



# IMPACT OF 2020 ARTSAKH WAR AND THE POST-WAR SITUATION ON WOMEN'S BASIC RIGHTS

Study

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Post-War Situation on  
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This report is compiled by the Women's Resource Center with the intention to present the impact of the war unleashed by Azerbaijan between September and November of 2020 on the women living and/or displaced from Artsakh. The report studies evidence-based data on violations of the right to life and the right to be free from torture caused by the military operations, the impact of the war on women's sexual and reproductive rights, rights to education and social security, as well as the psychological consequences of the war.

The report studies violations of rights both in light of the impact of war operations, and in terms of the post-war crisis response of the state.



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# INTRODUCTION

## Women and War

Women's role during wars and the impact of war on women has been in the spotlight of research only in the past couple of decades. In 2000, the UN Security Council adopted Resolution 1325 on "Women, Peace and Security,"<sup>1</sup> the first UN document institutionally addressing the impact of armed conflicts on women, the engagement of women in prevention and settlement of conflicts and peace-building. Amongst other issues, the Resolution calls on states to take effective action to protect women and girls from gender-based violence, more specifically, from rape, other forms of sexual abuse and war-related violence, to establish settlements for displaced persons, to take into consideration the specific needs of women and girls and their dependents during the process of resettlement and reintegration.

One of the largest studies on the impact of war on women was conducted in 2001 by the International Committee

of the Red Cross (ICRC).<sup>2</sup> One of the key conclusions of the study was that the international humanitarian law, international human rights and refugee law provide protection mechanisms in line with the needs of women during wartime situations, however women continue suffering from war not due to lack of regulations, but due to lack of their enforcement.

## 2020 Artsakh War

On September 27, 2020 at 7:10am Azerbaijan launched an aerial military and rocket attack on Artsakh setting the stage for a full-scale war. From the first day of Azerbaijan's attack up until November 10, the date of declared ceasefire, the Azerbaijani armed forces targeted civilians in both Artsakh and Armenia. Nearly all the populated areas of Artsakh, including densely populated towns (Hadrout, Stepanakert etc.) were under constant missile and

1. See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

2. See [https://www.icrc.org/en/doc/assets/files/other/icrc\\_002\\_0798\\_women\\_facing\\_war.pdf](https://www.icrc.org/en/doc/assets/files/other/icrc_002_0798_women_facing_war.pdf)

aerial fire during all the 44 days of the war. Azerbaijan targeted fire on schools, kindergartens and hospitals.

According to Artsakh Ombudsman's report, 72 civilians were found killed by Azerbaijani armed forces between September 27, 2020 and January 27, 2021, of whom 60 are men and 12 are women.<sup>3</sup>

The armed operations were unleashed and advanced by Azerbaijan in stark violation of the UN Security Council's demand of cessation of armed hostilities during the COVID-19 pandemic.<sup>4</sup> There is no doubt that the military attack during a global COVID-19 pandemic was going to significantly amplify the humanitarian crisis. The fact-finding missions of Artsakh's and Armenia's Ombudsmen

testify that Azerbaijan's armed forces took advantage of global restrictions related to the pandemic and caused mass deaths and other forms of suffering to the population of Artsakh and Armenia.<sup>5</sup> During the ongoing COVID-19 pandemic, the military operations launched by Azerbaijani armed forces caused the deadly virus to spread exponentially both in Artsakh and Armenia. During the 7 months prior to the war, only 951 COVID-related deaths were reported, while during the 44 days of the war, the number of deaths was 658, and within only half a month after the war, this number was 584. The operations of the Azerbaijani armed forces are therefore to be characterized as not only war crimes, but also crimes against humanity.

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3. See <https://www.artsakhombuds.am/en/document/785>

4. See [https://undocs.org/en/S/RES/2532\(2020\)](https://undocs.org/en/S/RES/2532(2020))

5. See <https://www.ombuds.am/images/files/e632fe2219cb340fc05194d684d7206f.pdf>

## LEGAL REGIME DURING COMBAT OPERATIONS

The legal norms effective during combat operations define the means and methods of combat and the legally binding rules of conduct applicable to all conflicting parties. These norms and rules are integrated under the International Humanitarian Law (IHL), the key sources of which are the Four Geneva Conventions, adopted on August 12, 1949.

At the same time, the International Court of Justice, the principal UN judicial body in charge of international human rights issues, published an Advisory Opinion in 1996 by which it specified that the protection of the International Covenant on Civil and

Political Rights does not cease in times of war. The ICJ rendered another Advisory Opinion in 2004, where it reiterated the same position in relation to the UN Covenant on Economic, Social and Cultural Rights, specifying that an occupant state is obliged to ensure the minimum of rights enshrined in the Covenant even during times of war.

