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Displaced children's right to education

From Artsakh to Armenia



FACT-FINDING REPORT | 2021

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From Artsakh to Armenia: displaced children's right to education.

Summary

This report focused on the rights of education of displaced children of the Republic of Artsakh in the Republic of Armenia, who flee their homeland due to the war of 2020 between Armenia and Azerbaijan over the territories of Artsakh. During negotiations regarding the disputed territory, the region and conflict are called Nagorno-Karabakh because it involves the unrecognized republic of Artsakh and 7 regions which were under Armenia forces control and were part of Artsakh's administrative division and they were going to remain like that until the status of Artsakh was solved. So, during the whole report Artsakh and its 7 regions which were under Artsakh's control, and were populated by indigenous Armenians who became now refugees, will be addressed as the Republic of Artsakh. Please note, that in direct quotations the region may be referred to as Nagorno-Karabakh.

Although an agreement was signed and the war in Artsakh ended, not all displaced families want to go back, because now seven regions of Artsakh are under the control of Azerbaijan. The purpose of this report is to investigate how Armenia accommodates its obligation to respect, protect, and fulfill rights to education for displaced children of Artsakh. Despite the fact that it is not the first military conflict over territories of Artsakh, which caused forced displacement, no previously conducted fact-finding report was focused specifically on the right to education of children displaced to Armenia. This project aims to also increase awareness and draw the state's attention to the displaced children's problems in Armenia, specifically their right to education.

The methodology included qualitative research involving interviews conducted with the displaced children, teachers, and experts and analysis with the purpose of discovering patterns of violation of the right to education. Desk research included relevant data on numbers of displaced people and background information regarding circumstances of the war and educational process in Armenia. Risks were mostly successfully overcome, however, one of the interviews had to be stopped because of the risk of re-traumatization. The biggest challenge was to find children to interview, as an organization with whom was planned to cooperate were not able to help within the planned time framework. Personal networking, help from colleagues, and professors played the main role in finding respondents for the conducted interviews.

During the preparation and preliminary research, evidence suggested that the Republic of Armenia did not fulfill its obligation to provide accessibility and availability of education according to Article 13 of The International Covenant on Economic, Social and Cultural Rights (ICESCR), however, when the research was carried out our findings revealed more violations from the side of Armenia. Fact-finders discovered that Armenia did not fulfill the criteria of adaptability as one of the essential features of the right to education due to the highly needed but missing crisis management policy with coordinated effort to accommodate the educational needs of the displaced children. Fact-finders discovered that the lack of social-economic resources, discrimination, and non-grading approach reduce the accessibility of education for those children. This indicates the failure of the state to protect accessibility by eliminating discrimination, providing access to a “distance learning” program, and making education affordable to all. As good quality education cannot be achieved without the necessary staff of qualified and good-paid teachers as well as a curriculum that includes compulsory school classes, Armenia does not fulfill acceptability of education and it is recommended to address these systematic issues by training, hiring, and paying domestically competitive salaries. Last, the social integration policy, which indirectly affects the performance of the displaced children, must be implemented as Armenia promises special conditions for education and social adaptation in its domestic law (Article 6.6 in the Law of the Republic of Armenia on Education).

This research topic is not much studied in the Armenian context and needed to be addressed. The report investigated and presented problems that displaced children from Artsakh face in the Armenian education system, as well as illustrated systematic issues of the system. This fact-finding report serves as a good base for future researches in the field of rights to education.

Recommendations

To the Armenian government:

- **Create and implement policies:** Since March the Covid-19 situation in Armenia showed that there is a need for an anti-crisis policy. Having an anti-crisis policy for education will help to react faster and more effectively to the problems that the Armenian educational system is having because of Covid-19 and war which also resulted in displacement of families from Artsakh to Armenia.
- **Support policies and programs:** The state's legislative and executive branches should support and adopt policies and programs for families and children to ensure that they know how they can get help and apply to schools. Moreover, special attention should be given to disadvantaged and marginalized populations in their access to services provided by the state.

To the Ministry of Education, Science, Culture and Sports of the Republic of Armenia, regional governmental bodies departments, or other responsible bodies for education:

- **Research and publish reports:** In order to provide help in more effective ways and evaluate the effectiveness of already implemented programs ministry and education departments in regions need to do monthly, or for half-year reports on needs that displaced children have. Moreover, those reports should help to improve their study environments. Effective research requires a participatory methodology that gives voice to those experiencing the problems, whether students, parents, or teachers.
- **Provide human resources:** To assign in every school psychologists and other professionals who will work with displaced children from Artsakh who are in Armenia, especially with children who have disabilities. Moreover, pay special attention to the school building's and teacher's qualifications who will work with those children.
- **Eliminate discrimination:** The Ministry of Education, Science, Culture and Sports of the Republic of Armenia to advocate to end the social discrimination. Equality is a universal value and educational institutions have an obligation to implement policies that will guarantee it in school and will protect children from being discriminated against for their social differences and language skills, and also eliminate discrimination.

