



CENTER FOR LAW AND JUSTICE
“TATOYAN” FOUNDATION
HUMAN RIGHTS OMBUDSMAN OF ARTSAKH



JOINT REPORT



CHILDREN OF ARTSAKH IN AZERBAIJANI BLOCKADE: INFLECTING SUFFERINGS BY ETHNIC CLEANSING (EVIDENCE-BASED ANALYSIS)

YEREVAN AND STEPANAKERT
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INTRODUCTION AND OVERVIEW OF THE SITUATION IN ARTSAKH BECAUSE OF THE LACHIN CORRIDOR BLOCKADE

“We envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation.”¹

***Resolution adopted by the UN General Assembly on 25 September 2015.
Transforming our world: the 2030 Agenda for Sustainable Development.***

Since December 12, 2022, at around 10:30 am (GMT+4), a group of Azerbaijanis in civilian clothes, presenting themselves as alleged “environmental activists” blocked the only road, Goris – Stepanakert Highway, which passes through the Lachin (Berdzor) corridor connecting Artsakh (Nagorno-Karabakh) with Armenia and the outside world. The so-called “eco-protest” with the documented participation of the Azerbaijani state-sponsored special services agents is proved to be fully orchestrated by the Azerbaijani government.² As a result, the ongoing blockade has brought to the physical obstruction of the sole road of life of Artsakh, leaving its entire population in a state of total isolation, facing massive violations of fundamental human rights, as well as multifaceted existential and security threats. Thus, for almost 3 months, 120,000 people, including 30,000 children, have found themselves in a complete blockade with no access to basic necessities, essential goods, services, medication, foodstuffs, fuel, and, most importantly, with no right to move in and out of Artsakh freely.

Along with the ongoing blockage of the Lachin corridor, Azerbaijan has also deliberately disrupted the operation of the most critical infrastructure of Artsakh with the aim to further aggravate the already dire humanitarian crisis and cause excessive human

¹ “Resolution adopted by the General Assembly on 25 September 2015. Transforming our world: the 2030 Agenda for Sustainable Development.”, the General Assembly of the UN, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement>

² “The Azerbaijani government’s “eco-activist” agents who blockaded the only road of life connecting Artsakh to Armenia and the outside world”, Center for Law and Justice “Tatoyan” Foundation, Human Rights Ombudsman of Artsakh, https://tatoyanfoundation.org/wp-content/uploads/2023/02/ECO_ACTIVISTS_22.02.2023V2.pdf?fbclid=IwAR3CUadchpJxZPX51cozPuZyGoVEaP1JeNn1dRbZDigg1hOJOgs8spUNaL4

sufferings to the Artsakh population. Throughout the blockade, the sole gas pipeline (since December 13, 2022), the main high-voltage electricity line (since January 9, 2023) and the sole fiber-optic cable (since January 12, 2023) supplying Internet connection from Armenia to Artsakh have been intentionally and numerous times damaged by Azerbaijan, which continues to deny access to the accident sites to Artsakh representatives in order to conduct repair work. Since the start of the blockade, Azerbaijan has disrupted the supply of the natural gas from Armenia to Artsakh for 10 times, while 27 incidents of the pipeline's gas volume disruptions by the Azerbaijani side have been recorded.³ As we have earlier witnessed similar acts of Artsakh's infrastructure targeting by the Azerbaijani side (February-March 2022), the disruption of the critical infrastructure of Artsakh by Azerbaijan has become an integral part of its ethnic cleansing policy directed at the peaceful civilian population of Artsakh, which immediately affects the most vulnerable groups of the society, particularly children.

The criminal act of Artsakh's blockade by Azerbaijan has substantially affected the normal life support of the children of Artsakh. Due to the absence of proper conditions for heating in cold winter weather, absence of necessities for cooking hot meals, lack of nutritious food supplies for organising school feeding, the educational process in Artsakh has been paralyzed, as all the educational institutions of Artsakh had to suspend their activities until further notice. As a result, the fundamental right to education of 20,000 children of Artsakh is being grossly violated by the criminal policy of Azerbaijan. Moreover, due to the continuous disruption of the critical infrastructure of Artsakh, the medical and social institutions of Artsakh are unable to provide primary care to children in a proper manner, which negatively affects their wellbeing and mental state.⁴ Coupled with the general shortage of nutritious food supplies in Artsakh, the public health of the entire population is under serious threat, primarily endangering children's health.

Amidst the rapidly unfolding humanitarian crisis in Artsakh, Azerbaijan uses all possible leverages and ways to terrorise and intimidate the peaceful civilian population of

³ "Azerbaijan is stealing gas? Explanation", Artsakh Press, https://artsakhpress.am/arm/news/177384/?fbclid=IwAR3dL-AO-tPs-YRCqV3l1fmcrlNVAAzY0sTDJK5f_YjEeAjkWnCNRDnQA

⁴ "Interim Report on the violations of the human rights of Artsakh people as a result of the deliberate disruption of critical infrastructure in the midst of the blockade of Artsakh by Azerbaijan", Human Rights Ombudsman of Artsakh, <https://artsakhombuds.am/en/document/987>

Artsakh already under blockade, including children, inflicting further suffering on them, with the aim of their total destruction and eviction from their native land – the end goal of the decades-long systematic and consistent policy of Armenophobia, ethnic cleansing and genocide led by Azerbaijan.

The following report aims at presenting the most pressing effects and consequences of the ongoing Azerbaijani blockade of Artsakh on its children's fundamental rights, *inter alia*, the right to proper healthcare, the right to family reunification, the right to freedom of movement, the right to proper nutrition and the right to education.

