armed Forces and Armed Groups by Armenia during the Post-War Period

According to international legal documents, the rights and best interests of children should be protected and should not be used in times of armed conflict.

Armenia involved children in its Armed Forces in violation of the norms of international treaties, used them in hostilities with Azerbaijan, including during the 44-day Patriotic War, and thereby seriously violated their rights.

It is regrettable to say that the policy of militarization of children by Armenia has been carried out, be it in the occupation period or during the post-war period. In the occupied territories of Azerbaijan, Armenia organized military training camps such as “Aspet”, along with the involvement of schoolchildren from Armenia and children from other countries where the Armenian diaspora is broadly settled, in these trainings.¹² According to the Armenian media, children between the ages of 10 and 15 have participated in such trainings.¹³ This action has also been continued after the war in a systematic way and carried out by illegal armed groups such as “VoMA” and “POGA”.

The international organizations also expressed their attitude toward the issue of Armenia’s involvement of children during the armed conflict.

In paragraphs 48-49 of its Concluding Observations, adopted in its Session held in January of 2000, the United Nations Committee on the Rights of the Child expressed its concern about the alleged conscription of young children into the armed forces of Armenia and recommended the latter refrain from conscripting children into the armed forces.¹⁴

Information about Armenia’s practice of recruiting children under the age of 18 has also been included in the 2001 Report of Child Soldiers International.¹⁵

In the Child Soldiers International Global Report 2004 of the same organization, it is indicated that the forced conscription of ethnic Armenian refugees from Azerbaijan reportedly continued in violation of the 1999 Law on Refugees, which exempts them from military service. The Report also underlines that the parents of such refugees were said to be reluctant to complain for fear of reprisals against their sons, and that most of them

¹² Светлана Хачатрян, (5 July 2019), “Открылся военно-спортивный лагерь “АСПЕТ” (“ASPET” Military Sports Camp Opened)”, “Azat Арцах” Republic Newspaper of Armenia, (Online article in Russian), <https://artsakhtert.com/rus/index.php/culture-and-education/item/13669-otkrylsya-voenno-sportivnyj-lager-aspet>

¹³ “Arcakh24.Info” Armenian News Agency, <https://arcakh24.info/hy/arcakhyan-timy-shnorhakal-e-erkrpahneri-miutyunic/> (Online article in Armenian)

¹⁴ CRC Concluding Observations on Armenia, 24 February 2020
<https://www.refworld.org/pdfid/3ae6afc510.pdf>

¹⁵ Child Soldiers International, Child Soldiers Global Report 2001 - Armenia, 2001, available at: <https://www.refworld.org/docid/49880616c.html>

were aged 15 or 16, and a student in the tenth grade has been seized from his schoolroom and conscripted into the army.¹⁶

Chapters IV and V of the Concluding Observations of the Committee on the Rights of the Child regarding the initial report submitted by Armenia in 2013 on the implementation of the Optional Protocol to the Convention on the Rights of the Child (CRC)¹⁷ on the Involvement of Children in Armed Conflict¹⁸ dedicated to cases of concern on this very topic. Thus, the Committee expressed its concern about the general school curriculum for the 8th grade (14 years old) and above, which includes a course on “Civil defense”, which involves firearms training; military training in other military schools, which allows admission of children as young as 14 years old, also includes firearms training; and that in the absence of explicit prohibition, there is a possibility that children below the age of 18 years could be considered military personnel, hence called into active service in the event of an outbreak of hostilities in Armenia. The Committee recommended Armenia exclude military training from the curriculum of general schools and take measures to ban military training with the use of firearms and combat training for children under the age of 18 in military schools. In addition, it was also recommended to establish regular monitoring of military schools to ensure that the school curriculum and the teaching personnel comply with the Optional Protocol.¹⁹

There are also a number of facts about Armenia’s involvement of children at the time of the Second Karabakh War.²⁰

Despite the fact that the parties undertook an obligation to terminate all hostilities in accordance with the Tripartite Statement signed on 10 November 2020, these cases have continued so far.²¹

Consequently, Armenia not only refuses to withdraw its armed forces from the territories of Azerbaijan but also permits and supports armed groups like “VoMA” and “POGA” to train children in military camps in the territories of Azerbaijan, where the Russian peacekeeping contingent has been temporarily stationed, in grave violation of

¹⁶ Child Soldiers International, Child Soldiers Global Report 2004 - Armenia, 2004, available at:

<https://www.refworld.org/docid/4988067924.html>

¹⁷ The Convention on the Rights of the Child, Preamble; <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

¹⁸ <https://e-qanun.az/framework/1575>

¹⁹ Concluding observations on the initial report of Armenia submitted under article 8 of the Optional Protocol to the Convention on the Involvement of Children in Armed Conflict;

<https://digitallibrary.un.org/record/756277>

²⁰ Ombudsman’s Interim Report on child casualties occurred as a result of missile attacks on civilian settlements of Azerbaijan;

https://www.ombudsman.az/upload/editor/files/Ombudsman_Interim%20Report_Child%20casualties.pdf

²¹ Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation, Annex to the letter dated 10 November 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council; UN doc. S/2020/1104, para. 1. file:///C:/Users/User/Downloads/S_2020_1104-EN.pdf

international law and the requirements of the Tripartite Statement.²² During the 44-day war, the existing evidence proves the participation of children who joined such an armed group as volunteers in hostilities carried out by Armenia against Azerbaijan. A report with an enclosed list of volunteers has been distributed as an official document of the UN General Assembly and Security Council.²³

The inculcation of ethnic hatred in children by these organizations is of particular concern. The videos shared through open sources provide evidence that in their military camps, “VoMA” and other similar ethno-nationalist hatred-based militant groups like “POGA” promote the racist Njdeizm ideology. Unfortunately, a monument to him was erected in Armenia, and extensive propaganda about him was carried out. As indicated in the II Report of the Ombudsman concerning the hate speech and hate crimes against Azerbaijanis, one of the racist and Nazist ideologies of Nzhdeh, the idea “*Not a single day shall be spent without fighting with a Turk*” is widely promoted, and a flash mob “... *The Turk is my enemy*” was held on social media.²⁴

The children who joined the military trainings are taught the quotations of Garegin Nzhdeh, who was the founder of the ideology “Tsekhakron”, based on the racial “superiority” of Armenians and hatred against Azerbaijanis, and who cooperated with the Nazis.²⁵

Military trainings are widely continued by these groups during the period following the war, and related information is openly shared on social networks.

According to the Armenian news shared on 29 April 2021, about the holding by the “VoMA” organization of a cultural-military event entitled “Read Nzhdeh and Defend the Motherland!” in Kafan, during the event, the propaganda of the Armenian nationalists interlinked with the nazist ideology was carried out, as well as children were involved in military training.

²² Report from the Ministry of Foreign Affairs of the Republic of Azerbaijan on the Recruitment of Children by Armenia into Armed Forces and Armed Groups, <https://digitallibrary.un.org/record/4002241?ln=en>; <https://www.mfa.gov.az/files/report-on-the-international-legal-responsibilities-of-armenia-as-the-belligerent-occupier-of-azerbaijani-territory.pdf>

²³ Report on the use of foreign terrorist fighters by the Republic of Armenia in its recent aggression against the Republic of Azerbaijan, Annex to the Letter dated 18 November 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN Doc. A/75/625–S/2020/1161;

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/343/35/PDF/N2034335.pdf?OpenElement>

²⁴ Ombudsman’s Report on hate crimes and hate speech against Azerbaijanis (Part II), [https://ombudsman.az/upload/editor/files/Report%20on%20Hate%20crimes%20and%20hate%20speech%20against%20Azerbaijanis%20\(2nd%20part\).pdf](https://ombudsman.az/upload/editor/files/Report%20on%20Hate%20crimes%20and%20hate%20speech%20against%20Azerbaijanis%20(2nd%20part).pdf)

²⁵ Report from the Ministry of Foreign Affairs of the Republic of Azerbaijan on the Recruitment of Children by Armenia into Armed Forces and Armed Groups, <https://digitallibrary.un.org/record/4002241?ln=en>; <https://www.mfa.gov.az/files/report-on-the-international-legal-responsibilities-of-armenia-as-the-belligerent-occupier-of-azerbaijani-territory.pdf>

During a two-day event, on the first day, a presentation of a book by Garegin Nzhdeh, the Armenian nationalist who is recognized as a hero in Armenia and who served fascism, was held. But the whole second day was dedicated to “VoMA” military trainings. From the photos, it can be seen that the participants in the event were mainly children.²⁶



Image 1.