To the Ministry of Education, Science, Culture and Sports of the Republic of Armenia, Ministry of Labor and Social of the Republic of Armenia, the Ministry of Education Science and Culture of the Republic of Artsakh:

- **Organize and coordinate trainings for teachers:** These two ministries should cooperate and pay more attention to trainings for teachers, also organize them and create programs that will help to support teachers in rural areas and assess their needs regularly. Trainings can be on improvement of teacher's skills for communication and assistance of displaced children from Artsakh in Armenia, harassment and discrimination prevention and handling, and how to organize extracurricular classes for displaced children. Those trainings will help to create a more sensitive and healthier environment for children to study and communicate with others.
- **Organize and coordinate trainings for social workers:** Social workers are supposed to be those people who will directly work with displaced families from Artsakh. As those families are here because of war and are mostly staying in shelters it is important to have social workers who will assess their needs and help the ministry to provide needed help.
- **Organize and cooperate:** with the Ministry of Education Science and Culture of the Republic of Artsakh to organize training for teachers in their schools in order to have enough professional staff, improve the quality of education in schools, increase salaries and create conditions which will attract young specialists to work at schools.
- **Organize and provide make-up classes:** As children because of Covid-19 and the war in Artsakh missed classes, the Ministry of Education Science and Culture of the Republic of Artsakh and the Ministry of Education, Science, Culture and Sports of the Republic of Armenia should provide extracurricular classes for those who missed many classes and need special assistance in order to catch up with the school program.

Methodology

Interviews were carried out with teachers, experts, and school children. Fact finders managed to do interviews with eight people, one with a teacher, a volunteer teacher, three schoolchildren in 9th, 11 and 12th grades, and three experts: one works for the state body, former Human Rights Defender of Armenia, and expert on quality of education.

The methodology that was used was semi-structured interviews with victims and experts. It did not take much time to collect background information such as recent reports and legislation. The initial plan was to interview both children and their parents, however, as interviews with the fact-finders were not a priority for parents in these circumstances, they were mostly not available for the interviews, so the interviews tend to be with students, teachers and experts.

Fact-finders planned to work with the Women's Resource Center in Shushi, however, they were busy with providing help and adapting to the new environment in Armenia, because their office had to move from Yerevan as Shushi now is under control of Azerbaijan. This report is prepared with the help of Gyumri's boarding school workers and volunteers, and personal connections who helped the fact-finding group to find interviewees. Also, with the workers of the Ombudsman office of Armenia, who helped with reports and connected with the first Human Rights Defender of Armenia Larisa Alaverdyan who did on-site work in Artsakh regarding human rights issues during the hostilities.

As interviews might have invoked the stressful and emotional experiences that they have regarding this topic or events that occurred, interviewers were cautious. With one of the interviewees, the interview was stopped as it served as an emotional trauma trigger. Invasion of privacy was another risk, as the topic is very sensitive, and that is why for minors on this report their identity will be kept private, even though they gave permission to use their names in this report.

Because of the COVID-19 situation in Armenia, it was not safe to have face-to-face meetings, so the interviews were carried out by phone and had no opportunity to control the environment. Moreover, displaced families from Artsakh are mostly staying in boarding schools in different regions of Armenia, without internet or phones, however, with the help of our partners, fact-finders were able to interview children by phone, and experts were interviewed via Zoom platform mostly.

Fact-finders were mostly able to carry out their preparation in previously settled time limits, however, few changes happened regarding interviews with experts as during December they were busy with work and other events. However, their interviews were successfully carried out after the holidays.

Background / Context

On September 27, 2020 when Azerbaijan forces attacked the Republic of Artsakh.

This conflict can be dated back to February 1988, when Armenians in Stepanakert, the capital of Artsakh, held demonstrations demanding Nagorno-Karabakh's incorporation into Armenia. As the Soviet Union was dissolved in 1991, the autonomous oblast officially declared its independence via referendum. As a result, from 1988 to 1994 in a territory of Nagorno-Karabakh war took place, which also resulted in refugees and civilian death (Sumgait and Baku pogroms, Khojaly massacre) from both sides. In 1994, Russia brokered a cease-fire agreement which for the past decades was violated many times (border clashes 1994-2016, Four-day war in 2016)¹.