1. VIOLATIONS OF CHILDREN’S RIGHT TO HEALTH DUE TO THE AZERBAIJANI BLOCKADE OF THE LACHIN CORRIDOR

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, a clean environment and education on health and well-being so that children can stay healthy.

The right to health is a universal human right recognized by international law. In particular, the 1948 Universal Declaration of Human Rights mentioned health as part of the right to an adequate standard of living (Article 25). The right to health was again recognized as a human right in the 1966 International Covenant on Economic, Social and Cultural Rights. The right to health is also enshrined in Article 12 of the International Covenant on Civil and Political Rights⁵ and specifically, the right of the child to health is guaranteed by Article 24 of the UNCRC⁶.

The realization of the right of the child to health is indispensable for the enjoyment of all other rights in the UNCRC. The survival, protection, growth and development of children in good physical and emotional health are the foundations of human dignity and human rights.

The main international instrument for the promotion and protection of the rights of the child is the UNCRC, that applies to children in all circumstances. Children everywhere, whether in the developed world, in developing countries or in conflict zones, are entitled to the same protection of their rights, including the right to health. In conformity with article 1 of the UNCRC, the right of the child to health applies to any human being below the age of 18.

Beyond UNCRC and the Optional Protocols thereto, all other core human rights treaties with health-related provisions apply to both adults and children and, as such, constitute additional sources of guidance for fulfilling the right of the child to health.

These include, inter alia, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the conventions of the International Labour Organization (ILO) relevant to child

⁵ “International Covenant on Civil and Political Rights”, UNCHR, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁶ “Convention on the Rights of the Child”, UNICEF, <https://www.unicef.org/child-rights-convention/convention-text>

labour, namely the Minimum Age Convention, 1973 (No.138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

In article 24 of the UNCRC, State parties to the Convention recognize the right of the child to the enjoyment of the highest attainable standard of health and strive to ensure that no child is deprived of his or her right of access to health-care services. Moreover, State parties are required to take appropriate measures to diminish infant and child mortality, to ensure appropriate prenatal and postnatal health care for mothers, and to combat disease and malnutrition.

The right to health includes socioeconomic factors and determinants such as food, nutrition, housing, and access to safe and potable water, adequate sanitation, safe and healthy working conditions, and a healthy environment⁷.

The UNCRC recognizes the interdependence and indivisibility of all the rights contained therein; the realization of the right to health is therefore indispensable for the enjoyment of all the other rights, and achieving the right to health is dependent on the realization of many other rights in the Convention. If a child is ill and does not have access to health-care services, the child cannot go to school and his or her right to education will be effectively denied⁸.

While the UNCRC does not specify the exact range of services to which children should have access, ***it requires States to ensure the provision of necessary medical assistance and health care with an emphasis on the development of primary health care.***

The experts of the Committee on the Rights of the Child, who monitor the UNCRC's implementation and interpret the various different children's rights, see the right to health as an inclusive right in line with the WHO Constitution that should allow children to grow and develop to their full potential and live-in conditions that enable them to attain the highest standard of health⁹. Besides access to essential health care services, they also highlight the importance of children's mental health and the need to give special attention and protection

⁷ Committee on Economic, Social and Cultural Rights, general comment no. 14, paras. 4 and 11; Committee on the Rights of the Child, general comments no. 7, para. 10, and no. 15, para. 2.

⁸ "Council of Europe guidelines on child-friendly health care", adopted by the Committee of Ministers on 21 september 2011 at the 21st meeting of the Ministers' Deputies. Available with the following link: <https://rm.coe.int/168046ccef>

⁹ Committee on the Rights of the Child, general comment no.15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art.24).

to children at risk because of their family or social environments and to children affected by humanitarian emergencies.

Article 24 of the UNCRC guarantees the right of the child to the enjoyment of the **highest attainable standard of health and commit to ensure that no child is deprived of his or her right of access to health-care services. Such an approach to health situates the realization of the right to health within the broader framework of international human rights obligations. The notion of the “highest attainable standard of health” takes into account both the child’s biological, social, cultural and economic preconditions and the resources available to the State, supplemented by resources made available by other sources, including non-governmental organizations, the international community and the private sector**¹⁰.

According to the resolution 19/37 of the Human Rights Council of the UN General Assembly on the rights of the child, all states are obliged to take all necessary measures to ensure that the right of the child to life, survival and the enjoyment of the highest attainable standard of physical and mental health is promoted and protected, without any kind of discrimination and to ensure access to adequate food and nutrition, safe drinking water and sanitation¹¹.

a. Key threats to children's health created by the blockade of the Lachine corridor

- The closure of the Lachin Corridor and total blockade of Artsakh led to the deprivation of 120.000 people, including 30.000 children, 20.000 elderly, and 9.000 people with disabilities, of proper realization of the right to health enshrined by abovementioned international conventions.
- The humanitarian situation created by the blockade undermines the capacities of the Artsakh healthcare system to provide proper medical services which in itself leads to the gross violations of the right to health of the entire population including 30,000 children.