The French newspaper “Le Figaro” published an article about the increased interest in the “VoMA”’s trainings” and published photos depicting the participation of children in these trainings.²⁷ The German journalist wrote in his article about military trainings organized by “VoMA” that participants have been involved in these trainings since early childhood.²⁸

The photo published in the article related to the “POGA”’s trainings, which started in 2021 during the post-war period and which teach persons from various age categories free of charge, openly depicts the participation of children in the trainings and the use of Nzhdeh’s quotations by this group:²⁹

²⁶ Armen Davtyan, (29 April 2021), “*Read Nzhdeh, save the homeland’: Cultural and military program in Kapan*”, “Aravot” Armenian News Agency, <https://www.aravot-en.am/2021/04/29/281785/>

²⁷Elizabeth Pierson, (23 November 2022), “*Au cœur du groupe paramilitaire VOMA en Arménie, qui forme les civils à l’éventualité d’une guerre*”(At the heart of the VOMA paramilitary group in Armenia, which trains civilians in the event of war) in “LeFigaro” French Daily Newspaper, <https://www.lefigaro.fr/international/au-coeur-du-groupe-paramilitaire-voma-en-armenie-qui-forme-les-civils-a-l-eventualite-d-une-guerre-20221123>

²⁸ Sarah Vojta, “Following the War, Self-Defense is Being Taught in Armenia”, Yerevan Press Club, (Online article), <https://ypc.am/following-the-war-self-defense-is-being-taught-in-armenia/>

²⁹ Arto Manoukian, (27 September 2022), “Armenian Mirror Spectator” Newspaper, (Online article), <https://mirrorspectator.com/2022/09/27/self-defense-groups-get-to-work-videos/>



Image 2.

The article about the activity of the “POGA”, published by the “Eureporter” news portal, also underlined that mainly “the activities of this group comprise radical nationalism and anti-Turkish propaganda” and indicated that “the fact that the trainings are free raises some questions”.³⁰

The Activities of “POGA” comprise radical nationalism and anti-Turkish propaganda. The Facebook Page of Organization regularly quotes “heroes” such as Garegin Njde and Monte Melkonyan. Almost in every post, users call for war: slogans such as “The enemy is the same enemy,” “We have no right to weaken,” “Let’s be a great force and prove to the whole world that we will not fall,” “We must be stronger and be a people’s army.”, “The Motherland needs you more than you always” keep young people away from common sense.

The fact that the trainings are free raises some questions. It is known that military training requires large expenditures: the supply of weapons and other equipment for the staff, travel expenses, food, etc. need funds. Although there is not enough information about the financial sources of “POGA”, it is known that the organization receives support from the Armenian diaspora. In one of the information posted on Facebook the organizers express their gratitude for the support of the American Armenian Vrej Grigoryan.

Image 3.

The “VoMA” armed groups, declaring that the aim of their establishment is to strengthen the defense of Armenia and raise the spirits of the Armenian people, note that

³⁰ Louis Auge, (July 12, 2021), “Youth Population Preparing for War in Armenia”, in Eureporter (online article); <https://www.eureporter.co/world/armenia/2021/07/12/youth-population-preparing-for-war-in-armenia/>

(*Voxj Mnalu Arvest* – “The Art of Survival”) the Armenian National Army should become an impregnable fortress by being invincible, morally sound, and technologically developed. As the main mission, the “VoMA” does not even bother to hide its aim to increase the preparedness of 100,000 Armenian citizens to face the Ottoman (*referring to the Republic of Türkiye*) and Caspian (*referring to the Republic of Azerbaijan*) Threat. The information placed on the official website of “VoMA” as the mission of this group confirms this: ³¹

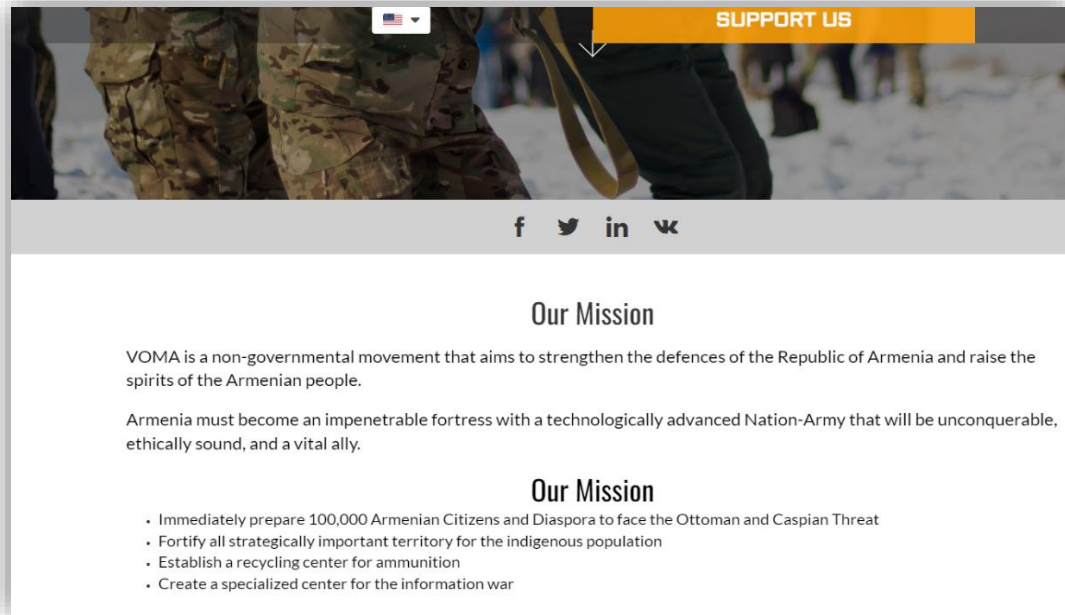


Image 4.

The involvement of children from early ages through ideological propaganda, raising their sense of revenge, is actually a result of the social pressure of these groups and exaggerating religious factors in a negative sense. Below are some photos from these trainings: ^{32 33 34}

³¹ “VOMA” official webpage; <https://www.voma.center/en/who-we-are>

³²<https://www.facebook.com/VomaKapan2020/posts/pfbid0w6p8gRWQaSL7ESyWrf3ATiGnjLEvS1cxPCtdGDVonzKCJnJ3RNGaxeMNCP7DPs7ZI>

³³<https://www.facebook.com/VomaKapan2020/posts/pfbid02Bq47YTQSSijedUANGm7erYT6w6SGFLPyu pVYo89J4E7dMU8Xgya6aakyZaXpDEtJl>

³⁴<https://www.facebook.com/VomaKapan2020/posts/pfbid0279tMUU3999Se5TJUK5ebewC9RkYPyfgqno 6a8w4NK5c3mF4GTZaRYfwyn3w6joKVI>



Image 5.



Image 6.



Image 7.



Image 8.



Image 9.



Image 10.

Screenshots of fragments of videos of trainings with real combat weapons: 35 36

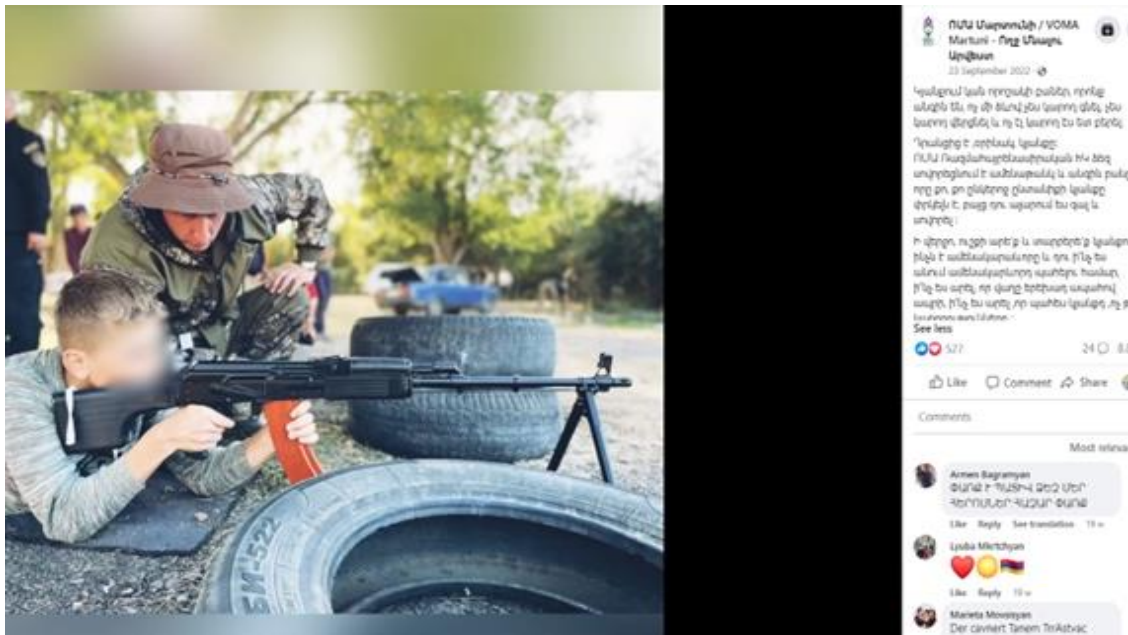


Image 11.