A new escalation of the conflict, the biggest after the Four-day war in 2016, grew into a full-scale war. As a result of almost daily shelling of civilian populations, the population of Artsakh was forced to take refuge in shelters, and part of the population left their homes and temporarily moved to the Republic of Armenia.

On November 9th an agreement was signed according to which hostilities in Artsakh were halted, 7 regions returned to Azerbaijan and parts of the Republic of Artsakh (Sushi and Hadrut) went under Azerbaijan's control, Armenia and Artsakh gained a corridor by Lachin which has 5 km length and as guarantee for the end of war for upcoming 5 years Russian peacekeepers will be located in Sushi and along the line of contact. Also, refugees and displaced people from both sides

¹ Human Rights Watch. 1994. *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh*. Accessed January 9, 2021. https://www.hrw.org/reports/AZER%20Conflict%20in%20N-K%20Dec94_0.pdf

as a result of the first war will return to their regions under the supervision of the Office of the United Nations High Commissioner for Refugees².

In sum, 90.000 people, in general, were forced to leave their homes from which almost 33.000 are children, which impacts disproportionately children's rights in education from the region (including in Stepanakert, Hadrut, Shushi, Mataghis, Talish). 71 schools and 14 kindergartens have been damaged in Artsakh as a result of Azeri shelling³. The conflict made the exercise of the right to education even more unrealistic due to the unavoidable outbreaks of COVID-19 in these circumstances. The exact number of families which returned after the agreement are not known, because many people are still in the process of returning and being registered in Artsakh to get accommodations, but people from the seven now-Azeri controlled regions are mostly residing in Armenia.

Legal Frameworks:

Issues discovered in this fact-finding report involve violation of Article 13⁴ of The International Covenant on Economic, Social and Cultural Rights (ICESCR) and General Comment No. 13: The Right to Education. It states that education shall be directed to the full development of the human personality and the sense of dignity, and shall strengthen the respect for human rights and fundamental freedoms and should be free, generally available and accessible to all by every appropriate means.

Under General Comment No. 13: The Right to Education (Art. 13 of ICESCR)⁵ every member state has obligations in terms of availability, accessibility, acceptability, adaptability of

² The Ministry of Foreign Affairs of the Russian Federation. Statement by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation. Accessed January 9, 2021. https://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4419267.

³ The Human Rights Ombudsman of the Republic of Artsakh. November 9, 2020. *Ad hoc report on children rights affected by Azerbaijan attacks against the Republic of Artsakh (Nagorno-Karabakh)*. Accessed November 22, 2020. https://artsakhombuds.am/en/document/766?fbclid=IwAR3xV26vVGINASIDKzeczF_7EK4eqLqP5e4FRAicCQJlaQruQCHuvyqE1nl

⁴ International Covenant on Economic, Social and Cultural Rights. Accessed November 22, 2020 <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

⁵ General Comment No. 13: The Right to Education (Art. 13 of the Covenant). 1999. Accessed November 22, 2020. <https://www.refworld.org/docid/4538838c22.html>

education, Article 13 (2): The right to receive an education - expands on what each of this term includes in itself:

(a) *Availability*. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology;

(b) *Accessibility*. Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:

Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31-37 on non-discrimination);

Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g., a neighborhood school) or via modern technology (e.g., access to a “distance learning” programme);

Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education. “The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfil. In turn, the obligation to

fulfil incorporates both an obligation to facilitate and an obligation to provide.” (General legal obligations under Article 13 (ICESCR)⁶.

As a member state of The International Covenant on Economic, Social and Cultural Rights the Republic of Armenia obliged to protect (accessibility) by eliminating discrimination, providing access to distance learning programs, and making education affordable to all. Also, according to the Convention Armenia is expected to fulfil (facilitate) the acceptability of education by taking measures to ensure that education is a good quality for all the children. Furthermore, it is responsible to fulfil (provide) the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of the displaced students as well as and fulfil (provide) the availability of education by actively developing a system of schools, delivering programs, training teachers and paying them domestically competitive salaries.

Facts were also assessed in light of the human rights guarantees under the domestic law of the Republic of Armenia with the purpose to study to what level the state fulfilled its obligations and duties regarding the right to education of displaced children from Artsakh. Article 6.2 and Article 6.6 in the Law of the Republic of Armenia on Education⁷ states that “The Republic of Armenia should ensure the right to education through regular operation of the education system and creation of social and economic conditions for receiving education” as well as creating “special conditions for education and for ensuring social adaptation.” Moreover, the Article 5 about the principles of state policy in the field of education states “Accessibility, continuity, successive nature of education and its compliance with the level of development, characteristics and level of proficiency of learners by ensuring the state mandatory minimum.”