Hence, during wartime, states are obliged to protect the rights of individuals to life (especially of the civilian population), to be free from torture, healthcare, education, social security and other fundamental rights.

## RIGHT TO LIFE AND BEING FREE FROM TORTURE

Article 6, Part 1 of the UN Covenant on Civil and Political Rights renders that the right to life is any person's inalienable right protected by law. No one is allowed to arbitrarily deprive a person of life. The right to life is also enshrined in Article 2 of the European Convention for the Protection

of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR), as well as a number of other fundamental human rights documents.

**The right to be free from torture and other cruel, inhuman treatment** is one of key human rights in-

scribed in both the UN Covenant on Civil and Political Rights (Article 7) and the European Convention on Human Rights (Article 3). It is also inscribed in other key documents on human rights. The right to be free from torture is an absolute right, which means that it cannot be restricted for any purpose, including during hostilities.

Artsakh's Ombudsman reports that between September 27, 2020 and January 27, 2021, 72 civilian individuals were found killed by the Azerbaijani armed forces, of whom 60 were men and 12 women.<sup>6</sup>

Instances of torture and mutilation of bodies, targeted assaults inevitably leading to civilian deaths were recorded. Artsakh Ombudsman also reports of 163 instances of civilian injuries, predominantly caused by assaults against other individuals causing their deaths.

The same report indicates that seven women (including a minor girl) were killed as a result of rocket attacks launched by the Azerbaijani armed forces, including rocket fire, shelling, bombing, gun shooting by saboteur groupings. Another 5 women were killed while in hostage or at least while being in territories already controlled by Azerbaijani forces with their deaths caused by physical violence, torture and other direct means leading to death.

The bodies found during and after

the war indicate of torture. The body of an 82-year-old woman found in Vardashat village of Hadrout region was found decapitated, fully decomposed, with a fractured hand. The body of her husband was found in the same community. The body of a 68-year-old woman was found in Hadrout region with tied feet, again decapitated. The external examination of the body of a 51-year-old, mentally challenged woman in Qarintak village of Shushi rendered clear evidences of torture with her left ear and tongue cut off. The other bodies were unrecognizable and were identified through DNA analysis.

**The right to be free from torture** is the pillar of our discussion of prisoners of war or hostages. During both the 44-day hostilities and in the aftermath of the war, the Internet was filled with videos featuring Armenian hostages captured in the territories controlled by Azerbaijan. The videos featured acts of inhuman treatment towards them. The exact total number of the prisoners of war is not known, however around 200 applications have been lodged with the European Court of Human Rights in relation to Armenian prisoners of war. The ECtHR has communicated clarifications with Azerbaijan on part of them. International human rights organizations also report of inhuman treatment of the Armenian prisoners of war.<sup>7</sup>

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6. See <https://www.artsakhombuds.am/en/document/785>

7. See <https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>

There are women among the hostages. One of them was taken hostage during the armed hostilities. A video featuring her “welcome” of the Azerbaijani soldiers went viral on the internet.<sup>8</sup> An elderly woman was also taken hostage. She has been returned and has already reported of inhuman and cruel treatment towards herself and another prisoner of war.<sup>9</sup>

After the announcement of ceasefire on November 10, 2020, Maral Najarian, a national of Lebanon of Armenian descent, was taken hostage. She had moved to Artsakh one month before the war broke out. Maral Najarian spent 4 months in custody and was returned to Lebanon only after the intermediary action taken by the ECHR and the intervention of the Lebanese and Russian authorities.<sup>10</sup>

## IMPACT OF WAR ON WOMEN'S AND GIRLS' SEXUAL AND REPRODUCTIVE HEALTH

The discussion on **women's and girls' right to sexual and reproductive health** in times of war and post-war situations should evolve around two dimensions. The first is the protection of international humanitarian norms by parties of hostility and monitoring of these norms by the international community. The norms specifically include restraint from attacking health institutions, including maternity hospitals, transportation, evacuation of and restraint from attacking injured civilian population and other related

norms set out by the international humanitarian law.<sup>11</sup>

The other dimension of the issue is creation of safeguards by the state (including a host state) for displaced and warzone-dwelling women and girls to exercise their right to sexual and reproductive health.

Targeting health institutions is a common practice in warfare. In Kosovo, for example, the main hospital was bombed more than 100 times in 1992. Human Rights Watch reports shelling of health facilities during Shri Lanka's

8. See <https://www.facebook.com/1600924961/videos/10221720352830336/>

9. See <https://bit.ly/3n5VJLC>

10. See <https://www.azatutyun.am/a/31145977.html>

11. See <https://bit.ly/3n7WK5G>

civil war as a war crime.<sup>12</sup> ICRC reports of 2398 instances of targeting health facilities in 11 conflict zones between 2012 and 2014.<sup>13</sup>

**Attacking health establishments during wars** is impermissible by the international humanitarian law, more specifically under the Fourth Geneva Convention, adopted in 1949 and ratified by 196 countries, including by Azerbaijan.<sup>14</sup> During the 44-day warfare, Azerbaijan attacked both health facilities and the civilian population. These cases are not only inadmissible from the perspective of international humanitarian law, but also subject to strongest condemnation by the international community. Nonetheless, months after the war, no assessment has been made by the international community on this matter.