Image 12.

35 <https://www.facebook.com/100075962121565/videos/1274739606626807/>

36 <https://www.facebook.com/100075962121565/videos/1237061117058007/>



Image 13.

The Armenian press reports that Vasil Avetisyan, a participant in the Karabakh War, has opened a free shooting school for children aged 13-17. The news emphasizes that girls can also learn to shoot at the military school. It is noted that the main school is located in the city of Sisian, and it is planned to open branches in other cities of Syunik.³⁷



Image 14.

³⁷ <https://www.facebook.com/watch/?v=537468303905443>

Another photo showing the involvement of children, including girls, in military training: ³⁸



Image 15.

Unfortunately, in society, with their hatred and violent speeches against Azerbaijanis, the activities of numerous armed groups, including "VoMA" and "POGA", making revanchist calls, are still continuing. It must be noted that as a result of law-enforcement authorities in Azerbaijan, it was revealed that Vladimir Vartanov, a national of Armenia, and others, established "VoMA" under the motto "Voxj Mnalu Arvest" – The Art of Survival, in Armenia, in 2014 in order to conduct terror acts against Azerbaijan and its nationals, by involving the citizens of other countries from various nations outside of Armenia. It has also been found that the paramilitary organization recruited the members of "ASALA", "PKK", and other terrorist organizations into the "VoMa" and that their "Mountain-shooting reserve battalion" united as a criminal association inside the "VoMA battalion". ³⁹

In September 2021, Azerbaijan filed interstate claims against Armenia at the UN International Court of Justice (ICJ) regarding a gross violation of the requirements of the International Convention on the Elimination of All Forms of Racial Discrimination. On December 7, 2021, the ICJ unanimously adopted decisions on provisional measures against Armenia on the basis of petitions filed by Azerbaijan, which require Armenia to

³⁸ Haydar Oguz, (11 December 2021), "Child terrorists of Armenia: the horrors of international law", "Ovgat.com" Azerbaijan News Agency, (online article); <https://ovgat.com/prizma/52769-ermnilrin-uaq-terrorcular.html>

³⁹ Official website of the General-Prosecutor's Office of Azerbaijan, "Azərbaycan Respublikasının işğal olunmuş ərazilərində terrorçuluq məqsədilə yaradılmış "VoMa" silahlı birləşməsinə qarşı cinayət işi başlanmışdır", (A criminal case was initiated against the "VoMa" armed group created for the purpose of terrorism in the occupied territories of the Republic of Azerbaijan); <https://genprosecutor.gov.az/az/post/3146>

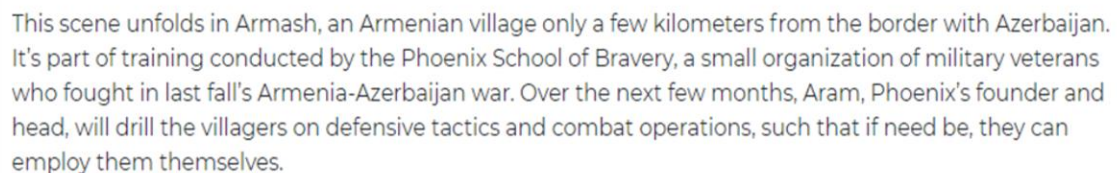
take all steps necessary to prevent promotion or incitement of racial hatred in Armenia, including by organizations and individuals against nationals of Azerbaijan and persons with Azerbaijani origin, on the territory of Armenia, as well as to refrain from actions that could intensify or prolong the dispute, including making it difficult to be resolved. The decision taken by the Court is based on the evidence and proofs submitted by Azerbaijan related to Armenia's failure to hold accountable persons and "VoMA", "POGA", and other similar ethnic-nationalist groups inciting hate speech and racially motivated violence targeted at Azerbaijanis, sometimes encouraging their activities by the state institutions of Armenia and awarding activists of those organization.⁴⁰

The increasing mood of hatred against Azerbaijanis, especially the involvement of the young generation in this "activity", instead of the expectations for establishing peace in the region and discussing ways of reconciliation, actually signals that the conflict will be continued by Armenia in the future.

Neil Hauer, a Canadian journalist who works in Armenia and writes about Russia and the Caucasus, published an article in the "Washington Examiner" about the facts of the involvement of civilians, especially children, in military trainings.⁴¹

The article provides facts about how a person named "Aram", of Lebanese-Armenian descent, who served in the US Air Force as a special-forces officer for 13 years, organized military training that involved the local residents, including the vast majority of children, of the village of Armash, which is located only a few kilometers from the border with Azerbaijan.

It is noted in the article that the training is conducted by the Phoenix School of Bravery, a small organization consisting of veterans who participated in the Second Karabakh War that took place in the fall of 2020. Phoenix's founder and leader, Aram, a US Air Force veteran, teaches the locals combat operations so he can use them in the future if needed.



This scene unfolds in Armash, an Armenian village only a few kilometers from the border with Azerbaijan. It's part of training conducted by the Phoenix School of Bravery, a small organization of military veterans who fought in last fall's Armenia-Azerbaijan war. Over the next few months, Aram, Phoenix's founder and head, will drill the villagers on defensive tactics and combat operations, such that if need be, they can employ them themselves.

Image 16.

In the article, it is also said that the youngest member of the group is 12-year-old Amalya.

⁴⁰ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia), Provisional Measures, Order of 7 December 2021, I.C.J. Reports 2021 <https://www.icj-cij.org/public/files/case-related/181/181-20211207-ORD-01-00-EN.pdf>

⁴¹ Neil Hauer, (30 September 2021), "Inside the world of private war" (online article) in Washington Examiner; <https://www.washingtonexaminer.com/politics/inside-the-world-of-private-war>

The generational impact of the decadeslong conflict is clear. The youngest member of the group arrayed there is 12-year-old Amalya, a happy but quiet young girl who holds herself proudly. Her father, in his late 50s, fought in the first war. Her brother fought in this one. He was one of the five who never came home.

Image 17.

According to the author of the article, a group of veterans of the Armenian army started to create paramilitary organizations on their own initiative. It was also underlined that at least six paramilitary organizations have sprung up, many with evocative names such as “The Art of Staying Alive” (VoMA) or “Statehood as a National Value” (POGA). It became clear that the first of these groups, known by its Armenian language acronym VOMA, indicated earlier in the report, actually predates the war; during the fighting, it organized trainings for various volunteers and dispatched units to the front lines.

Now, Armenia has joined the trend. Disillusioned with the sorry state of training and preparation they saw in the Armenian army, dominated by Soviet-era tactics, a swath of veterans have started their own initiatives. At least six different paramilitary organizations have sprung up, many with evocative names such as “The Art of Staying Alive” or “Statehood as a National Value.” The first of these, known by its Armenian-language acronym VOMA, actually predates the war; during the fighting, it organized trainings for various volunteers and dispatched units to the front lines.

Image 18.

In the article, it is clearly indicated that the purpose of the special forces conducting the training is: to train two to three thousand local residents during the year.

“I have had a plan for about five years now,” says Aram, looking out toward Nakhchivan: “ We’ll train the villages here first, and then move down to the south. Each village next to each other forms a chain, and we make sure that it’s an unbreakable chain.”

Although statements by the Government of Armenia that it has no activity related to the financing of such groups are repeated, in the article, it is emphasized that the government contracts have already been negotiated.