⁶ The United Nations. Economic and Social Council. Committee on Economic, Social and Cultural Rights. 1999. *Implementation of the International Covenant On Economic, Social And Cultural Rights General Comment No. 13*. Accessed January 9, 2021. <https://cutt.ly/PjzsyOV>

⁷ Ministry Of Justice of The Republic Of Armenia. *Law of the Republic Of Armenia*. Accessed January 9, 2021. <http://www.scs.am/files/law-on-education-2019.pdf>.

Findings and Analysis

Pattern 1: Lack of crisis management policy

The first issue is the lack of educational crisis management policy which includes a coordinated institutional approach towards displaced children from the Republic of Artsakh in Armenia. The pandemic and after war challenges showed that a crisis management policy in education is highly needed in Armenia. This issue should be discussed in terms of general school education in Armenia as well as school education of displaced children from Artsakh because both groups are affected by the lack of crisis management in education.

In October when the first wave of displaced people of Artsakh arrived in the reception centers, children were not provided with access to education. All the age groups would have non-formal education classes together and usually just one class per day. This created a problem for children when they went back to school as they missed a lot of classes and were behind the school program. Also, in the same period, a lack of technical equipment and the internet was a significant problem for these children. Later by the request of the Ministry of Education reception centers were obliged to send the children to schools, but in some places, transportation was an obstacle as the centers were outside of cities and children remained out of school. These issues certainly define a violation of rights to education regarding its availability and economic accessibility because education has to be affordable to all.

Lack of coordination also revealed one of the systematic problems in Armenian school education: no research and data on how many children drop out of school. Children can stay out of school, but the state does not follow those children. To date, there is no database with exact numbers of school dropouts in Armenia. One of the reasons is that social policies are not developed in local municipalities, which are mostly responsible for gathering and sending data to the Ministry. Local authorities justify it by the lack of social workers and capacity, however, the expert in education, Goharik Tigranyan, claims that the real reason mostly is an unwillingness to work and level of social worker's qualification. This pattern was confirmed by the expert with an official position, who noted that as a result of this lack of human resources or unwillingness to work, in many cases displaced children refuse to go to school in Armenia, saying that they will wait till the moment when they are back to Artsakh. This indirectly indicates the lack of work conducted by

social workers and psychologists. Because there is no data on how many displaced children from Artsakh are staying out of school, no work is done to guide those children back to school.

Also, lack of professional psychological assistance has to be addressed in time otherwise children might face long-term mental complications. Larisa Alaverdyan, the first Human Rights Defender of the Republic of Armenia, observed Artsakh people who became displaced 32 years ago and knows at least two people among them personally who still suffer from psychological damage which also affected their educational performance at school. The number of people who suffered from post-traumatic disorder after previous wars in Armenia and data on how it affected their school performance is unknown.

Furthermore, Shushanik Papazyan a volunteer at one of the shelters in Armenia mentioned that in their shelter all the work is being done by volunteers and they do not have social workers, psychologists, and teachers who could provide professional help to those people. This means that children and their parents do not receive any assistance and are not being provided help from the state.

Thus, even though Armenia provides an opportunity to attend a school, there is no systematic institutional approach and coordination towards displaced children from Artsakh in Armenia. According to Article 13 of The International Covenant on Economic, Social and Cultural Rights, adaptability is one of the essential features of education and “has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural setting.” Armenian officials do not fulfill adaptability criteria by creating coordinated solutions for children from Artsakh, which will take into account training of social workers, access to psychological assistance, as well as providing numbers of dropouts among them which will help to provide effective help to them and guide back to school.

Pattern 2: Socio-Economic condition of families.

Socio-economic conditions of families are very important and it includes employment and income. Those factors, according to the first Human Rights Defender of the Republic Armenia Larisa Alaverdyan who in the 90s was working in the National Assembly with her colleagues and did on-site work in Artsakh, social and economic problems that displaced children's parents were facing also affected them. As displaced families were mostly staying with their relatives in Armenia, or finding houses on their own their children were being deprived of receiving education for a year. Regarding this issue, their group of on-site workers did surface research and found out that children between 7-11 ages were quicker to adapt to the new environment rather than teenagers (children above 11). According to her, it was harder for teenagers as they understood their position better and it made it harder for them to integrate or adapt to the new environment in general as they were able to understand what was happening and what situation they were in.