States are obliged to carry on their commitments of protecting human rights during wartime and in post-war situations both within their jurisdiction, but also extraterritorially in relation to the population and people under their control.<sup>15</sup>

Providing safeguards for women and girls to exercise their right to sexual and reproductive health is an important precondition for the social protection of the population. During hostilities

and in their aftermath, many women and girls face challenges in fulfilling their right to sexual and reproductive health, including obstetric and gynecological assistance during pregnancy and delivery, accessibility of services for abortion, as well as accessibility of contraceptives and menstruation kits. In reality, most women and girls are deprived of these services during wartime and in its aftermath all over the world.<sup>16</sup>

The women and girls displaced from Artsakh because of the 44-day war and those living there during the war faced these challenges.

CEDAW's General recommendation No. 30 obliges states to respect, protect and fulfill women's rights and ensure gender equality during conflicts. It clearly authorizes that the UN Convention on Elimination of all Forms of Violence against Women remains in effect during wars and in post-war situations. It also notes the states' obligation of due diligence in respect of criminal acts of private individuals or entities that impair women's rights.<sup>17</sup>

CEDAW General Recommendation N 30 also notes the need for a concerted and integrated approach that places the implementation of the Security Council agenda on women, peace and

12. See <https://www.hrw.org/news/2009/05/08/sri-lanka-repeated-shelling-hospitals-evidence-war-crimes>

13. See <https://bit.ly/3tCoxb7>

14. See <https://ihl-databases.icrc.org/ihl/INTRO/380>

15. See Committee on the Elimination of Discrimination Against Women, General Recommendation No. 30: Women in Conflict Prevention, Conflict and Post-Conflict Situations, para. 8, U.N. Doc. CEDAW/C/GC/30 (2013)

16. See [http://www.unfpa.org/sites/default/files/sowp/downloads/State\\_of\\_World\\_Population\\_2015\\_EN.pdf](http://www.unfpa.org/sites/default/files/sowp/downloads/State_of_World_Population_2015_EN.pdf)

17. See CEDAW Committee, Gen. Recommendation No. 30, supra note 15, para. 15.

security (WPS) into the broader framework of the implementation of the Convention.<sup>18</sup>

The global study on implementation of the UN Security Council Resolution 1325 also emphasizes this recommendation and calls on enhancing integration of the WPS agenda and other existing human rights mechanisms, such as the Convention on Elimination of all Forms of Violence against Women and the Human Rights Council and its mechanisms.<sup>19</sup>

Speaking of the social protection safeguards to be ensured by the state, accessibility of sexual and reproductive health services during wartime and in its aftermath is of paramount importance not only as an important humanitarian assistance safeguard, but also as a key precondition for fulfilling human rights.<sup>20</sup> Accessibility of obstetric services for pregnant women, accessibility of contraceptives and safe abortion services, menstrual kits and protection of women and girls subjected to sexual violence are key issues to be addressed while providing relief and should be included in clear protection mechanisms adopted by states.

The UN Committee on Economic, Social and Cultural Rights has recognized that during conflicts, women and

girls are disproportionately exposed to a higher risk of violation of their rights, therefore the Committee calls on states to take measures to guarantee non-discrimination and substantive equality, while these measures must be cognizant of and seek to overcome the impact of intersectional discrimination on fulfilment of the right to sexual and reproductive health.<sup>21</sup>

A significant challenge is the protection of women and girls from and prevention of **sexual violence**. The global study on implementation of UN Security Council Resolution 1325 indicates that a large number of women and girls who are subjected to sexual violence during wars do not report these acts due to "... lack of accessible services or means to safely report, receive assistance and dignified treatment."<sup>22</sup> In this regard, training of relevant specialists that will respond to instances of sexual violence is of great importance. Aside from accessibility of services, access to justice is another challenge with regard to investigation of sexual violence cases. Deployment of peacekeepers in conflict areas is yet another challenge in relation to sexual violence,<sup>23</sup> which dictates a necessity to create additional monitoring mechanisms in order to prevent cases of sexual violence and abuse by peace-

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18. See CEDAW Committee, Gen. Recommendation No. 30, supra note 15, para. 26.