“I have a plan for about five years now,” says Aram, looking out toward Nakhchivan. “We’ll train the villages here first, and then move down to the south. Each village next to each other forms a chain, and we make sure that it’s an unbreakable chain.”

Their goal is to train 2,000 to 3,000 locals a year, as well as part of the Armenian army’s special forces (“about 150” individuals, according to Aram). Government contracts have already been negotiated. This is where Phoenix’s plan diverges from those of other private military contractors in the post-Cold War era. Unlike Blackwater or Russia’s Wagner, the group is not merely guns-for-hire in a coming conflict. Rather, it’s aiming to act as a force multiplier by increasing the capabilities of Armenia’s population itself — a goal born out of a sense of patriotic duty, not profit motives.

Image 19.

Extracts from photos and videos related to the involvement of the residents of Armash village, especially children, in military training are given below: ⁴²



Image 20.



Image 21.

⁴²https://www.facebook.com/permalink.php?story_fbid=pfbid037hmn3UxmSAmaP2WYQ7hRSq8nPKc4YasLj9BuSrggEs1Zzx9Zc3JDzuBww25dcsGAI&id=330965674105384 ,
<https://www.facebook.com/330965674105384/videos/268181721610304/>



Image 22.



Image 23.

One of the aspects is that, despite the fact that the Government of Armenia repeatedly denies the recruitment of mercenaries, in the article it is noted that, along with the locals, persons coming from Lebanon, France, Russia, and Syria participated actively in the Second Karabakh War.

It was during these battles that Aram met most of those who would become his fellow instructors with the Phoenix School of Bravery. The dozen or so trainers are split evenly between locals and foreigners: another Lebanese, one French, one Russian, and one Syrian, among others.

Image 24.

As a result of all this, minors growing up in Armenia are starting to show interest in entertainment with military elements and using real combat weapons instead of games, which are an important stage in children's development. This was clearly confirmed in one of the videos shared on social networks.⁴³

This topic was also touched upon in the Ombudsman's report on hate speech and hate crimes against Azerbaijanis (Part II), addressed to international organizations.⁴⁴

Another organized group in Armenia that involves children in military training is called "ATAN".⁴⁵ This organization, which was founded in 2020, shares advertisements for membership,⁴⁶ and regularly organizes military training and teaches firearms proficiency. From the photos and screenshots published, it is easy to see that some children are very young.⁴⁷



Image 25



Image 26

Furthermore, in one of the notes related to the video placed on the Facebook account of the organization, it is clearly indicated that the ages of girls and boys engaged in military training are between 15 and 17.⁴⁸

⁴³"Trend" Azerbaijan News Agency, (30 May 2021), "Erməni uşaqları kiçik yaşlardan işğalçılıq ruhunda tərbiyə olunur" (Armenian youngsters are raised from an early age with an attitude of occupation), (Online article), <https://az.trend.az/azerbaijan/politics/3431699.html>

⁴⁴ Ombudsman's Report on Hate Crimes and Hate Speech against Azerbaijanis (II Part), (pp. 33-38)

⁴⁵ <https://www.facebook.com/people/%D4%B1%D5%8F%D4%B1%D5%86/100064631096038/>

⁴⁶ <https://www.facebook.com/102489958563808/posts/pfbid0ik1gDJXJapM3WRAkqce6nAdD3iobwck87jHZRiUnsQLFsBg63D3KzQxFDtTqEZEI/?app=fb>

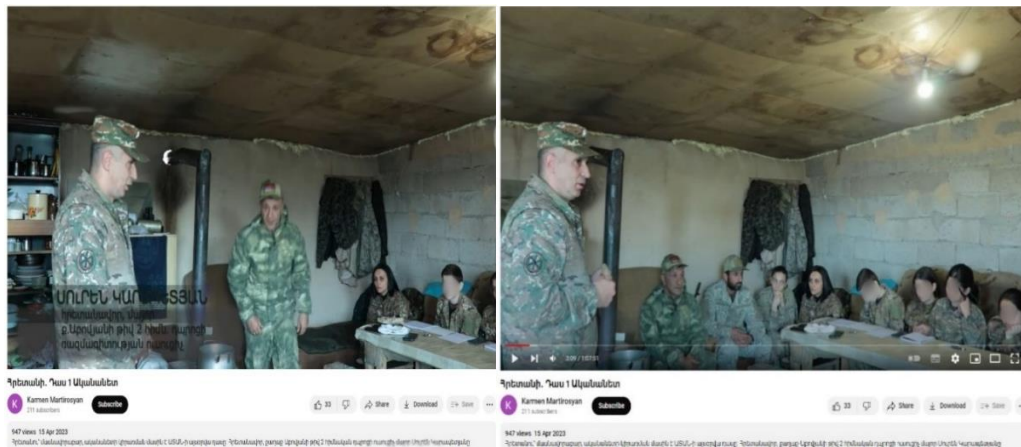
⁴⁷ <https://www.facebook.com/102489958563808/posts/pfbid0e7aJ9cfUL9ftiDBX7UrMD4mc5XCuZoFYvNH8WfScJF38fEyhzyUsq1HvHkRqm76KI/?app=fb>

⁴⁸ <https://www.facebook.com/emma.begiyany/videos/858180851953300/>



Image 27

In the description part of one of the videos devoted to these trainings broadcasted on the "Civilnet" channel, it is indicated that this group trains special forces in cooperation with the Ministry of Defense of Armenia.⁴⁹ Also, in one of the videos shared in the Organization’s "Facebook" group, it was mentioned that a soldier holding the rank of major ran the training on firearms for children.⁵⁰



Images 28-29

In the video broadcasted on the “Pastinfo TV” channel in relation to the activity of the organized group “ATAN”, it is also visible that there are children among those who have been involved in military training on dangerous maneuvers.⁵¹

⁴⁹ <https://www.youtube.com/watch?v=bm1-WTX65IY>

⁵⁰ <https://www.youtube.com/watch?app=desktop&v=oDAbqOy8Hpk&feature=youtu.be>

⁵¹ <https://www.youtube.com/watch?app=desktop&v=sllLcMvfXlg&feature=share>



Images 30-31

It is not surprising that this group also supports the fostering of the development of ethnic animosity in children and refers to Garegin Nzhdeh's ideas:^{52, 53}

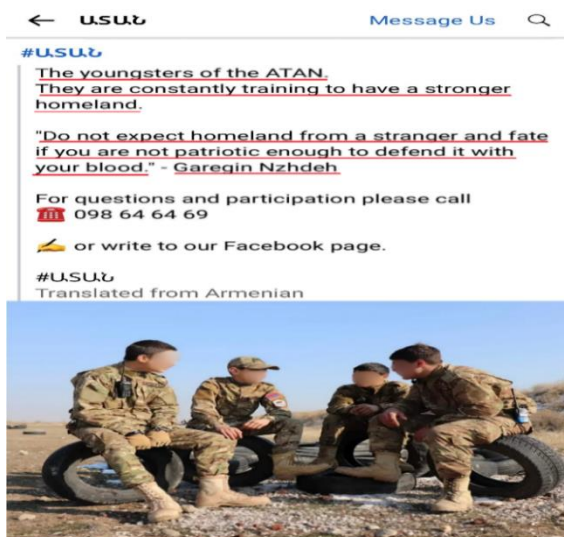


Image 32

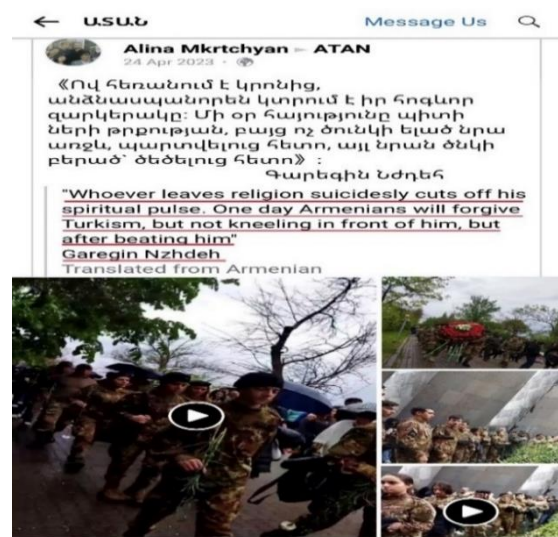


Image 33

Looking at the social account of the "ATAN" group, it is known that a group was created with the same name as the "Nemesis" terrorist operation that was organized in Armenia to assassinate Turkish-Azerbaijani statesmen and diplomats, in which children were also involved (Image 34). The Armenian government perpetuates the name of