Varduhi who since 1997 worked at Mijnavan city in Artsakh as a teacher said that many families did not even have shoes for their children to send them to school, so of course socio-economic problems of families also affected children who were not able to receive an education. While elaborating more on their cities and their population's socio-economic condition she said that when the city started to be engaged in agricultural work families also started to be able to afford to send their kids to school. In rural areas, this problem is still noticeable, as children are helping their families by working with them in lands while missing classes at school. Moreover, this was also confirmed by an expert who works for one of the state bodies, according to him as many families are staying in shelters in one room 10 or more children can be found and lack of technical equipment is a problem for them. Many families fled to Armenia in a hurry and did not bring much with them which also includes technical equipment such as phones, notebooks, or computers which could be used by children to study.

Article 13 The International Covenant on Economic, Social and Cultural Rights, which Armenia is part of, states that "education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g., a neighborhood school) or via modern technology (e.g., access to a "distance learning" programme)." In this case, these findings indicate that families of students do not have the socio-economic capacity to afford sending their children to school. As most schools switched to distance learning because of the pandemic, the state has an obligation to provide reasonable measure for displaced children from Artsakh to continue

receiving education as their social and economic condition do not let them be fully involved in the education system. Moreover, according to The Law of the Republic of Armenia on Education Article 6 (2) “The State shall ensure the right to education through regular operation of the education system and creation of social and economic conditions for receiving education.” In sum, Armenia fails to fulfill its obligation by ensuring rights to education for displaced children from Artsakh.

Pattern 3: Discrimination and avoidance of grading.

Another issue that displaced children face in Armenia is discrimination. Discriminatory attitude of teachers towards displaced children from Artsakh occurs in the form of non-grading or inflation of the grades. Often displaced children are not asked for their homework and not required participate in the lesson. Also, teachers avoid grading or overestimate grades, which results in low efficacy of school knowledge for the displaced children. The reason for it might be that teachers think that the situation is temporary and it is not worth making an effort to incorporate the new students into the group.

Article 13 The International Covenant on Economic, Social and Cultural Rights, which Armenia is part of, states that “education shall be directed to the full development of the human personality”, but can children develop fully their personality without fundamental school education? Moreover, one of the obligations of the state under Article 13 is to make education accessible which includes non-discrimination. Special topic 37 of broad application regarding Article 13 states that “States parties must closely monitor education - including all relevant policies, institutions, programs, spending patterns and other practices - to identify and take measures to redress any de facto discrimination.”

The expert Goharik Tigranyan brought an example of the ninth-grader who was surprised that he received 9 out of 10 in the French test, even though he had written nothing. Another proof of such an attitude is the words of a fourteen-year-old student from Hadrut who thinks that it is wrong and creates an impression that they have knowledge while they do not:

“In Hadrut if you answer a teacher's question she would say ‘great you are getting 6’, in Armenia when you give the same answer you get 9.”

Although the children will not be able to pass the final tests for their grade, they will not repeat the grade, they will be “dragged” to the next year with a huge gap in their school knowledge. As Goharik noted, parents of displaced children would prefer their kids to repeat the year than passing to the next year without proper knowledge of the school program. However, school administrations do not want to deal with the students repeating the year, and an unofficially accepted attitude among teachers is to give the grade that will let the students pass. Nevertheless, Shushanik Papazyan who is a volunteer at one of the shelters in Yerevan said that displaced children who are registered at school are being graded and in case they decide to go back to Artsakh they can ask for a transcript of their grades that they received in their school in Armenia and use it to apply to a school in Artsakh.

Another respondent, a 12th-grade schoolgirl from Mijnavan, who is currently in Armenia, is graduating from school this year and expressed concern with the approach of teachers at the current school. She complained about the indifference from the side of the teachers. The reason for this could be that last year's high school students, who are going to apply to university, do intensive preparations with paid tutors for exams and school teachers knowing it does not put the effort in teaching. However, many students, and especially displaced children from Artsakh, cannot afford to pay tutors, school teachers are the only people who they can turn to with assistance with their exams. Moreover, they need to cover the topics that they missed because of the war and displacement.

It is not clear whether the Ministry of Education in Armenia is aware of the discrimination, exclusion from the learning process by non-grading approach of teachers and non-participatory classes for them in schools and accepts it as an “easy” way out of the educational crisis, but it is an obvious violation of rights to education of displaced children from Artsakh and it should be addressed by the state. Moreover, the state has an obligation under GC of Art. 13 of ICESCR that states “education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds” which is not being protected. Armenia failed to protect the accessibility of education by ensuring that teachers or school administrations do not stopped children from receiving school education by discriminating, ignoring their needs and using non-grading approach.

Pattern 4: Understaffed schools and unavailability of compulsory school subjects.

One of the “essential features” of GC Article 13 ICESCR is the acceptability of education, which states that “the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g., relevant, culturally appropriate and of good quality)”; however, there is a reasonable doubt, that Armenia fulfills its obligations in terms of providing “good quality” school education for displaced children from Artsakh.

