

## Report

### **Regarding the state of draftees' rights and problems recorded by the Organization during spring conscription of 2013**

In the first half of 2013, during the pre-conscription and conscription period the claims and concerns of conscripts and their families regarding the conduction of improper medical examination over illnesses of draftees and conscripting them to the Armed Forces without treatment continued.

No proper medical care is provided to conscripts; in the majority of cases, no complex medical examination is implemented. As a result, draftees with health problems are subjected to conscription and are forced to carry out their military service obligations having serious diseases. Concerns over the issue of military fitness in combination of several illnesses aren't again taken into consideration.

During the spring conscription of 2013, 13 out of the 15 draftees that applied to HCA Vanadzor suffered from serious health problems.

The substantial part of the alerts are related to the ongoing bureaucratic hassles during the implementation of their functions by the state institutions/from military commissariats to the Republican Medical Committee / involved in the conscription.

A separate issue of concern is the amendments to the "Order of medical examination of recruits" approved by 175-N decree of the RA Minister of Defense. By the way, the amendments to the order were made during the military recruitment held on June 11 of 2013, hence, the rules for setting up and carrying out the conscription were changed right during the conscription. The procedures and list of illnesses of determining the issue of fitness for military service based on the health standing of a citizen are defined by the aforementioned order.

The concept of "non-combat military service" was completely eliminated by the new order. As a result, illnesses serving as grounds for "non-combatant military service" qualification by the former order are now replaced by "combat service with restrictions"

definition by the new order. And it isn't yet defined what “combat service with restrictions” implies. Apart from that, the Order didn't undergo any other substantial changes.

The concerns of conscripts and their parents can be categorized as follows:

- A specific order, whereby, the issues revealed due to medical examination of draft age persons should be recorded by less severe definitions, has been given out to the medical institutions where conscripts undergo medical examinations, thus, the objective image of the conscript's health state isn't presented.
- Persons with prior record of several deferments are conscripted to military service without any change of the health state, in the event that they previously received a deferment on the grounds of the same diagnosis.
- In case of disagreement with the results of the medical examination of the conscripts' health state, they refuse to provide an appointment card to a double medical examination.
- In case of disagreement with the results of the medical examination of his health state, the conscript is in fact denied the chance to appeal, since his conscription isn't suspended until the final solution of the issue.
- The amount of refund for transportation costs isn't sufficient for the conscripts to undergo a medical examination, due to which, the latter don't appear for medical examination in the majority of cases.
- Refusal to provide information regarding the health state of conscripts due to various reasons is ongoing despite the fact that the RA law on “Medical care and services to the population” provided for the person's right to it.<sup>1</sup>

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<sup>1</sup> Everybody has the right to have easy access to information on the state of one's health, results of examinations, methods of diagnostics and treatment of disease and related risk, possible options of medical intervention, consequences and results of treatment.

Thus, subjecting citizens with health issues to conscription remains a serious issue of concern not only related to conscription but also to the adequate military service in the future.

We find that irrespective of legal definitions, conscription of a citizen with health issues is a degrading treatment by the state and such a practice should be stopped.

## Appendix

The description over cases of several draftees is presented below:

1. Draftee A. B. suffers from serious health problems, which, however, were not taken into account by the Central Medical Commission during the medical examination. Although A. B. has a number of health problems and complaints and has presented all the documents, the Republican Conscription Committee took a decision to conscript A. B. on June 23 based on the conclusion over his health state. Besides, he was orally notified about a more severe degree of his health state at the medical institution where he underwent a medical examination, but a less severe degree of the health state is recorded in the medical documents. A similar alert was also received from conscript H. Q.
2. Conscripts A. A. and H. Q. confirm that being in disagreement with the results of the conclusions over their health states, they requested a permit for a double medical examination, but they were denied to be referred to a double medical examination and as a result, were both conscripted to military service. Likewise, having serious health problems, conscript A. M. underwent a medical examination, but he was provided with the final conclusion without a double examination, despite the fact that according to Point 32 of the MoD order on approving the order over examination of the health state of draftees and servicemen and on annulling N 175-N decree of the RA Minister of Defense dated on February 26 of 2010, the military commissariats organize and conduct a comprehensive examination of citizens by assessing their health

and physical development state during their registration in recruiting stations and conscription to mandatory military service.

3. In order to appeal the decision of the military commissariat, draftee A. A. demanded that the military commissariat should provide him with the medical examination documents, but in this case he was only provided with the results of the medical examination administered in Yerevan by hiding the decision of the local medical commissariat. /Pursuant to Article 23 of the RA Constitution, “Everyone shall have the right to become acquainted with the data concerning him/her available in the state and local self-government bodies.”/
4. One of the physicians of the local medical commission told draftee A.A that the signature on the conclusion act over the medical examination of his health state didn't belong to him about which the military commissariat was notified, but no solution was provided by justifying it with confusion.
5. Having serious health issues, draftee A. M underwent a medical examination, but the conclusion was provided to him without subjecting him to a complex examination.