⁵² <https://www.facebook.com/102489958563808/photos/a.105779544901516/298329555646513/>

⁵³ https://m.facebook.com/story.php?story_fbid=pfbid028fXRH1T3EUTZifshCukGyH2As6Pt2WLWL1QhjaGr3eLWx9BzhVonQc9qKho6HWxl&id=100064631096038

terrorists and educates young people in this mindset rather than acknowledging and denouncing such actions.⁵⁴

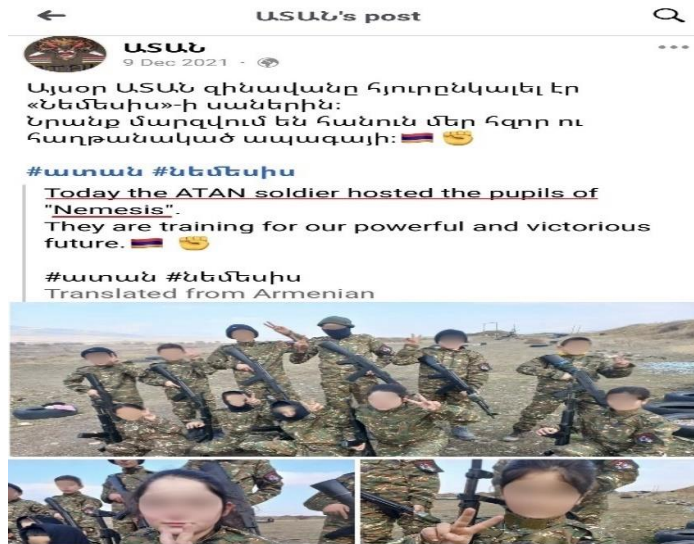


Image 34

It is also clearly observed that Armenian minors are taught various military training maneuvers by trainers, and they are directly involved in this activity in the "Para bellum" series of videos,^{55, 56} which means "Prepare for War", on the Armenian website "Oragir.news". Even the burial of mines, which poses a major risk to people's lives and health in Azerbaijan's liberated territories, is thoroughly taught to kids. (Images 35-41).⁵⁷

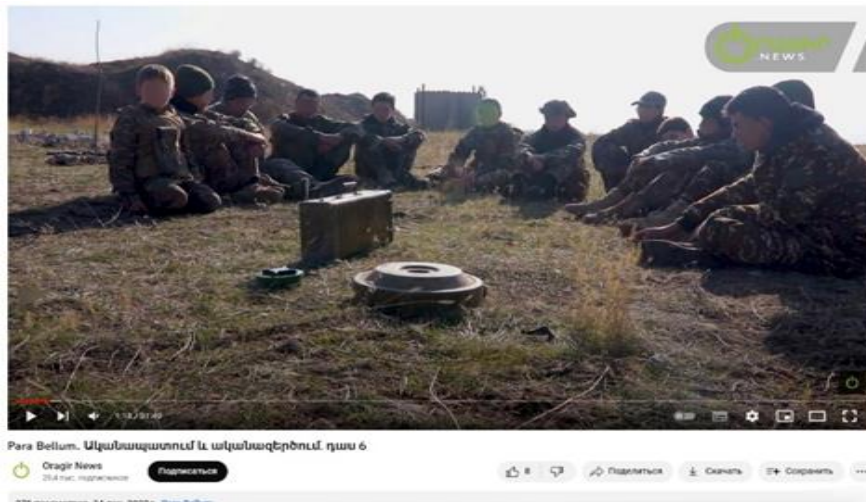


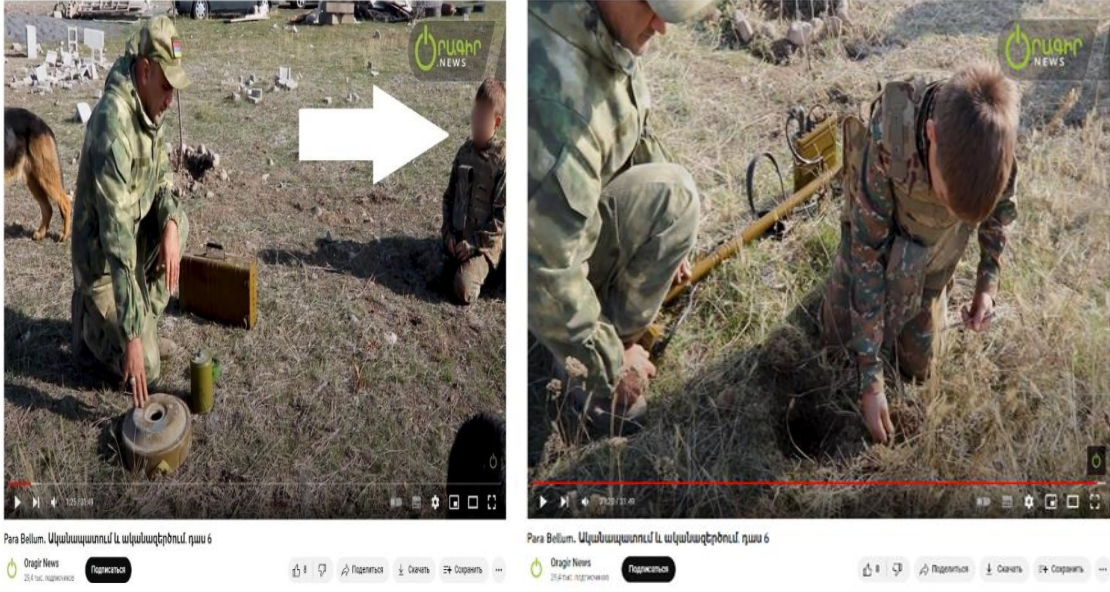
Image 35

⁵⁴https://m.facebook.com/story.php?story_fbid=pfbid034TKnvp4zz1yxdvWxirgfmjULVzY4HheoGRqEywurBPgmzbgw5asfBNcLamq5vJzql&id=102489958563808