¹⁰Available with the following link: <https://documents-dds-ny.un.org/doc/undoc/gen/g12/185/38/pdf/g1218538.pdf?openelement>

¹¹Available with the following link: <https://documents-dds-ny.un.org/doc/resolution/gen/g12/131/73/pdf/g1213173.pdf?openelement>

- The healthcare system of Artsakh is closely integrated with the healthcare system of Armenia. Before the blockade, a number of surgeries, which are impossible to perform in the medical institutions of Artsakh, were performed in the Republic of Armenia. A large number of these surgeries are medical interventions vital for children's health. As a direct result of the Azerbaijani blockade of Artsakh, during the first days of the blockade the transfer of children in critical health condition for urgent treatment and hospitalization in the medical centres of Armenia has become impossible. However, through the mediation of the International Committee of the Red Cross, during the following days of the blockade, an opportunity was created to transfer patients in critical condition, including children, to the Republic of Armenia. Until today, a total of 5 children have been transferred from Artsakh to Armenia with the accompaniment of the ICRC.
- According to the information recorded by the Artsakh Human Rights Ombudsman's Office and the "Tatoyan" Foundation, there are children in the children's hospital who, according to the doctors' instructions, should receive further medical care in various medical institutions of Armenia, but at the moment they are deprived of that opportunity, because the Azerbaijani side often hinders the Red Cross's work in this direction.
- The Artsakh Ministry of Healthcare invites specialists from the Republic of Armenia and abroad to provide prophylactic examinations to children, as well as to provide various specialized medical care. However, as a result of the blockade, it became impossible for them to visit Artsakh.
- There are many children suffering from heart and respiratory diseases, as well as those with Familial Mediterranean fever and rheumatological diseases, who receive periodic examinations and treatments in various medical institutions of the Republic of Armenia, but they have been deprived of the opportunity to receive proper medical care due to the closure of the Lachin corridor.
- In several medical centres, as well as in special professional centres, dental services, due to the impossibility of obtaining appropriate drugs and medicines, have been suspended.
- Another problem that threatens the life and health of children is the suspension of planned operations due to the blockade. From the surveys conducted with doctors,

information was received that during the blockade, more than 200 children were supposed to undergo planned surgery, but due to the created situation, they were deprived of that opportunity. It should be noted that as a result of not receiving the necessary medical care on time, that is, being deprived of the opportunity to undergo surgery, their health condition worsens, which can lead to irreversible consequences.

- During the two months of the blockade, the average percentage of children vaccinated against various diseases has decreased compared to the previous period, which poses long-term risks to ensure proper health of children.
- During the blockade, Azerbaijan regularly deliberately disrupts the normal operation of the only gas pipeline coming from the Republic of Armenia to Artsakh, and from January 9, 2023, Azerbaijan also prevents the restoration of the high-voltage electric wire coming from Armenia to Artsakh, which was damaged in the territories controlled by Azerbaijan. In cold weather conditions, this causes serious problems for medical institutions as well. Medical facilities, including Stepanakert Mother and Child Health Care Center and Stepanakert Arevik Children's Hospital, are mainly heated with gas. Due to the lack of gas supply, nursing homes are unable to provide the necessary heat in the wards and very often patients are forced to be discharged from the hospital to organize home treatment.

Ensuring universal access for all children is only the first step in taking a rights-based approach to child health. Moreover, children's rights in health care deserve special attention as evidence shows that health services are not able to properly react to their specific needs.

In order to make the situation clear, several examples of real stories are discussed below. The cases were documented by the fact-finding activities of the Artsakh Human Rights Ombudsman's Office.

Story 1:

Armine (not her real name) has an oncological disease and is being treated in Germany. Finished a course of treatment and were supposed to go to Germany again in December. The mother, Karine (the name is again not real), says that due to the blockade, they cannot leave the country, and the treatment is delayed. The condition of the child is getting worse and worse, which creates serious threats to life.

Story 2:

The Human Rights Ombudsman of Artsakh received an alert regarding the termination of children's dental medical services, in particular, 6 years old Samvel had a severe toothache, it was not possible to organize a dental service due to the lack of medicine and other medical resources.

The problem of not getting the necessary medical service is more worrying in the conditions of shortage of children's antipyretic drugs, such as NUROFEN.

Story 3:

The doctors informed the Staff of Human Rights Ombudsman that during the blockade there was a case that they had to undergo a surgery to save the life of a one-day-old child. The child was born with a diaphragmatic hernia congenital defect. He was immediately transferred from the maternity hospital to the children's hospital and underwent surgery under the remote supervision of Yerevan doctors.

b. Lack of essential drugs and medicines

The UN Commission on Life-Saving Commodities for Women and Children (hereinafter the Commission) takes on the challenge outlined in the UN Secretary-General's Global Strategy for Women's and Children's Health of saving lives through improving equitable access to life-saving commodities. The Commission was convened in response to the current unacceptable situation where millions of women and children die from medical conditions that could have been cheaply and easily prevented and Strengthening Equity and treated through access to existing medicines and other health commodities. The Commission set out to define a priority list of 13 overlooked life-saving commodities (See Table 1) for women and children

and, through identifying key barriers preventing access to and use of these commodities, recommend innovative actions to rapidly increase both access and use¹².

Table 1: 13 commodities prioritized by UN Commission on Life-Saving Commodities for Women and Children

Maternal health commodities
1. Oxytocin (for post-partum haemorrhage)
2. Misoprostol (for post-partum haemorrhage)
3. Magnesium sulphate (for eclampsia and severe pre-eclampsia)
Newborn health commodities
4. Injectable antibiotics (for newborn sepsis)
5. Antenatal corticosteroids (for preterm respiratory distress syndrome)
6. Chlorhexidine (for newborn cord care)
7. Resuscitation devices (for newborn asphyxia)
Child health commodities
8. Amoxicillin (for pneumonia)
9. Oral rehydration salts (for diarrhea)
10. Zinc (for diarrhea)
Reproductive health commodities
11. Female condoms
12. Contraceptive implants (for family planning/ contraception)
13. Emergency contraception (for family planning/ contraception)

Supplies of first-aid drugs and medical supplies in Artsakh are running low, and their supply remains impossible. The problem of shortage of medical supplies is particularly noticeable, it is literally impossible to find baby food, children's antibiotics, antipyretics, blood pressure medications, and heart disease prevention medications, as well as baby food and diapers in pharmacies. In this period of active spread of viral diseases, the lack of appropriate medication has a bad effect on children's health.