Our findings reveal the lack of compulsory classes in the curriculum. For example, in Tsaghkadzor children had only French as a foreign language, but back in Artsakh, they had English and Russian as foreign languages. However, in Armenia, they have to participate in those French classes without any other alternative. This pattern was confirmed by the 11th grade schoolboy from Martakert, who is currently in Gyumri, who complained to us that they do not have chemistry and biology classes, biology is his favorite class and he was upset about not having it at the Gyumri’s school.

These findings indicate such issues at schools of Armenia as understaffed schools and they lack compulsory school subjects. Armenian schools do not have enough capacity to hire more staff, as a result, teachers either teach more classes than they qualified for or there are no classes of the particular school subject at all. Low salaries, as well as simultaneous teaching curriculum, make teachers look for a different career path. Displaced students do not have the opportunity to take classes that they had in their hometowns, their curriculum is not complete and does not meet the needs of these children. Thus, the Armenian government violates the acceptability of education from Article 13 ICESCR and does not fulfill its obligation by providing “good quality” school education for displaced children from Artsakh.

Pattern 5: Lack of social integration policy

An issue of social integration is not directly affecting rights to education, but it's one of the patterns that consistently arose in our observations and which indirectly reduces the accessibility of education for children from Artsakh. In the Law of the Republic of Armenia on Education Article 6.6, one of the State guarantees for the right to education states "The State shall create necessary conditions to receive education in line with the peculiarities of development of citizens in need of special conditions for education and for ensuring social adaptation."

Displaced children from Artsakh are ethnic Armenians, however, differences in the dialect separate those children from their classmates and if there is one more child from Artsakh in a class, they often communicate only with each other. Also, discriminatory attitude of teachers creates tension among classmates, when other children see that a displaced child receives high grades without putting any effort. A 12th-grade schoolgirl from Mijnavan admitted that communicates mostly with her peers from Artsakh, who are not attending the same school but are easier to communicate with. She did not mention any discrimination from the side of her Armenian classmates, but she prefers to spend time in the group of other displaced children from Artsakh.

Thus, "social adaptation", which is one of the conditions that Armenia promises in its legislation, but does not fulfill its obligation to "create necessary conditions." Although this problem needs long monitoring to assess the extent that this discrimination pattern occurs in Armenian schools, it is worth mentioning that a lack of social integration policy for displaced children affects their willingness to attend school and participate in the educational process.

Conclusions

Taken together, these findings show that the republic of Armenia does not fulfill its responsibility to ensure the right to education for the displaced children of Artsakh.

First of all, lack of crisis management policy with coordinated effort to accommodate the educational needs of the displaced children shows that Armenia did not fulfill the criteria of adaptability, one of the essential features of the right to education according to Article 13 ICESCR. "Education has to be flexible so it can adapt to the needs of changing societies and communities", while the education system in Armenia is not flexible enough and reacts too slowly to events such as COVID-19 and in this case needs of the displaced children from Artsakh.

Another problem is the lack of social-economic resources, which affects the accessibility of school education for displaced children. Discrimination and non-grading approach are also reducing the accessibility of education for those children. It means that the state failed to protect accessibility by eliminating discrimination, providing access to a distance learning program, and making education affordable to all.

Understaffed schools and the unavailability of some compulsory school classes do not fulfill the acceptability criteria of education, because the state does not meet the criteria it is required in GC of Article 13 ICESCR. And finally, the state does not fulfill its obligation as assigned in domestic law, by creating "special conditions for education and for ensuring social adaptation" for the displaced children of Artsakh, which should be addressed by creating social integration policy.

General legal obligations under Article 13 ICESCR (46) state that "The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfill. In turn, the obligation to fulfill incorporates both an obligation to facilitate and an obligation to provide."

In this fact-finding report, evidence shows that there are reasonable grounds to believe that displaced children's rights from Artsakh under The International Covenant on Economic, Social and Cultural Rights Article 13(2) and General Comment No. 13: The Right to Education (Art. 13 of the Covenant) are being violated because the state does not fulfill its obligation to facilitate the acceptability of education by taking positive measures to ensure that education provided to the displaced children of Artsakh has a good quality. Secondly, the state does not protect the

accessibility of education by ensuring that teachers or school administrations do not stop children from receiving school education by discriminating, not integrating and not grading them fairly.