⁵⁵ <https://www.youtube.com/watch?v=AuMggGN6r9I&t=110s>

⁵⁶ <https://www.youtube.com/watch?v=MUoiaofwWl4&t=143s>

⁵⁷ <https://www.youtube.com/watch?v=iZP2cFQD3Kq&t=323s>



Images 36-37

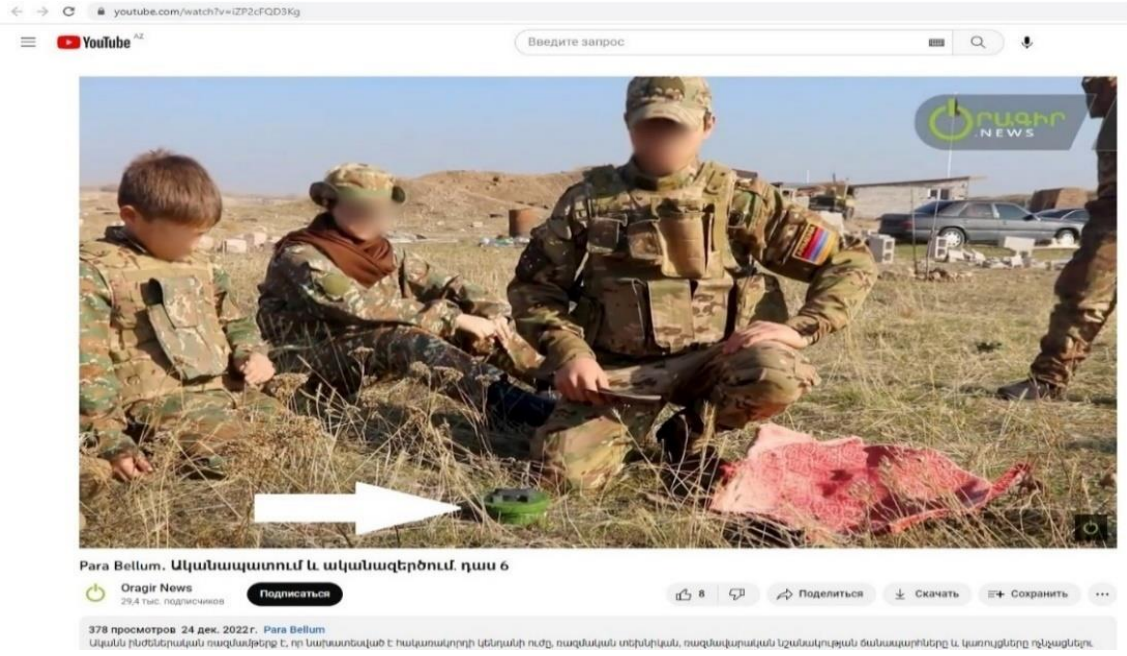
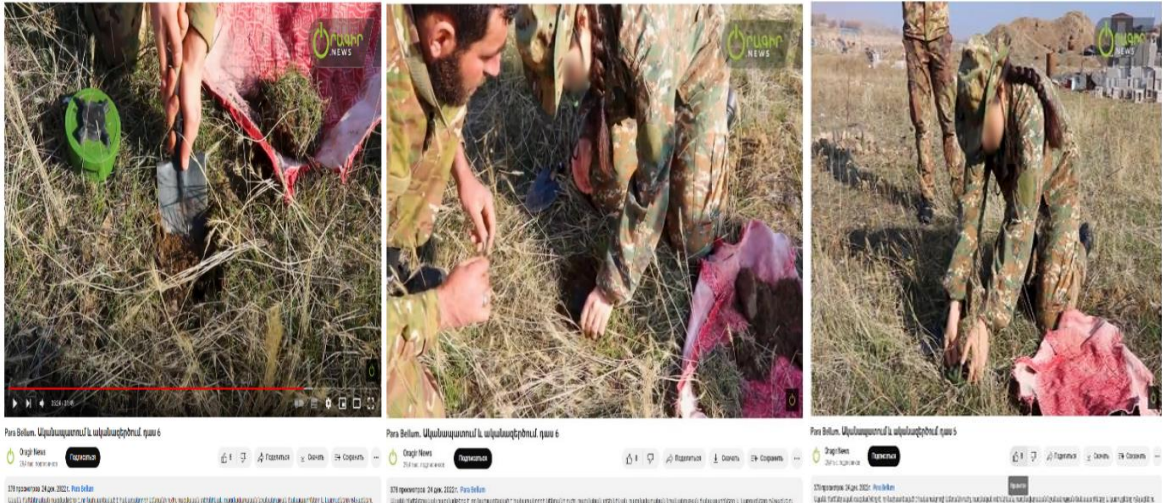


Image 38



Images 39-41

National Legion Military Patriotic Club ⁵⁸ is another community in Armenia which organizes training to teach children how to use weapons and regularly shares posts on its Facebook page in this regard.^{59 60}



Image 42

Research carried out in the internet resources gives a reason to come to conclusion that involving children especially from the regions in military training by such groups as well as propaganda of enmity towards Azerbaijan are related to promises of financial security and social status.

Unfortunately, there are also facts about the involvement of Armenian children in military training by Russian peacekeepers, who are temporarily stationed in the territories of Azerbaijan, contrary to their mandate.⁶¹ Furthermore, at a time when the peace-building process has started and continuous steps are being taken by Azerbaijan for the integration of citizens of Armenian origin, raising Armenian children with a feeling of hostility and preparing them for a new war can lead to a tragic end, as the creation of a new source of conflict in the region.

⁵⁸ <https://www.facebook.com/azgayinlegeon?mibextid=LQQJ4d>

⁵⁹ <https://www.facebook.com/photo/?fbid=273726315014134&set=pcb.273730768347022>

⁶⁰ <https://www.facebook.com/100071303033834/posts/pfbid02QkkDxLnZNuCTQGQFckPvpKXRpMRwNoVgFLAKTRrQ4Ls3SqT5KTHcdi56ZLUCARoSvl/?mibextid=cr9u03>

⁶¹ <https://www.youtube.com/watch?v=QISpvQiYb40>

2. Using Children by Armenia in Promoting Hate Speech against Azerbaijanis

Regrettably, despite the cessation of hostilities, photo and video sharing, statements, and calls promoting ethnic and religiously motivated hatred against Azerbaijanis are regularly published and promoted on various internet resources and social media. We would like to inform you that the Ombudsman of Azerbaijan, at different times, widely investigated the use of hate speech against Azerbaijanis by Armenian individuals and politicians, and reports based on specific facts were delivered to the international community.⁶²

Hate speech is clearly a major threat to human rights, and a number of worldwide organizations have condemned it. The UN expressed its concern about amplifying the scale and impact of hate speech by new communications technologies,⁶³ and Antonio Guterres, the UN Secretary-General, declared that “Hatred is a danger to everyone – and so fighting it must be a job of everyone”.⁶⁴ In July 2021, the UN General Assembly adopted the Resolution on "Promoting inter-religious and intercultural dialogue and tolerance in countering hate speech", and June 18 was announced as the International Day Against Hate Speech, which was first celebrated in 2022.⁶⁵

Hate speech harms individuals and societies and, if left uncontrolled, results in gross and mass violations of human rights and freedoms. Indeed, hatred is the outcome of a specific activity; yet, history demonstrates that positive progress can be achieved gradually in an environment of collaborative activities and efforts, mutual dialogue, and understanding.

However, today we witness an increase in agitation and propaganda among children,⁶⁶ resulting in enmity and hostility in Armenian society rather than transferring such values to society, which are listed for the sake of positive development in relations.

According to the observations of the representatives of the Channel “National Geographic”, who visited Armenia in 2018, young Armenians conduct drills on combat and that they are in a serious fighting spirit, and even expressed their concerns about it. The article, titled "These Teens Are Fighting a War Older Than They Are," states that

⁶² Ombudsman’s Reports on Hate Crimes and Hate Speech against Azerbaijanis (Parts I and II); https://www.ombudsman.az/upload/editor/files/Hate_speech_report_Ombudsman_Azerbaijan.pdf ; [https://ombudsman.az/upload/editor/files/Report%20on%20Hate%20crimes%20and%20hate%20speech%20against%20Azerbaijanis%20\(2nd%20part\).pdf](https://ombudsman.az/upload/editor/files/Report%20on%20Hate%20crimes%20and%20hate%20speech%20against%20Azerbaijanis%20(2nd%20part).pdf)

⁶³ UN Landing Page about Hate Speech, <https://www.un.org/en/hate-speech>

⁶⁴ UN Landing Page about International Day for Countering Hate Speech, 18 June; <https://www.un.org/en/observances/countering-hate-speech>

⁶⁵ UN General Assembly resolution 75/309, *Promoting interreligious and intercultural dialogue and tolerance in countering hate speech*, A/RES/75/309 (21 July 2021), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/200/61/PDF/N2120061.pdf?OpenElement>

⁶⁶ https://www.facebook.com/watch/?v=732708378731114&extid=NS-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=YCRy0i&ref=sharing

even 13-year-old youngs are trained to combat, as daily a part of their lives as doing math homework”:⁶⁷

Photographer Emanuele Amighetti visited the region last year to capture the aftermath of the four-day conflict and the psychological effects of decades at war. Permanent readiness for battle means compulsory military service, and soldiers as young as 13 trained to fight. After school and sometimes before, young people conduct drills on marching and combat, as daily a part of their lives as doing math homework. “Their dedication and profoundness was something I had never seen before,” says Amighetti. “I felt obliged to humanize these young boys and girls.”

Image 43.

The Armenian side has made it a common practice to teach children how to handle weapons from a very young age. The footage of “Santa Claus” providing a child with an example of behavior with a weapon on the eve of New Year’s holiday in Armenia is the next example of the persistence of this situation in the post-war period. In this video, it can be seen how “Santa Claus”, who is regarded as an example of kindness around the world, practically shows a young child at the polygon how to shoot at a target.⁶⁸



Image 44.

⁶⁷ Daniel Stone, (11 January 2018), “These Teens are Fighting a War Older Than They Are”, “National Geographic” American Monthly Magazine, <https://www.nationalgeographic.com/photography/article/nagorno-karabakh-armenia-azerbaijan-border-photographs>

⁶⁸ “Oxu.az” Azerbaijan News Agency, (1 January 2023), “Ermenistanda Şaxta Babadan uşaqlara yeni il hədiyyəsi: Praktiki atəş təlimi” (New Year's gift from Santa Claus to children in Armenia: Practical shooting training), (Online Article), <https://oxu.az/world/680013>

Photos showing children insulting the state symbols of Azerbaijan and Türkiye in Armenian society and thus being brought up in a spirit of hatred.⁶⁹



Image 45.