¹² "UN COMMISSION ON LIFE-SAVING COMMODITIES FOR WOMEN AND CHILDREN" Commissioners Report, September 2012, available with the following link: https://www.unfpa.org/sites/default/files/pub-pdf/Final%20UN%20Commission%20Report_14sept2012.pdf .

Story 4:

In December cold winter conditions, the H1N1 virus spread in Artsakh especially due to gas supply interruptions, which contributed to the spread of the virus. 5-year-old Lilit (not her real name) has had a high fever and cough for a week. Doctors diagnosed that the girl was infected with the H1N1 virus and developed pneumonia. An antibiotic (Amoxicillin), which has run out in pharmacies, is crucial and mandatory for the treatment of the child.

Story 5:

Maria (not her real name), a 24-year-old mother of 5 months old Sona (not her real name either), said: "How should I, as a young woman who has just started a family, feel when instead of enjoying the warmth and love of my family and my child, I have to think about how to prevent my child from getting cold and where to get food for her? With temperatures as low as - 6 degrees Celsius since the start of the New year, the immunity systems of babies and children are being compromised".

c. Violation of the right to mental health

Article 6 of the Convention on the Rights of the Child (UNCRC) provides that States Parties shall ensure to the maximum extent possible the survival and development of the child. The right to survival and development is not limited to a physical perspective but about promoting a life of right quality compatible with the dignity of the child. The concept of development as applied to children is not simply about preparing a child for adulthood but requires the provision of optimal conditions in the child's life at all times during childhood.

The right of development refers to a level of health and development of the individual child which enables to the child to benefit from the exercise of all the other rights of the child. It is obvious that this must include the child's mental health. According to the definition of the World Health Organization (WHO), i.e., "a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community".

Not only the UNCRC enshrines children's right to mental health, but also Article 8 of the European Convention on Human Rights. Article 8 of the European Convention on Human Rights defines the right to respect private life, which also includes the concept of mental health. The ECtHR has repeatedly emphasized that the concept of respect for private life includes respect for the “physical and psychological integrity of a person”. In *Bensaid v the United Kingdom*, the ECtHR observed as follows: “Mental health must also be regarded as a crucial part of private life associated with the aspect of moral integrity. Article 8 protects a right to identity and personal development, and the right to establish and develop relationships with other human beings and the outside world. The preservation of mental stability is in that context an indispensable precondition to the enjoyment of the right to respect for private life”.

In this context, it is also surely arguable that Article 8 will require the state not only to desist from actions which would have an adverse impact upon an individual child’s mental health to such an extent that such actions may be said to be a disproportionate interference in the child’s right to respect for private life but to take positive steps to promote mental health in circumstances where mental health is a crucial aspect of a child’s article 8 right to respect for private life.

The blockade of Artsakh has psychological effects on children. The children's previous daily life has changed because they are in a crisis and have to adapt to these conditions. They no longer have the opportunity to visit kindergartens as usual, because they were closed due to the lack of food and hygiene supplies.

All entertainment and food service facilities were closed, depriving children of the opportunity to feel happy.

Due to the low power supply, the Government of Artsakh implements temporary power outages with the 6-hours schedule, as a result of which children often have to organize their homework and play by candlelight.

Frequent power outages are accompanied by the Azerbaijani authorities' temporary interruptions of gas supply, which causes heating problems and children not only get cold and their physical health is endangered, but also contributes to the aggravation of a difficult psychological condition.

Pictures 1 and 2: Children in the kindergarten without gas supply and proper heating



During the monitoring visits of the staff of the Human Rights Ombudsman of Artsakh, it was recorded that the children were in a difficult psychological condition, particularly they were sad, hopeless, depressed and exhausted.

They do not understand the reasons for the blockade and why all the elders are talking about hunger. Moreover, during one of the interviews, 5-year-old Levon (not his real name) said that he does not understand why his mother does not buy his favorite fruits and candies for him.

The Human Rights Ombudsman of Artsakh visited the children in Yerevan. As a result of private conversations with them, it was recorded that although safe conditions are provided for keeping children, there are serious mood drops among some children as a result of being deprived of the opportunity to return home and to see their parents and other family members.

On 17 January 2023, 19 children who were separated from their parents and family for more than a month due to the blockade returned home on the Goris-Stepanakert road. The children returned to Artsakh with Goris-Stepanakert road accompanied by the Russian peacekeeping troops.

In the section under Shushi-Karin Tak, in the cordoned-off part of the road, where are Azerbaijani so-called "eco-activists" and the journalists serving them, the car was stopped. Then, 10-15 Azerbaijanis in civilian clothes, with covered faces and cameras approached the cars, and some of them broke into the car and filmed the children. As a result of the provocative actions of the Azerbaijanis, there was a commotion in the cars and one of the children fainted. After the actions taken by the Russian peacekeepers, they were removed from the cars.

Then, while passing through the blocked section of the road, Azerbaijanis demonstratively *shouted in the direction of the vehicles transporting the children.*

Below the statements of those children are presented:

Story 6.

15-year-old Vladimir (not his real name), referring to that incident, said: "I was terribly afraid of the Azerbaijanis when they approached our car screaming. At that moment, I thought that we will be captured and taken to Shushi. Although I was terribly afraid, I said that no matter what happens, I must return to Artsakh, I must join my family, I must return to the most beautiful city in the world: Stepanakert."

Story 7.

11-year-old Anushik (not her real name), remembering that incident, said: "Listening that I can return to my mother, I was extremely happy, but at the same time, I was afraid that we would have to pass by the Azerbaijanis. That time I told our teacher Ms Grigoryan: we are strong, aren't we; will we be able to reach Artsakh? She encouraged us. When we passed by the Azerbaijanis and saw the lights of Stepanakert, I began to cry. I thought it was a dream."