Appendix: Summary of Interviews

Interview 1- A former teacher from Artsakh

On December 15, 2020, fact-finders conducted an interview with Varduhi who was a teacher from Mijnavan city, Kashatagh Province, the Republic of Artsakh and who is currently in Armenia. She lived and worked at school from 1995 till now. Furthermore, their city was being repopulated and renovated in 1995 and in 1997 the school in Mijnavan was already working, however, they lacked professional staff and anyone who had the knowledge about that subject was teaching. Since the 2000s the school has started to have professional staff. Also, she mentioned the lack of professional staff in Artsakh and admitted that they had hired anyone who had any knowledge in required school subjects and so they often had a situation where one person was teaching two or three subjects but was not a professional. As their city as a result of the last war is captured by Azerbaijan so she mentioned how teachers managed their classes during the 4-day war in 2016 “Of course they had problems, but teachers are also psychologists so they managed to enter classes and do their job.”

As she worked at Mijnavan’s school from the very beginning, she told us mostly about the difficulties that people living there had and the school itself, she did not share her personal story.

Interview 2 - School student

On December 21, 2020, the interviewee was a 12th grade schoolgirl from Mijnavan city, Kashatagh Province, who currently lives in Saratakum village, Shirak region, Armenia, and goes to school at Hororm village which is next to their village, As she is graduating from school this year, she mentioned that in her current school teachers are not paying much attention to them for that reason which she thinks is wrong, as even though they are graduating they are still students and they need attention. Also, the respondent had difficulties with social integration. The decision to give an interview was fully the respondent’s, she was not accompanied by parents or teachers. The respondent agreed to provide her full name for the report, however, the names of minor interviewees are not used in the present report.

Interview 3 - School student

On December 27, 2020, an interview with a 9th grade schoolgirl from Hadrut who is currently in Vedi, Armenia, she is graduating from middle school in 2021, was carried out. She complained about an inadequate grading system, which as result leaves gaps in their school education. In Armenia they have classes not every day and are divided into groups who are going to school by turns. At the beginning it was strange and difficult to adapt to the new environment and school, but by time it became easier. There is a difference with the book's year of publication and they had a little bit different content, however it was not a serious problem. In Hadrut, according to her students were more intelligent because teachers were stricter. For example, if here for the same answer they are getting 9 out of 10, but in Hadrut they were getting 6 out of 10. She complained that this is wrong as this makes students think they have the knowledge that they do not. The decision to give an interview was fully the respondent's, she was not accompanied by parents or teachers.

Interview 4 - School student

On December 27, 2020, an interview with a 11th grade schoolboy from Martakert, Artsakh currently in Gyumri, Armenia was carried out. His contact information was given to our fact finding group by the Gyumri's boarding school's coordinator who mentioned specifically this boy when we asked for cooperation, which made us have doubts that she may also have had influence on him, and during the interview he was repeating the same sentence for all questions that "we are satisfied by the help that we are getting, there are no problems, I do not have any complains", however we decide to use his testimony for the pattern regarding the professional staff. The only thing that he lacks is chemistry and biology classes, because in Gyumri's boarding school they do not have those classes. He also said that he is okay with using his name, however, he would prefer if his name would not be used on the report.

Interview 5 - Experts

On November 18, 2020 with the Public relation's officer at Ombudsman's office Nora Allahverdyan, and on November 22, 2020 with Larisa Alaverdyan the First Human Rights Defender of Armenia interviews were carried out. Larisa Alaverdyan as an expert also did insight

work during the first war, and they both as experts and state body workers had access to different sources. They both claimed that in the 90s textbooks' content in Artsakh was changing quickly. However, for those children who were coming from for example Sumgait it was easier to adapt to new textbooks and schools as most of the schools were Russian in Armenia, so for them Russian was easier to talk and communicate and they were going there to continue their education, but for children coming from the region like Shahumyan where Armenian was the main language mostly, they were choosing to go mostly to Armenian schools as it was easier for them. Moreover, Nora Allahverdyan stated that in that period many Russian schools were being shut down, so it created problems for those refugees coming from Azerbaijan. Also, there were NGOs where teachers were doing special language classes with children and their parents as they were having communication problems because of not being fluent in Armenian.

According to Alaverdyan there is an issue that is not fully solved until now. It is the school and university diploma recognition. As Artsakh is not a recognized state, those high school graduates who want to continue studying abroad are still having difficulties with applying and proving that they received formal education.

Interview 6 - An Expert

On December 18, 2020, an interview with an expert, who works in an official position and preferred to keep his identity confidential, was held. The expert gave an overview of systematic issues of displaced people from the Republic of Artsakh regarding the legal status of the displaced people, reception centers conditions, lack of qualified social workers. The expert is currently doing insight work on the report in Artsakh and has access to different state information resources. He was concerned about the low level of awareness of people who are assisting the displaced people, which results in a lack of accessible information, for example, the procedure of applying for a school. Lack of human resources is also an issue, which results in the involvement of unprofessional staff and volunteers who are not competent in providing all needed information. As a result, in many cases displaced children refuse to go to school in Armenia, saying that they will wait till the moment when they are back to Artsakh.