Image 46.

Small scenes are staged in educational establishments in order to instill hatred in children towards Azerbaijan and Azerbaijanis. Screenshots from the video confirm this:⁷⁰



Images 47-48.

⁶⁹ <https://twitter.com/Azeriphobia/status/1452624039265161222>

⁷⁰ https://twitter.com/taleh346/status/1452668019705065480?s=21&t=XU6yAB5_WlkduuprcB_acA

The video of the minor who joined the calls for "Armenia without Turks" is one of the widely propagated manifestations of ethnic hatred.⁷¹



Image 49.

In another post, it is said that all Turks will be killed, that ASALA is not a terrorist organization, and that Turkish diplomats deserve to die. In this post, a teenager is used who says "We will kill all Turks":⁷²



Image 50.

⁷¹ <https://twitter.com/i/status/1527234770115170305>

⁷² <https://twitter.com/CreeWarrior2010/status/1574719185997164545>

Quotes by Garegin Nzhdeh, the creator of the ideology "Tsekhagron," which promotes hatred against Azerbaijanis, are one of the main sources of influence in events held by the Youth Office of the Armenian Revolutionary Federation Bureau.⁷³ Unfortunately, Nazism is being spread in the highest form among Armenians living in Armenia and abroad, and children are especially being used as representatives of the future generation in this policy.⁷⁴ The facts that clearly prove this are clearly seen in the photos below:



Image 51.



Image 52.

Extensive propaganda about Nzhdeh instills deep sympathy in children for this nationalist Nazi supporter. In general, the widespread propaganda of staunch nationalists who were supporters of fascism and members of terrorist organizations among children in Armenian society leads them to choose such people as their heroes. This is a very harmful step for the peace process between nations. So, based on the information below,

⁷³ <https://www.facebook.com/youthoffice.arf/>

⁷⁴ https://www.facebook.com/youthoffice.arf/posts/pfbid02DrTY6yDsKQKHZsc4QpPdRaHec2AEnr7xYjCqt_hh9hQKyBs7xQ5hwcyyTYzCYhaSl

13-14 year-old members of the "Hay Aspet" Organization chose Garegin Nzhdeh and Monte Melkonyan as their heroes: ⁷⁵

"I am very happy that we have such guys ready to fight, despite all the difficulties facing our army. I want our army to become stronger." Garegin Nzhdeh is the best Armenian military figure for 14-year-old Janna.

The students of the "Hay Aspet" (Armenian Knight) Educational Charitable Foundation visited the Yerablur Military Pantheon. For 13-year-old Edmond Asatryan, Monte is one of the best military figures.

Images 53-54

Such an approach by the children who are members of the "Hay Aspet" Organization is not surprising, given that Garegin Nzhdeh's nationalistic propaganda is listed as one of the foundation's key purposes on its website.⁷⁶

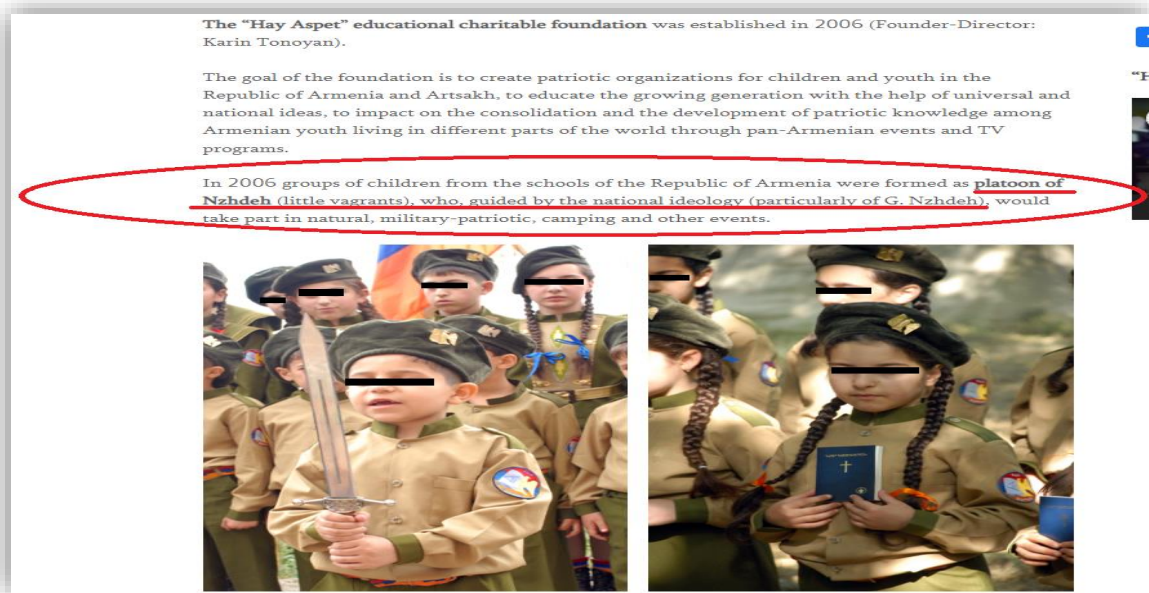


Image 55.

Because of the widespread factors that incite ethnically motivated anti-Turkish and anti-Azerbaijani hatred in Armenia, the same spirit can be seen in the letter written by the 6th-grade Armenian student about his homeland. In this case, the minor also shows his pride in being a descendant of Monte Melkonyan, Garegin Nzhdeh, and Andranik and

⁷⁵ "A1+" Online TV News, (28 January 2019), "I want to be like Monte and Vazgen- student of "Hay Aspet", <https://a1plus.am/en/article/200863>

⁷⁶ Official website of the "Hay Aspet" Armenian Educational Charitable Organization, <https://hayaspet.am/en/about-foundation/>

characterizes the Azerbaijani territories liberated from occupation, such as Hadrut, Kalbajar, and Shusha, as Armenian territory:⁷⁷

Image 56.

The calling of Turks and Azerbaijanis enemies by Nikol Pashinyan, the Armenian Prime Minister, during his speech in the Armenian Parliament, promotes ethnic hatred at the highest level in Armenia and instills this mindset in children.⁷⁸

Image 57.

⁷⁷ Tatev Karyan (student of the 6th grade), Essay “My native land” in the website of “Krtaditak” educational project (Online in Armenian), <https://krtaditak.am/%d5%b0%d5%b8%d5%b2-%d5%ab%d5%b4-%d5%b0%d5%a1%d5%b5%d6%80%d5%a5%d5%b6%d5%ab-5/>

⁷⁸ “Armenpress.am” Armenian News Agency, (14 April 2021), “Turks and Azerbaijanis are our enemy. Pashinyan sees the need to manage hostility”, https://armenpress.am/arm/news/1048985.html?fbclid=IwAR2XQtZmYDqf_ylkgdbNL9iZqIN9wM3sxve_iM-1GZqbGivebqLuzZGJ6k

It is well known that calling and making speeches that promote hatred by public and political figures and persons who may have a certain effect on the masses, compared to other members of society, lead to extremely dangerous consequences. As a result, ethnic hatred is implicitly conveyed as a value to society and particularly to children. It is especially a matter of concern as these people's speeches, which have a wide audience on social media platforms, contain elements of hate speech.

3. International Law Norms on the Protection of Children's Rights Violated by Armenia During the State of War

One of the most important tasks of states specified by the UN Convention on the Rights of the Child and other important legal documents related to the implementation of the rights of children is the protection of children's rights and best interests during armed conflicts, ensuring their living in a safe, equal, tolerant, and healthy environment, and ensuring a decent standard of living.

Under these international legal documents, the notion of a "child" refers to persons under the age of 18.⁷⁹

According to international law, children cannot take part in hostilities and cannot be used. The issue of the protection of children during their hostage-taking by the enemy is considered under Article 77 of the 1977 Additional Protocol I to the 1949 Geneva Conventions relative to the Protection of Civilian Persons in Time of War. So that, according to that norm, "...children who have not attained the age of fifteen years take a direct part in hostilities and fall into the power of an adverse Party, they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war."⁸⁰

The Additional Protocol I to the Geneva Conventions specifies the prohibition of targeting civilians, including children and civilian objects.