Table 2: The results of the mental health problems of Artsakhi children

Mental health problems arising in children of Artsakh				
Stress and anxiety		Depression	Behavior problems	Lifestyle changes
Both have increased, reflecting fear of life safety, uncertainty over blockade and school closures, and the challenge of adjusting to the new normal.		There are increases in depressive symptoms and sadness, especially among young children (between 1-7 years). Some of them do not eat anything and do not want to play with anyone.	Blockade fueled an increase in sadness, negativity, irritability and inattention, particularly among children with attention-deficit/hyperactivity disorder (ADHD) and autism. Parents also reported that younger children became clingy and adolescents experienced more conduct problems and disruptive behaviors.	Blockade and school closures meant less exercise and disrupted sleep – all of which are associated to some extent with lower quality of life and increased psychological distress.

2. LACK OF NUTRITION DUE TO THE AZERBAIJANI BLOCKADE OF THE LACHIN CORRIDOR AS A GROSS VIOLATION OF CHILDREN'S RIGHT

According to Article 25 of the Universal Declaration of Human Rights, everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. **The four pillars of food security are availability, stability of supply, access and utilization.** The progressive realization of the right to adequate food requires States to fulfil their relevant human rights obligations under international law.

States have obligations under international instruments relevant to the progressive realization of the right to adequate food. Notably, States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) have the obligation to respect, promote and protect and to take appropriate steps to achieve progressively the full realization of the right to adequate food. **States Parties should respect existing access to adequate food by not taking any measures that result in preventing such access, and should protect the right of everyone to adequate food by taking steps so that enterprises and individuals do not deprive individuals of their access to adequate food.** States Parties should promote policies intended to contribute to the progressive realization of people's right to adequate food by proactively engaging in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. States Parties should, to the extent that resources permit, establish and maintain safety nets or other assistance to protect those who are unable to provide for themselves.

According to the "Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security", if necessary, states should take measures to maintain, adapt or strengthen dietary diversity and healthy eating habits and food preparation, as well as feeding patterns, including breastfeeding, while ensuring that changes

in availability and access to food supply do not negatively affect the dietary composition and intake¹³.

The right to food cannot be reduced to a right not to starve. It is an inclusive right to an adequate diet providing all the nutritional elements an individual requires to live a healthy and active life, and the means to access them. States have a duty to protect the right to an adequate diet, in particular by regulating the food system, and to fulfil the right to adequate food by proactively strengthening people’s access to resources, allowing them to have adequate diets¹⁴.

The evolving nature of child malnutrition demands a global multifaceted response that supports optimal nutrition at every stage of life. The UNICEF Nutrition Strategy 2020–2030¹⁵ sets forth UNICEF’s strategic intent to support national governments and partners in upholding children’s right to nutrition and ending child malnutrition in all its forms. The Strategy supports four nutrition objectives for children, adolescents and women in both development and humanitarian contexts, to prevent undernutrition, micronutrient deficiencies and overweight in early childhood (i.e., the first five years of life), in middle childhood and adolescence (i.e., 5–19 years of age), in women – particularly during pregnancy and breastfeeding – and to prevent low birthweight in newborns, also to ensure the early detection and treatment of wasting and other forms of life-threatening acute malnutrition in early childhood¹⁶.

As mentioned in the Strategy, malnutrition in early childhood can result in lifelong developmental delays or disabilities and can be detrimental to child development and learning, and adult productivity and earning¹⁷.

¹³ See “Voluntary Guidelines: to support the progressive realization of the right to adequate food in the context of national food security”, Food and Agriculture Organization of the United Nations, adopted by the 127th session of the FAO Council November 2004, Rome. Available with the following link:

<https://www.fao.org/3/y7937e/y7937e00.pdf> .

¹⁴ Committee on Economic, Social and Cultural Rights, general comment no. 12 (2009) on the right to adequate food, paras. 6, 9 and 15.

¹⁵ Hereinafter the Strategy.

¹⁶ “NUTRITION, FOR EVERY CHILD” UNICEF Nutrition Strategy 2020–2030, December 2020, available with the following link: [https://www.unicef.org/media/106511/file/%20Nutrition%20Strategy%202020-2030%20\(Document\)%20-%202021%20Edition..pdf](https://www.unicef.org/media/106511/file/%20Nutrition%20Strategy%202020-2030%20(Document)%20-%202021%20Edition..pdf) .

¹⁷ United Nations Children’s Fund Program, “Early childhood development: For every child, early moments matter”, available with the following link: <https://www.unicef.org/early-childhood-development> .

Breastfeeding is one of the first early childhood development interventions; it supports healthy growth and brain development, protects against life-threatening and chronic illnesses and encourages cognitive stimulation and bonding. The complementary feeding period is also a unique nurturing opportunity. Responsive feeding, in which caregivers interact with their children and respond to their hunger and satiety cues, helps improve children's acceptance of food and adequate food intake. By promoting responsive feeding, caregivers stimulate connections in the child's brain and promote cognitive development.

Adequate nutrition and nutritional supplements for pregnant women are critical to ensure healthy fetal and infant development and to reduce the child's susceptibility to infectious diseases in infancy and chronic diseases in adulthood.

Lack of nutritious food, coupled with infection and illness, means their bodies and brains will not develop properly. When children get the right food at the right time their brains and bodies develop the way they should. When this doesn't happen, malnutrition occurs. Ensuring adequate nutrition for infants and young children plays a key role¹⁸. A number of measures could be taken to address child malnutrition, such as providing parents with advice and food and nutritional supplements, promoting access to an adequate and culturally acceptable supply of safe food, and providing complementary and emergency food programs where acute malnutrition threatens or is prevalent.