As he holds an official position in one of the state's bodies, and they are currently doing fact-finding work, the information that he shared with us was mostly used to confirm the patterns,

and parts from this interview that could also be interpreted as political statements were not used for our fact-finding report.

Interview 7 - An Expert

On January 6, 2021 an interview with Goharik Tigranyan who is a researcher on the Right to Quality Education at Institute of Public Policy was carried out, she also had experience of teaching in shelters for displaced people from Artsakh of Yerevan, Gyumri, and Tsaghkadzor. The expert admitted that Armenian government prioritises acceptance and placing students from Artsakh to schools, telephone hotlines organised by the Ministry of Education and the Ministry of Labour and Social Affairs for parents to clarify questions regarding schooling. Despite some schools being overcrowded and understaffed, an unofficial request from the government is to accept every child from Artsakh. The biggest concern of the expert is the lack of crisis management policy:

“We totally need anticrisis policy for education otherwise there is a danger of losing the whole generation and facing a problem of the uneducated generation.”

Schools are not independent in their decisions. High school is under the control of the Ministry of Education, Science, Culture, and Sport. Primary and secondary school is under control of regional governmental bodies (in Armenian marzpetaran, or hamaynqapetaran). However, most decisions are made by the Ministry of Education or after consultation with it. Lack of human resources, capacity and goodwill are the most consistent issues in the regions. Also, the expert emphasized that there is no research and data on how many children drop out schools. Children can stay out of school, but the state does not follow those children.

The most concerning issues in terms education of displaced children are discrimination along with avoidance of grading and unavailability extracurricular classes. Goharik noted, parents of displaced children would prefer their kids to repeat the year than passing to the next year without proper knowledge of the school program. However, school administrations do not want to deal with the students repeating the year and an unofficial accepted attitude among teachers is to give the grade that will let the students pass. Besides, she mentioned that children have social integration problems, often because of the differences in the dialect, children from Artsakh in Armenian schools prefer to communicate with other displaced children from their region.

Goharik Tigranyan as an expert and researcher is also doing her own fact-finding mission, so everything she shared with us during the interview was also based on information that she collected while working in shelters with children.

Interview 8 - Non-formal education teacher and volunteer

On January 9, 2021 an interview with Shushanik Papazyan, a volunteer who worked in a shelter located in Yerevan was carried out. She is a journalist who when the war broke out decided to find a place where she can help and with the help of friends got into this shelter. As she was the one from all volunteers who was staying in the shelter longer, she later started to be the responsible body of this shelter. Her responsibilities were to assess their needs, do classes with children and so on. She mentioned difficulties for children to communicate with other children at school and that at school they are mostly staying within their group of displaced children from Artsakh. From October to mid-November children did not go to school and had classes in non-formal format in shelters with volunteers who were not professionals to teach school subjects.

“For children with special needs who had problems with communication it was harder as when they went to school teachers were not showing understanding they were saying that if we are giving homework you should manage to do it.”

Shushanik mentioned that children for a few months did not have classes in Artsakh too, as when they switched to distance learning because of Covid-19 the internet connection in Artsakh is bad so they could not have proper classes. Furthermore, she mentioned the bullying problem at Armenian schools that is not only in student-student relationship but also in teacher-student relationship. For this she mentioned the case of one of the students that has special needs and the teacher hit the child for reading slowly in Russian as everyone besides this child in the class was reading fast. So, they went to school talked with teachers and after that the attitude towards this student changed, however according to her words it is because they feel threatened and not because they realized that bullying and discrimination is wrong.

This shelter is not founded by the state, but by individuals and they did not receive any funding or support from the state. The shelter did not have any professionals assigned such as: teachers, social workers or psychologists who would work with parents and children. Children were provided with stationery products by an individual initiative charitable organization called

Project Hope and the help provided by them was enough for everyone so they decided to send these children to nearby schools. Also, Project Hope organized non-formal classes for children in this shelter. During the day for 2 hours everyone together was doing some school exercises and so on, however, they were also not professionals.

Regarding the grading system for displaced children, Shushanik mentioned that they are not being registered in class's regular book and there is a separate one for them, however as they are being graded and if they decide to go back to Artsakh, they can take a transcript of grades with them. She had this experience where children took their grades from their school in Armenia as an official document with them to their permanent school in Artsakh.

Shushanik Papazyan, as a volunteer who worked at shelter shared stories that happened not with her, but with children and were told to her by children themselves, moreover as a responsible body for the shelter she also monitored the situation for children at school, and provided her answers based on them.

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