Pursuant to Article 14 entitled "Hospital and safety zones and localities" of the IV Geneva Convention, the Parties may establish in their own territory and, if the need arises, in occupied areas, hospital and safety zones and localities. However, these zones should be so organized to protect from the effects of war, the vulnerable people, including children under fifteen.⁸¹

The IV Geneva Convention and Additional Protocols, thereto prohibit denial of humanitarian access to civilians, including children, and attacks against humanitarian workers assisting children.

The Declaration on the Protection of Women and Children in Emergency and Armed Conflict, adopted by the UN General Assembly in 1974, emphasized the prohibition of incalculable attacks and bombings against the civilian population, especially women and children, who are the most vulnerable members of the population, and such actions are condemned.

Armenia, during the conflict, violated the law regarding six directions indicated in the first resolution adopted by the UN Security Council on children and armed conflict⁸² in 1999, such as involvement of children in armed conflict, killing of children, sexual violence against children, attacks on schools and hospitals, as well as other civilian objects, hostage taking, and denial of humanitarian assistance.

⁷⁹ UN CRC, 1989, Maddə 1; ILO "Worst Forms of Child Labor Convention (No. 182)", 1999, Article 2; UNICEF "Principles and Guidelines on Children Associated with Armed Forces and Armed Groups" (Paris Principles), 2007, Article 2

⁸⁰ Additional Protocol I, Article 77 (3)

⁸¹ Geneva Convention IV, Article 14

⁸² UNSC Resolution 1261, *Children and armed conflict*, S/RES/1261, (30 August 1999), available at: <http://unscr.com/en/resolutions/1261>

The 1949 Geneva Conventions and their 1977 Additional Protocols, the 1989 CRC and its 2000 Optional Protocol on the Involvement of Children in Armed Conflict (hereinafter referred to as the CRC Optional Protocol), the UN International Labor Organization (hereinafter referred to as the ILO) "Worst Forms of Child Labor Convention (No. 182)" adopted in 1999, and the 2002 Rome Statute of the International Criminal Court contain provisions on the involvement of children in armed conflict.

Under international humanitarian law (hereinafter referred to as IHL), the rights of children as part of the civilian population are enshrined in the 1949 Geneva Conventions and its Protocols.⁸³

With the IV Geneva Convention, the use of children as military personnel became a subject of international law for the first time. Minors under the age of fifteen are included in the list of specially protected persons according to Article 14 of the Convention.

According to Article 77 of Additional Protocol I, to which Armenia has also acceded, children are the object of special respect and they shall be protected against any form of indecent assault. The Protocol obliges Parties to the conflict to provide children with the "care and aid they require, whether because of their age or for any other reason".⁸⁴

Per paragraph 2 of Article 77 of the same Protocol, "The Parties to the Conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces".

In addition, in compliance with Article 4 (3) (c) of the Additional Protocol II, consented to be bound by Armenia, children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.

Under Article 38 of the CRC, in accordance with their obligations under IHL to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure the protection and care of children who are affected by an armed conflict. However, the State of Armenia continues to seriously violate the norms of this legal document, to which it is a party.

Thus, in accordance with Article 38 of the Convention, "States Parties shall take all feasible measures to refrain from recruiting any person who has not attained the age of fifteen years into their armed forces and ensure that such persons do not take a direct part in hostilities."⁸⁵

According to the CRC Optional Protocol, ratified by Armenia in 2005, the age limit for military service was raised from 15 to 18. So that, under this international legal document, the State Parties should take all necessary measures to prevent the direct participation of members of their armed forces under the age of 18 in hostilities.

Furthermore, as stated in Article 4 of the CRC Optional Protocol, armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years. Under this norm, State Parties, also, obliged to "take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices".

⁸³ Additional Protocol II, Part II; Additional Protocol I, Article 10

⁸⁴ Additional Protocol I, Article 77

⁸⁵ Convention on the Rights of the Child: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

The ILO “Worst Forms of Child Labor Convention (No. 182)”, which was also joined by Armenia in 2006, determines the use of children as soldiers as one of the worst forms of child labor. So, Article 3 of the Convention in question absolutely prohibits the compulsory recruitment of children for use in armed conflict.

Under Article 8 (2) (b) (XXVI) of the Rome Statute, which is in the process of ratification by Armenia, conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities, are acts that amount to war crimes. It must be noted that Armenia signed this legal document in 1998.

As indicated in the UNICEF 1996 Report on “Impact of Armed Conflict on Children”, war violates every fundamental right of a child - the right to life, the right to be with family, the right to health, the right to the development of the personality and the right to be nurtured and protected.⁸⁶

Consequently, the special protection of children during international armed conflict is clearly specified.

In its various resolutions relating to children and armed conflict, the UNSC recalls the states’ obligations for the protection of children from being used in armed conflict.⁸⁷

Also, in Resolution 2204 (2018) on “Protecting Children affected by armed conflict” by the Parliamentary Assembly of the Council of Europe, the importance of actions to be taken for children to be protected against violence, including in armed conflicts, to rebuild their trust after having experienced such violence, and for the setting up of child-friendly legal and administrative procedures.

Under paragraph 2.1. of the Paris Principles and Commitments on Children Associated with Armed Forces and Armed Groups (hereinafter referred to as the Paris Principles), a definition of “a child associated with an armed force and armed groups” refers to any person below 18 years of age who is or has been used by a regular armed force or irregular armed group as porters, messengers, spies, or for sexual purposes. This definition may also refer to an armed or unarmed girl serving on the front lines of a heavily armed group.

In the 2007 Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, signed also by Armenia, and the Paris Principles, it is indicated that State Parties should take all feasible actions to bring the procedure for recruiting children into armed forces and armed groups in conformity with international legal norms, including the CRC Optional Protocol, and take all possible measures to prevent the use of children in hostilities by armed groups under their jurisdiction.⁸⁸

⁸⁶ UNICEF 1996 Report on “Impact of Armed Conflict on Children”, para. 30; http://www.unicef.org/graca/a51-306_en.pdf

⁸⁷ UN Security Council Resolution 2143, *Children and armed conflict*, S/RES/2143 (7 March 2014), available at: <http://unscr.com/en/resolutions/2143>

⁸⁸ UNICEF, The Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups: Consolidated version, <https://resourcecentre.savethechildren.net/pdf/Paris-Commitments-to-protect-children-from-unlawful-recruitment-or-use-by-armed-forces-or-armed-groups.pdf>; and The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), (February 2007), and <https://www.unicef.org/mali/media/1561/file/ParisPrinciples.pdf>

In addition, according to Article 4 of the UN Convention on the Elimination of All Forms of Racial Discrimination,⁸⁹ Armenia undertakes an obligation to take necessary actions with regard to the activity of the organizations, including promoting ideas based on the superiority of any race or group, racial hatred, and discrimination. Unfortunately, by using children in the armed conflict, especially in the Second Karabakh War, as well as in the aftermath of the war, Armenia violated their rights, as declared in international legal documents.

⁸⁹ UN CERD (21 December 1965), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

Conclusion

This report on the use of children in Armenia's hatred policy against Azerbaijanis documented a number of facts about the violation of children's rights.

The facts provided in the report evidence that Armenia has committed acts against international law, seriously violated the requirements of a number of treaties to which it is a party, which stipulate the protection of children's rights and interests, and failed to fulfill its commitments.

As a result of the investigation, it was found that in the aftermath of the war, Armenia recruited children into armed groups and also used them to propagate hate speech against Azerbaijanis.

Armenia has not fulfilled its obligations under international law, such as the prohibition of activities of the "VoMA", "POGA," and other illegal armed groups, including recruiting and exploiting children for military purposes by these organizations, and has failed to take necessary measures to prevent the use of children in promoting hate speech against Azerbaijanis. These steps taken by Armenia regarding the inculcation of hatred and enmity towards Azerbaijanis in children create serious obstacles to the establishment of peace in the region, the establishment of mutual relations between countries and peoples, and the restoration of relations.

Due to the fact that such gross violations of children's rights that occur during warfare, as well as in the post-war period and during the peacemaking process, directly contravene the norms and principles of IHL, these problems should be seen as a global issue, rather than just a problem of the parties to the conflict.

Given the above, it is necessary for international organizations to take appropriate steps in response to Armenia's failure to uphold its commitments with regard to the protection of children's rights.

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