- From the very beginning of the Artsakh blockade, a number of food types were drastically reduced and subsequently absent, especially almost all types of vegetables and fruits, because they were imported from Armenia, especially in the winter season. Before the closure of the only road connecting Artsakh to the Republic of Armenia passing through the Lachin corridor, 400 tons of essential goods (grain, flour, fruit, vegetables, economic goods, etc.), were imported daily from Armenia to Artsakh. Due to the blockade the supply of these goods was stopped. More than 30 000 tons of vital supplies, which would have been delivered during the period of the blockade, have not reached Artsakh. Only a meager amount has since been delivered by the ICRC and the Russian peacekeeping forces.

¹⁸ "Every Woman, Every Child: Strengthening Equity and Dignity through Health", The Second Report of the independent Expert Review Group (iERG) on Information and Accountability for Women's and Children's Health, 2013, available with the following link:

https://apps.who.int/iris/bitstream/handle/10665/85757/9789241505949_eng.pdf?sequence=1 .

- According to the results of the monitoring carried out by the staff of the Human Rights Ombudsman of the Republic of Artsakh and the Foundation, a shortage of food and basic hygiene items was recorded in the shops. Taking into account the shortage of food and the need to distribute existing state reserves proportionately, a special coupon system has been in effect in Artsakh since January 20, within the framework of which some types of products are sold in a limited volume: pasta, buckwheat, rice, sugar, oil, etc.
- In the case of infants, their mothers need food with appropriate vitamins and breastfeeding, which cannot be provided due to the depletion of food supplies in Artsakh, and the lack of vegetables and other vitamin-containing foods. It is no longer possible to provide mothers with the kind of food that will ensure the necessary amount of breastfeeding.
- In different periods, there was a lack or a severe shortage of baby formula, which led to serious nutritional problems for hundreds of children, but later it was possible to import a suitable batch through the International Committee of the Red Cross and Russian peacekeepers and temporarily solve the problem.
- In the Stepanakert boarding facility, Mother and Child Health Care Center, “Arevik” Children's Hospital, kindergartens, and schools, where children are fed with a special diet, are deprived of the opportunity to eat properly due to the lack of several products (fruits, vegetables, dairy products, sugar, etc.). According to doctors, due to the lack of food rich in vitamins, a decrease or absence of breast milk was also recorded in some
- Moreover, on 29 December 2022, a low-weight child A.S. was born in Artsakh, who, according to doctors' instructions, needs to be fed only with breastfeeding in order to ensure the infant's life. In order to feed the infant, the mother, Mis. Anna, is unable to eat the necessary food (in Artsakh, some foods supply has run out, especially food that provides the necessary milk supply).

Story 8:

On 29 December 2022, a low-weight child Anna (not her real name) was born in Artsakh, she, according to doctors' instructions, needs to be fed by breastfeeding to ensure the infant's life. In order to feed the infant, the mother, Armine (not her real name either) is unable to eat the necessary food (in Artsakh, some food supply (vegetables, dairy products, fruits, groceries) has run out, especially food that provides the necessary milk).

Story 9:

2 months old Narek's (not his real name) health is at risk because he has asthma (specifically wheat allergy). Taking into account that the food reserves in Artsakh are mostly exhausted, available only some types of grain, Narek's mother eats them to be able to ensure the child's breastfeeding. It is dangerous for Narek's life, but his mother has no alternative to eat. Pharmacies also ran out of baby food, with which would have been possible to provide the child nutrition.

3. VIOLATIONS OF THE RIGHT TO FAMILY UNITY DUE TO THE AZERBAIJANI BLOCKADE OF THE LACHIN CORRIDOR

According to Article 5 of the UNCRC, States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

The broad definition of family in the UNCRC reflects the wide variety of kinship and community arrangements within which children are brought up around the world. The importance of the family is emphasized in the Preamble to the UNCRC: "... the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community", and "... the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding".

Article 5 acknowledges the extended family, referring not only to parents and others legally responsible but also to the extended family or community where they are recognized by local custom. In its General Comment No. 7 on "Implementing child rights in early childhood", the Committee on the Rights of the Child¹⁹ comments: "Under normal circumstances, a young child's parents play a crucial role in the achievement of their rights, along with other members of family, extended family or community, including legal guardians, as appropriate. This is fully recognized within the UNCRC (especially article 5). The Committee recognizes that 'family' ... refers to a variety of arrangements that can provide for young children's care, nurturance and development, including the nuclear family, the extended family, and other traditional and modern community-based arrangements, provided these are consistent with children's rights and best interests"²⁰.

The Committee notes that in practice family patterns are variable and changing in many regions, as is the availability of informal networks of support for parents, with an overall trend

¹⁹ Hereinafter the Committee.

²⁰ (Committee on the Rights of the Child, General Comment No. 7, 2005, CRC/C/GC/7/ Rev.1, para. 15).

towards greater diversity in family size, parental roles and arrangements for bringing up children. *These trends are especially significant for young children, whose physical, personal and psychological development is best provided for within a small number of consistent, caring relationships. Typically, these relationships are with some combination of mother, father, siblings, grandparents and other members of the extended family, along with professional caregivers specialized in childcare and education.* The Committee acknowledges that each of these relationships can make a distinctive contribution to the fulfilment of children's rights under the UNCRC and that a range of family patterns may be consistent with promoting children's wellbeing²¹.

Article 10 of the UNCRC is concerned with rights to "family reunification" of children who are, or whose parents are, involved in entering or leaving a country. The article requires States to deal with family reunification "in a positive, humane and expeditious manner" and to allow parents and children to visit each other if they live in different States (See Table 4).