19. See <http://www.unwomen.org/-/media/files/un%20women/wps/highlights/unwglobal-study-1325-2015.pdf>

20. See [https://reproductiverights.org/sites/default/files/documents/GLP\\_GA\\_SRHR\\_FS\\_0817\\_Final\\_Web.pdf](https://reproductiverights.org/sites/default/files/documents/GLP_GA_SRHR_FS_0817_Final_Web.pdf)

21. See Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016) on the Right to sexual and reproductive health, para. 30, U.N. Doc. E/C.12/GC/22 (2016)

22. See [www.unwomen.org/-/media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf](http://www.unwomen.org/-/media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf)

23. See <https://www.refworld.org/pdfid/59c383034.pdf>

keeping troops. The state hosting displaced people must equip settlements and camps with adequate sanitation and hygiene facilities, including a sufficient number of toilets and bathrooms, separate bedrooms,<sup>24</sup> as measures preventing sexual abuse. The facilities the women and girls of Artsakh were settled into lacked adequate set-up that would guarantee the protection of women and girls from sexual abuse.

The UN Security Council has adopted a number of resolutions on the women, peace and security agenda. Altogether, they integrate the response to challenges faced by women in wartime and post-war situations.<sup>25</sup>

The WPS agenda also underscores prevention of sexual violence and recognizes rape as a weapon of war.<sup>26</sup>

Fulfillment of the right to sexual and reproductive health implies accessibility of a number of services, such as **availability of clean water and hygiene supplies, accessibility of contraceptives and adequate maternity assistance**. Restrictions on the operation of the health system and larger health infrastructure impede complete fulfilment of the right to sex-

ual and reproductive health by women and girls affected by conflicts.<sup>27</sup>

To sum up, international legal norms clearly set out the need for conflicting parties to guarantee safeguards for the fulfilment of sexual and reproductive health rights by women and girls and provide protection both during war-time and in its aftermath.

From the first day of the attack launched by Azerbaijan on September 27, 2020 up until the ceasefire on November 10 2020, the Azerbaijani armed forces attacked civilians and civilian infrastructure both in Nagorno Karabkh and in Armenia.

On the first day of the attack, a pregnant woman was wounded from the fire and on the next day, she was ushered to urgent delivery.<sup>28</sup>

Another violation of women's reproductive right was the delivery of a woman in a bomb shelter in Stepanakert that took place under heavy shelling by Azerbaijan.<sup>29</sup> Due to the shelling, it was impossible to transfer the woman to a maternity hospital where she and her newborn would receive professional assistance.

Not only the civilian population,

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24. See <https://www.unicef.org/rosa/stories/when-going-bathroom-takes-courage>

25. See S.C. Res. 1325, U.N. Doc. S/RES/1325 (2000); S.C. Res. 1820, U.N. Doc. S/RES/1820 (2008); S.C. Res. 1888, U.N. Doc. S/RES/1888 (2009); S.C. Res. 1889,

U.N. Doc. S/RES/1889 (2009); S.C. Res. 1960, U.N. Doc. S/RES/1960 (2010); S.C. Res. 2106, U.N. Doc. S/RES/2106 (2013); S.C. Res. 2122, U.N. Doc. S/RES/2122

(2013); S.C. Res. 2242, U.N. Doc. S/RES/2242 (2015).

26. See <http://www.ohchr.org/en/newsevents/pages/rapeweaponwar.aspx>.

27. See <https://www.gutmacher.org/gpr/2017/02/state-crisis-meeting-sexual-and-reproductive-health-needs-women-humanitarian-situations>

28. See <https://bit.ly/3sxByYd>

29. See <https://lurer.com/?p=388496&l=en>

but also civilian objects were targeted during the 44-day war. On October 28, Azerbaijani armed forces repeatedly bombed and fired rockets at Stepanakert, capital of Artsakh Republic and Shushi, the second largest city. Fire was directed at the residential districts of the city and civilian objects, including Stepanakert's maternity hospital. The civilian population suffered casualties.<sup>30</sup>

These striking violations of the humanitarian and customary law account for war crimes and clearly show that Azerbaijan's targets were the people – newborns, mothers, and the elderly. From this perspective, the **international community must make a strong statement** on the crimes committed by Azerbaijan.

In relation to the response of the host state, it is important to note that the Minister of Health of Armenia issued a decree on September 30, by which individuals temporarily evacuated to Armenia from Artsakh were entitled to free primary care and maternity care to be received at the Saint Gregory the Illuminator polyclinic and maternity hospital.

On October 2, the Minister of Health proposed amendments to the Government decree N 318 on "State-Subsidized Free and Preferential Medical Assistance and Care." With the new amendments, in an emergency situa-

tion or martial law established in Artsakh or Armenia, as well as in cases arising from military or terrorist acts, individuals that have suffered injuries are entitled to free primary and tertiary medical assistance and care. The entitlement included free assistance with state-of-the-art medical technologies and care in hospitals. Individuals were entitled to choose their preferred primary health care provider and receive free primary care. The entitlement included diagnostic and laboratory services and free medicaments. In case the individual was not able to show an ID card or a passport, a temporary document from the Passport and Visa Department of the RA Police was sufficient.