The Human Rights Committee has issued a General Comment on freedom of movement, in which it notes, in relation to this right in the International Covenant on Civil and Political Rights: *"The right of a person to enter his or her own country recognizes the special relationship of a person to that country. The right has various facets. The scope of 'his own country' is broader than the concept 'country of his nationality'. It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien..."*²².

The EU Family Reunification Directive is the most relevant legal instrument for family reunification for persons entitled to international protection and for unaccompanied children as sponsors²³. It provides for a substantive right to family reunification to members of the nuclear family, i.e., the spouse and children, including adopted children of either the sponsor or the spouse²⁴.

²¹ (Committee on the Rights of the Child, General Comment No. 7, 2005, CRC/C/GC/7, para. 19).

²² Human Rights Committee, General Comment No. 27, 1999, HRI/ GEN/1/Rev.8, paras. 19 and 20, p. 217.

²³ European Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification ("EU Family Reunification Directive"), Article 4.

²⁴ "Family reunification for refugee and migrant children", Standards and promising practices, available with the following link: <https://rm.coe.int/family-reunification-for-refugee-and-migrant-children-standards-and-pr/16809e8320> .

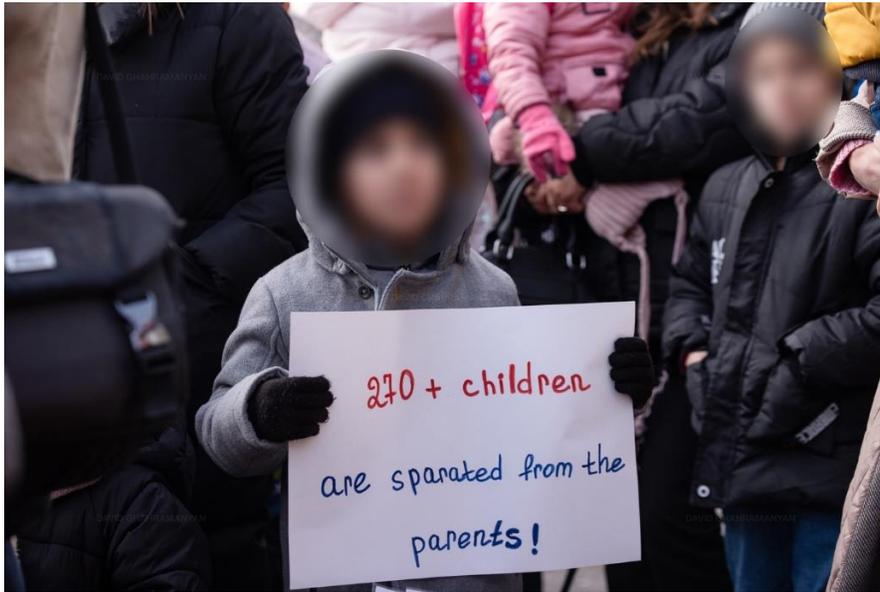
In terms of international human rights law, the Human Rights Committee (HRC), it has confirmed, in *Ngambi and Nébol v. France*, that Article 23 of the International Covenant on Civil and Political Rights (ICCPR) “guarantees the protection of family life including the interest in family reunification”²⁵. In its General Comment No. 19, the HRC states: “[T]he possibility to live together implies the adoption of appropriate measures, both at the internal level and as the case may be, in cooperation with other States, to ensure the unity or reunification of families, particularly when their members are separated for political, economic or similar reasons”²⁶.

According to the information gathered by the Center for Law and Justice “Tatoyan” Foundation and the Human Rights Ombudsman of Artsakh, from the first days of the blockade, around 270 children were separated from their families. About 70 of them remained in Armenia without parental care, they visited Yerevan to attend the Junior Eurovision Song Contest which was being held in Armenia. Despite the conditions created for them, these children were deprived of family warmth and care, maternal care and opportunities to spend time with family. They stayed in Goris and Yerevan for more than a month and only with the mediation of the ICRC and Russian peacekeeping forces, it became possible to organize their return and unification of families after a month of the beginning of the blockade. The Human rights ombudsman of the Republic of Artsakh visited the children left without parental care several times and recorded that the children were psychologically depressed due to the fact of being away from their families, they clearly had a low mood and a great desire to return home as soon as possible. This situation definitely had a negative impact on the psychological situation of children.

²⁵ Benjamin Ngambi and Marie-Louise Nébol v. France, CCPR/C/81/D/1179/2003, UN Human Rights Committee (HRC), 16 July 2004, available with the following link: <http://www.refworld.org/docid/4162a5a46.html> .

²⁶ UN HRC, CCPR General Comment No. 19: Article 23 (The Family) Protection of the Family, the Right to Marriage and Equality of the Spouses, para. 5, 27 July 1990, available with the following link: <http://www.refworld.org/docid/45139bd74.html> .

Pictures 5, 6 and 7: Artsakh children in Yerevan, separated from their families





Moreover, not only the children who stayed in Armenia are separated from their families, but also parents who came to Armenia or different purposes (medical, business, etc.). The majority of people deprived of the opportunity to return home are people whose children are in Artsakh and the parents are deprived of the opportunity to join the children. Many have contacted the staff of the Human Rights Ombudsman of Artsakh, parents who informed them that their children have been under the care of their grandparents for a long time and every time they talk to them, the children cry and do not understand why their parents cannot return to them.

At the time of the preparation of the report, although according to the available information, the International Committee of the Red Cross has carried out family reunification efforts and around 100 families have been reunited, many families still remain separated. The longer the blockade continues, the more negative is its impact on the mentioned persons, depriving them of their right under international law to join their families.