Up until today, the state prioritized safeguarding pregnancy and maternity-related services, while the other issues were left out of regulation and were not addressed either during the wartime, or after it. On March 11, 2021, the Government of Armenia issued a decree to provide free reproductive health services to couples that have lost a child in the Artsakh war.<sup>31</sup>

In the framework of the humanitarian assistance provided by international organizations and local NGOs, it is mainly the pregnant and newly delivered women displaced from or living in Artsakh that are provided relief, while the rest of the women are distributed

30. See <https://bit.ly/3izSR7i>

31. See <https://med.news.am/eng/news/28569/government-funded-ecf-to-be-available-for-armenian-women-under-53-who-lost-sons-in-karabakh-war.html>

female dignity kits, including menstrual pads and underwear. Neither this framework of humanitarian assistance, nor state and NGO response have

developed standards for the supplies necessary for sexual and reproductive health.

## RIGHT TO EDUCATION DURING WARTIME AND POST-WAR

The right to education is enshrined in Article 26 of the Universal Human Rights Declaration,<sup>32</sup> Article 13 of the International Covenant on Economic, Social and Cultural Rights,<sup>33</sup> as well as other international human rights documents. Articles 28 and 29 of the Convention on the Rights of the Child<sup>34</sup> also recognize fulfillment of the right to education on the basis of equal opportunity.

The right to education is an important precondition for the fulfilment of fundamental human rights and freedoms.

Article 13 of the International Covenant on Economic, Social and Cultural Rights sets out that education must 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. Education shall enable all persons to participate effectively in a

free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the maintenance of peace.

When conflicts lead to restriction of resources, the state must ensure accessibility of educational facilities and quality of education especially for vulnerable groups.

In accordance with Article 28 of the Convention on the Rights of the Child:

1. State Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them avail-

32. See <https://www.arlis.am/documentview.aspx?docID=1896>

33. See <https://www.arlis.am/DocumentView.aspx?DocID=18501>

34. See <https://www.arlis.am/DocumentView.aspx?docID=60503>

able and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means.

2. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

The UN Security Council has noted that **women and girls, unlike men and boys, suffer disproportionately from wartime and post-war situations.**<sup>35</sup> According to the data of UNHCR, **girls face more obstacles in fulfilling their right to education than boys due to their gender.**<sup>36</sup>

In wartime and post-war situations, girls are deprived of their right to education for a number of reasons, including **their new role of caring for their junior family dependents, ear-**

**ly marriages, exposure to the risk of sexual violence and the need to earn living for the family.**<sup>37</sup> These are important factors to be taken into account by host states and need to be addressed in order to eliminate the risk of girls' dropout from the education system.

During the 44-day war, Azerbaijani aggression targeted the educational institutions of Artsakh **violating the right of around 33.000 individuals to education.**

Azerbaijani armed forces fired rockets and artillery shells on densely populated areas, including schools and kindergartens, resulting in closure of all the educational institutions for an indefinite period. The students of secondary and tertiary educational institutions were deprived of education, while the employees were deprived of their jobs.

Azerbaijani armed forces acted against the peaceful population and pursued an aim to maim the peaceful population, including children.

According to the report published by Artsakh Republic's Ombudsman specifically on the rights of children that suffered during the Azerbaijani attack, 71 schools and 14 kindergartens, including schools N 4 and 10 of Stepanakert, the schools of Hadrout, Shushi, Aygestan, Mataghis were phys-

35. See <https://www.un.org/press/en/2003/sc7908.doc.htm>

36. See <https://www.globalpartnership.org/blog/role-education-women-and-girls-conflict-and-post-conflict-countries>

37. See <https://www.globalpartnership.org/blog/role-education-women-and-girls-conflict-and-post-conflict-countries>

ically damaged from artillery, rocket and aerial fire.

All 220 schools and 58 kindergartens of Azerbaijan were shut down due to the fire launched by Azerbaijan. 23978 children of Artsakh, including 4036 of preschool age, were deprived of the right to education.

It is important to note that not only Artsakh's educational institutions were targeted but so were the secondary schools of Sotk and Kut communities of Gegharkunik Marz of the Republic of Armenia.

Arayik Harutyunyan, Minister of Education, Science, Culture and Sport of Armenia issued an announcement on September 27, 2020 that the educational institutions of bordering communities would transition to distance education due to the declared martial law.<sup>38</sup>

To meet the war-related needs, the Ministry of Education, Science, Culture and Sport (MESCS) of Armenia, in partnership with the Republican and Regional Pedagogic and Psychological centers provided mental support services to children in need. A hot line opened to rapidly respond to the needs of vulnerable children and their families, to refer them to other services or provide psychological assistance.

During the meeting of the UNESCO International Bureau of Education

Council chaired by Armenia's MESCS, MESCS made a statement noting the aggressive military acts launched by Azerbaijan across the entire line of contact between Artsakh and Azerbaijan starting September 27 and targeting civilian settlements. **UNESCO called on Azerbaijan to refrain from any attacks on or harm to children, teachers, educational personnel and to uphold the right to education, recalling the principles and guidelines of the Safe Schools Declaration.** These documents restrict the use of schools and universities for military purposes, strengthen the protection of education from attack and ensure continuity of safe education during armed conflict.<sup>39</sup>

Armenia's government adopted a decree to fully subsidize the education fees of students that took part in the war, as well as the children and spouses of those that took part in combat operations. According to the government's decree adopted on December 10, the fees of the first semester of the 2020 educational year were fully subsidized covering classroom and distant-learning students of vocational, higher (bachelor's and master's), post-graduate and clinical residency institutions. The state vowed to compensate fees that had already been paid to students in their final semester, while for all others, the paid amounts were transferred to the next semester.

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38. See <https://escs.am/en/news/7227>

39. See <https://en.unesco.org/news/situation-nagorno-karabakh-conflict-zone-unesco-statement>

After the adoption of this decree, various universities made statements regarding the first semester's fee compensation and procedures for applying for such compensation.

Armenia's Ministry of Education, Science, Culture and Sport also announced that it ensured the continuity of the education of children evacuated from Artsakh to Armenia during the first days of the war. In a short period of time, the Ministry made lists of school-attending children and conducted a needs assessment.

The children had a chance to be registered and attend schools closest to their temporary residences. The process was swift as the school administrations did not require documentation, while the Ministry did not intervene in matters related to the student-load of schools.

All the children attached to schools

were distributed the necessary textbooks, sometimes also stationary. In general, more than half of Artsakh's children continued to receive their education in Armenia's schools in the entire duration of the war.

At the same time, the Ministry noted that more than 2000 children were unable to participate in distant classes due to lack of technical devices. A number of NGOs attempted to resolve this issue for some of the children.

In conclusion, the Government of Armenia implemented the above-mentioned programs in order to ensure the continuity of Artsakh's displaced population's education. However, none of the programs had a gender component, the programs did not take account the gender differences of boys and girls and the risks that normally lead to the dropout of girls from education.

## RIGHT TO SOCIAL SECURITY IN WARTIME AND WARZONES

The international humanitarian law sets out rules by which states are obliged to ensure food and medical supplies for the population (Article 55 of the Fourth Geneva Convention Relative to Protection of Civilian Persons in Time of War of August 12, 1949), to

agree to relief schemes if the population is inadequately supplied (Article 59 of the same convention), to ensure timely distribution of relief consignments (Article 61 of the same convention) or to ensure receipt of individual humanitarian relief sent to individual

people (Article 62 of the same convention).

As already specified above, the rights protected under the UN Covenant on Economic, Social and Cultural rights do not cease during armed conflicts and an Occupying state is obliged to ensure the minimum of these rights even during wartime. This includes their duty to guarantee the right to social security as prescribed by Article 9 of the Covenant.

The international humanitarian law prescribes a number of rules of conduct in relation to the protection of the right to social security. **Starvation, as a weapon of warfare**, as well as by depriving the population of objects indispensable to their survival, including food supplies, destruction of domestic animals and sources of drinking water, **is prohibited**. In other words, the social security of the population is related not only to provision of respective services, but also warfare in general. Here,

one of the key issues is differentiation between military and civilian objects.

During the 44-day war launched by Azerbaijan, around 90.000 residents of Artsakh (predominantly women) were displaced, lost their homes and property. A number of civilian objects of infrastructure were damaged. Azerbaijan waged the war indiscriminate of civilian and military objects. Residential buildings and hospitals were shelled, as well as objects critical for the survival of the population, including the Vardenis-Sotk highway,<sup>40</sup> Stepanakert's central marketplace,<sup>41</sup> food stores and stockpiles,<sup>42</sup> Stepanakert's electric power station<sup>43</sup> etc.

As a result of these indiscriminate war operations and targeting of civilian objects, Stepanakert's population was deprived of electricity with very limited food stocks, while the majority of the population was forced to leave their homes.