Story 10:

The parents of three boys (Slava (10 years old), Arsen (7 years old), and Arayik (5 years old)) visited Yerevan for a medical examination and left the children in the care of their grandparents (none of the names is real). The boys have been deprived of parental care for 25 days. The grandmother tells that Arayik gets up at night, constantly calls his mother, refuses food during the day, does not play with his brothers, and constantly tells his memories about his mother.

Story 11:

Four children were left in the care of their grandmother in Artsakh, as their parents could not return home due to the closure of the road. They stayed in Lisagor village, where they went to work every day. 4 years old Ani and 3 years old Anush are trying to talk to their mother online (none of the names is real). However, as a result of Azerbaijan's actions, the Internet is disrupted, which from time to time is completely disconnected in Artsakh, and the electricity supply, which is now carried out with outages.

4. VIOLATIONS OF THE RIGHT TO EDUCATION DUE TO THE AZERBAIJANI BLOCKADE OF THE LACHIN CORRIDOR

Education is a basic human right and the best investment that we can make to ensure a sustainable future and leave no one behind. This is true for every country and every region. Child rights education is learning about rights, learning through rights (using rights as an organizing principle to transform the culture of learning) and learning for rights (taking action to realize rights). Child rights education promotes the vision articulated in the UNCRC Preamble that “the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity”.

Child rights education is seen as an essential tool for changing how children’s rights are perceived and applied in society. It aims to build the capacity of rights-holders, especially children, to claim their rights and duty-bearers capacity to fulfil their obligations. It helps adults

and children work together, providing the space and encouragement for meaningful participation and sustained civic engagement.

According to the Committee: “The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child’s capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values. The goal is to empower the child by developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence”²⁷.

Due to the blockade of Artsakh and disruption of its vital infrastructure by Azerbaijan, children’s rights to education has been grossly violated. The issue of heating has fundamentally upset the normal functioning of the educational process of Artsakh, as a large number of educational institutions are gas-heated including kindergartens, schools, secondary vocational and higher education institutions. Thus, the right to education of the children of Artsakh was clearly disrupted on December 14-16, 2022, when Azerbaijan cut off the gas supply to Artsakh for the first time during the blockade. From December 19, classes were resumed in all educational institutions as the gas supply was restored by Azerbaijan.

Then, since January 18, 2023, with the second series of Azerbaijani disruptions to the gas supply from Armenia to Artsakh, the right to education of Artsakh children was trampled upon, yet again. During the whole time of the blockade, Azerbaijan regularly disrupted the normal supply of gas, as a result of which schools and other educational institutions regularly stopped their work. Due to the lack of stable and uninterrupted heating and the impossibility of providing the necessary temperature in the classrooms, the officials of the education sector regularly announced the closure of educational institutions, as a result of which 20 000 school children were deprived of the right to proper education.

It is worth noting that 65% of the schools in Artsakh are heated by gas only; importantly, 60% of the total number of Artsakh students receive education in such gas-heated schools. Due to the impossibility of providing proper heating, the Artsakh Government was obliged to suspend the school classes until further notice.

In addition to the heating problem, the blockade has impeded the process of supplying, organising and delivering food to educational institutions—where the most vulnerable groups of children (aged 2-6) attend, such as kindergartens, pre-schools, groups of primary schools

²⁷ Committee on the Rights of the Child, General Comment No. 1 (2001): Article 29 (1) - “The aims of education”, CRC, Geneva, 2001, para. 2, accessed 15 July 2013.

and schools working with extended hours. Thus, 117 schools, 41 kindergartens, 56 pre-schools and 20 all-day education institutions have been forced to close down due to the combination of the heating problem and food crisis arising from the blockade. In the last days of December 2022, the activities of 31 public, 7 charitable and 3 private kindergartens and 56 preschool groups of 30 public schools were already completely suspended leaving around 7 000 children without opportunity to freely their right to education.

As for the higher education institutions, 100% of both public and private universities are heated by gas. Although some of the classes can be conducted remotely, the general educational process is hindered in Artsakh due to the ongoing criminal actions of Azerbaijan.

90% of other educational institutions, such as secondary vocational schools, art schools, medical and music colleges, and youth creative centres, are also heated by gas. Due to the absence of gas supply, these also had to completely cease their activities.

Due to the lack of fuel and hygiene supplies, children are also deprived of the opportunity to attend their extracurricular groups, which directly affects the child's development and can have a negative impact on the child becoming a full member of society later.

Pictures 8, 9, 10, 11 and 12: Children studying in darkness, under the candlelight





**Story 12:**

Every day, 5-year-old Ani (not her real name) wakes up early in the morning and forces her grandmother to dress her and takes her to kindergarten because she wants to play with her friends. He was left in the care of his grandmother because his parents stayed in Goris. Every day, little Ani asks her grandmother when her parents will return and when she will go to kindergarten to learn new things, go to school and become a doctor. The little one said: "If I don't go to kindergarten, how will I study in school to become a good doctor and help people?".

Story 13:

“The education of my children was already disrupted by the 2020 war and displacement from our native Hadrut, which affected greatly the mental and psychological state of my children. Now with this blockade, shortage of all vital necessities and food, absence of gas and stable electricity, suspension of school classes, our children are left in the state of a limbo. Azerbaijanis’ hatred towards us knows no bounds. What have these innocent children done to them even? Why did we deserve so much hatred and inhuman treatment? These are just kids, they are not responsible for anything, but they suffer the most in this situation.” says Venera, a displaced mother of 4 children from Hadrut.

Picture 13. Empty Kindergarten №2 of Stepanakert under blockade without gas and electricity