## RIGHT OF DISPLACED PERSONS TO SOCIAL SECURITY

In its General Recommendation N 19 on the Right to Social Security, the UN

Committee on Economic, Social and Cultural Rights has rendered that spe-

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40. See <https://www.azatutyun.am/a/30868643.html>

41. See <https://www.youtube.com/watch?v=UhV0GA3lX6k>

42. See <https://bit.ly/3sDolHZ>

43. See <https://bit.ly/2QHv2kr>

cial care must be taken that the state's social security system be ready to respond to emergency situations, including to war and post-war situations. States are obliged to use all available means to guarantee at least a minimal level of fulfilment of the right to social security.<sup>44</sup>

In the post-war period, the Republics of Armenia and Artsakh have been carrying out a number of social assistance programs for the displaced population and in the direction of restoring the rights of combatants. All those registered in the pension and social welfare system in Artsakh were paid their pensions and social benefits in Armenia. The government of Armenia designed 5 social assistance programs for the population displaced from Azerbaijan, which included financial assistance in lump sums or compensation for the damages suffered due to the war. The residents of Artsakh were provided a lump sum in the amount of the minimum wage set by law in Armenia, while the residents of territories taken under the Azerbaijani control received a lump sum benefit in the amount of 300.000 AMD, while those that lost real estate in Artsakh received 250.000 AMD. The government also pledged to provide a partial compensation for a few months for the temporary housing provided to Artsakh residents on an individual basis in the territory of Armenia.<sup>45</sup> Combatants that were injured

during combat also received one-time financial assistance, their medical and social services were compensated for through the special fund designated for military servicemen.

Through these social programs, the state attempted to guarantee the minimal requirements for the social security rights of persons displaced and affected by the war, however the process of providing this social assistance was in itself technically cumbersome. Verification of Artsakh residency was being done through an electronic system and due to inaccuracies in the databases the applications of displaced persons were being declined. The authorized body was not sufficiently staffed to timely respond to all the complaints and calls. Coordination between governmental agencies was not swift, placement in shelters and distribution of primary relief kits was slower and much more bureaucratic by state bodies, therefore the displaced persons preferred turning to private support or one provided by NGOs.

Non-governmental organizations embarked upon providing shelters and relief supplies as well. The role and participation of organizations dedicated to women's rights is worth a particular mention, as they took on resource mobilization and partially the functions of the state. The majority of women's organizations operating in the territory of Armenia jumped on to provide hu-

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44. See <https://bit.ly/3sDb8nQ>

45. See <https://www.arlis.am/DocumentView.aspx?docid=149810>

manitarian assistance that continued in the post-war period.<sup>46</sup> Women's organizations operating in the war zone, more specifically Women's Center Shushi was also engaged in carrying out the relief mobilization activities.

In conclusion, while the state exerted efforts in ensuring the right to social security for the displaced persons, the

outcome indicated that the state system was not prepared to respond to the minimal social security needs of displaced persons. The system might have collapsed should the private and civil society organizations not inject their own resources in the support provided to displaced persons.

## WAR'S PSYCHOLOGICAL IMPACT ON WOMEN

The war has a great toll not only on the soldiers, but also on each member of the society as it alters the social roles in families, forcing people to leave and be displaced from their areas of livelihood, causes people be taken into hostage and have multiple losses. All these factors have a negative impact on the psychological and physical health of the person, their quality of life and other social realms. Unfortunately, the more vulnerable groups of the society become even more vulnerable, for example, women and children become even more exposed to the risk of violence and abuse. During war, women may be subjected to forced displacement, impoverishment, malnutrition and health deterioration, separation from the family and livelihood, sexual abuse and trafficking.

According to the World Health Organization, the definition of health is not merely the absence of one or another disorder; it is a person's social, physical and mental wellbeing. In these terms, a forced displacement, lack of basic livelihood conditions, loss of close persons, disappearance of former social roles and many other factors are a clear indicator that women, unfortunately, become victims of warfare. This is unfortunately not underscored enough, as the common thinking is that those involved in combat are the ones that fall victim to war. War, nonetheless, has a negative impact on the public health of women and girls, and most heavily, on their mental and emotional health. Studies show that women and men survive war trauma differently and therefore a gender analysis of the

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46. See <https://bit.ly/32BjpxQ>

issue is the right tool in this situation.<sup>47</sup>

By shouldering the **burden caused by the loss of the male family member**, women are often forced to work at the lowest possible wages, while they continue living through mental health issues, as do children as well. The war operations, shelling of bomb-shelters, complications in evacuation processes leading to extensive walking often exposed to arms fire and bombardments, impossibility of receiving health care, exposure to sexual abuse and violence or such scenes cause multiple mental and social problems, including tremor, depression, anxiety, isolation.<sup>48</sup>

In many cultures, including the Armenian culture, women are in charge of child-rearing and development. During wartime and afterwards, this responsibility is even more increased and the woman becomes in charge of ensuring continuity of community. This may be a supportive factor for children in terms of overcoming their war trauma, but at the same time, it is a risk factor for the woman herself. When one state wages a war against another and wants to destroy its culture, the woman becomes an important strategic target because of her large role in the family and the community. On the one hand, women carry the brunt

of the war, however their duress is not eased after the war ends and they continuously take up new roles, often without a choice. At the same time, they become subject to various forms of discrimination; for example, studies conducted in Afghanistan have shown that in post-war situations meals are foremost served to boys, while girls get the leftovers. The study conducted by El Bushra and Lopez shows that on a community level, women's psycho-social problems are largely neglected after the war and even the state institutions often do not pay due importance to women's issues caused by the war.<sup>49</sup>

The other issue women face both during the war and in its aftermath is **sexual violence**. Historically, rape has been considered one of the painful aspects of war, at the same time something difficult to prove and identify as a problem. Rape is considered a weapon intimidating the enemy. Mass rapes, notably after those in Former Yugoslavia and Rwanda have been identified as a war crime and a crime against humanity.<sup>50</sup> Falling victim to sexual violence, young women and girls experience not only physical health issues, but also mental ones.

The other issue that has been well researched is the link between war

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47. See <https://www.apa.org/monitor/2009/09/women-war>

48. See Yaser Snoubar, N. D. (January-April 2016). Impact of Wars and Conflicts on Women and Children in Middle East: Health, Psychological, Educational and Social Crisis. *European Journal of Social Sciences Education and Research* , 211-215.

49. See Yaser Snoubar, N. D. (January-April 2016). Impact of Wars and Conflicts on Women and Children in Middle East: Health, Psychological, Educational and Social Crisis. *European Journal of Social Sciences Education and Research* , 211-215.

50. See <https://www.apa.org/monitor/2009/09/women-war>

and increased domestic violence. Unfortunately, in the post-war situations, the risk of domestic violence increases and the experience of many countries shows that the decreased role of men in providing living for the family and the mental consequences of the war impact relations within the family giving rise to the possibility of violence.<sup>51</sup> These societies also see a rise of other forms of gender-based violence, as new norms take root in the society, more specifically, normalization of violence, which unfortunately, first impacts women and girls.

Death is the tip of the iceberg in terms of war consequences, while the rest of the consequences are immense, of which the psychological consequences remain less documented. The psychological toll of the war includes distress, depression, psychosomatic symptoms, such as increased blood pressure, cardiovascular disorders, post-traumatic stress syndrome (PTSD). According to DSM-5, PTSD has a number of diagnostic criteria, including exposure to a traumatic experience, compulsive symptoms, avoidance from factors and events reminding the trauma, negative changes on the cognitive and mood levels, irritability. Each of these criteria has its own symptoms and if repeated for more than one month, they impact the adaptability of the person.

It is noteworthy that the 44-day war

is the second war in the lives of many women, which means many experience retraumatization. Retraumatization is the realized or unrealized reminder of a past trauma which leads to the re-experiencing of the trauma experienced in the past. Such factors include displacement, bombing, restrictions related to the pandemic, anxiety and fears. Research conducted with the witnesses of the war in the former Yugoslavia has shown that pandemic-related restrictions reactivated traumas linked with the past war.<sup>52</sup>

To conclude, women and men experience the psychological consequences and trauma of the war differently, therefore a gender analysis from this perspective is the right and necessary tool. Taking over the burden left by the loss of the male family member, often being forced to work at the lowest wages, shelling of shelters, complications during evacuation such as walking long distances often under arms fire and bombardment, impossibility of receiving medical assistance, sexual abuse and violence or witnessing such scenes, can and do cause a myriad of mental and social issues, including tremor, depression, anxiety, isolation. To make things worse, the existing discrimination against women and girls in the society, normalization of violence and ensuing double victimization in the society, make an even greater

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51. See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1472268/>

52. See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7480753/>

negative impact on the psychological condition of women in a post-war situation. The psychological consequenc-

es of the war can be various and may leave not only a short-term, but also a long-term impact.

## CONCLUSION

The impact of the 2020 Artsakh war on women has not received due attention. The international community has not issued a statement with an adequate assessment of the violence of human rights, including women's rights committed by Azerbaijan. In the meanwhile, the Republic of Armenia's policy as a host country in providing relief to the displaced population has not been gender-sensitive. The state response on ensuring the rights of women and girls to social security, education, sexual and reproductive health, freedom from violence has not been based on gender specificities, the specific needs of various groups of women have not been taken into account.

Concluding this study on the impact of the 2020 Artsakh war and post-war situation on the basic rights of women, the following points are to be underscored:

- the response of the international community on the violations of human rights, including women's rights committed by Azerbaijan,
- revision of the policies of relief provided to the displaced popula-

tion and adoption of gender-sensitive approaches by the host country,

- monitoring of instances of sexual abuse in the post-war period both on the territory of Artsakh, and in areas where displaced people have been settled,
- adoption of economic support programs for families that have lost their provider due to the war,
- implementation of psychological support programs for women and girls affected by the war.

