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The Protection of the Rights of Refugee Children in Armenia: The Challenges of Refugee Children and their Families

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THE PROTECTION OF THE RIGHTS OF REFUGEE
CHILDREN IN ARMENIA: THE CHALLENGES OF REFUGEE
CHILDREN AND THEIR FAMILIES

ABSTRACT

In recent years the issue of refugees has affected the international community. The existing wars force people to leave their homes and search for new places for their survival and safety. More than 100 thousand people have found themselves in the Republic of Armenia and face many problems and challenges, although the fact that majority of them are ethnic Armenians made it seem that adaptation would be easier. As they mostly come with their families, there are many children as well, and in contrast with the adults who more or less are capable of solving problems that they are facing, the refugee children are more vulnerable and helpless.

The scope of the study is the level of the proper legal regulation and the execution of those norms in real life. We compared the correspondence of national legislation to the international one. We also argued that refugee children's rights in different spheres (such as living conditions, education, medical care and etc.) are not properly protected and most of them have problems with integration in society and gave some recommendations that could change the current situation.

TABLE OF ACRONYMS

CEAS	Common European Asylum System
CRC	Committee on the Rights of the Child
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
LON	League of Nations
NGO	Non Governmental Organisation
OAU	The Organization of African Unity
RA	Republic of Armenia
UDHR	Universal Declaration on Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UN	United Nations

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INTRODUCTION

During recent years the number of refugees has increased significantly. The basic reason for this has been the number of military actions in different parts of the world. The unprecedented flow of refugees, which has moved mostly to Europe, has become the brightest example of the problem regarding the regulation of refugees' legal status. This showed that, although there are international and national mechanisms for the protection of refugee rights, the international community was not able to provide correspondent protection to such a large amount of people.

In 2006 worldwide there were 8.4 million UNHCR registered refugees, which is the lowest number since 1980. However, at the end of 2012 the UNHCR reports the number at 15.4 million refugees. Almost by the end of 2014 there were 19.5 million refugees, of whom 5.1 million are Palestinian refugees, who were registered under UNRWA's mandate and 14.4 million under UNHCR's mandate, and 3.9 million of 14.4 million were Syrian refugees¹. Currently the number of refugees has grown to 21.3 million, with over half of them being children². These are only the official numbers and it is obvious that the numbers in reality are much higher. The current refugee crisis is a matter of concern for the whole world.

Statistics are showing that more than half of the refugee population (51%) are children who need special attention and the support of adults, not only for physical survival but also for their psychological and social well-being. Three interconnected factors promote the special needs of

¹ See Facts and figures about refugees, the official website of UNHCR, Accessed 15.06.16. <http://www.unhcr.org/uk/figures-at-a-glance.html>.

² See Figures at a glance, Official statistics, the official website of UNHCR, Accessed 01.06.16. <http://www.unhcr.org/uk/figures-at-a-glance.html>.

refugee children: dependence, vulnerability and developmental need (i.e. their requirements for healthy growth and development at different ages). Particularly in their early years children are dependent upon their parents or other legal guardians, who are responsible for providing basic care and requirements for their survival, because in order to grow and develop normally, a child has certain age-specific requirements, such as basic health care, education and nutrition, which are generally recognized as necessary for the physical and intellectual development of children and must be satisfied. Vulnerability is illustrated in the level of physical and psychological capacity to fulfil their own needs or to protect them³.

This is why the refugee problem is a concern for almost every State in the whole World, and the Armenian Government is no exception. Currently we have ongoing refugee flows from Syria and Ukraine. There are still numbers of refugees from Iraq, Azerbaijan and Iran from past decades, which means the Government has to face serious political, economic, financial and cultural challenges. Only in 2015, of 316 asylum seekers almost 100 were children, in 2014 out of 226, 60 were children⁴. As we already mentioned, in contrast with adults, children are extremely vulnerable and they need special care from their families, communities and the State. In this paper we will try to analyse the level of their protection rights in the RA (hereinafter the Republic of Armenia). Via conducted interviews we will show the most interesting cases and claims that refugee children and their families currently faces.

The object of the research is public relations in the sphere of protecting the rights of refugee children and their families in Armenia. *The subject* of the research is the international, European and national mechanisms for protecting the rights of refugees and refugee children and their families. In this study we used the following methods:

1) Theoretical analysis of legislations (such as national laws, international and European legal documents), official documents, research and articles concerning the rights of the refugees and refugee children and their families,

³ See UNHCR policy on refugee children, the official website of UNHCR, 6 August 1993. Accessed 14.06.16. <http://www.unhcr.org/3ae68ccc4.html>.

⁴ See the statistics in the official website of the RA Ministry of Territorial Administration and Development, State Migration Service, 2015. Accessed 20.05.16. http://www.smsmta.am/?menu_id=151. (ARM).

- 2) Comparative analyses of national and international legislations,
- 3) Statistical treatment.
- 4) Case studies for practical recruitment,

The main *research question* is: What kind of challenges do refugee children in Armenia face?

The research also includes several hypotheses.

Whether Armenian legislation on refugees and especially refugee children regulate all important aspects of their life.

Whether Armenian legislation corresponds to international legislation.

Whether the existing Armenian legislation is exercised correctly.

The main research topics of this study are the following:

- 1) The legal framework of the rights of refugees at international level.
- 2) The legal framework of the protection of the refugee children's rights
- 3) The comparative analyses of the EU legislation and the international regulations.
- 4) The protection of the refugee and mostly refugee children rights in the Republic of Armenia.
- 5) The case study on the challenges that refugee children face in the RA.

The Master's thesis consists of an introduction, three chapters, conclusions and references. The three chapters are as follows: The international legal protection of the rights of refugees, the international legal framework on the rights of refugee children and the domestic regulations on the protection of refugee children in Armenia. In the first chapter we will analyze the international legal treaties and other acts concerning the rights of refugees, we will provide the definition of the refugee. In this chapter we will also cover EU regulations. The second chapter will concern the regulations of the refugee children's rights, more specifically, as we will discuss the rights of refugee children starting from the time of interview and we will attempt to cover the regulations relating to different aspects of their lives. The main analyses will be shown in the third chapter where we will discuss the domestic legislation of Armenia, and for the practical part we will discuss the outcomes of the interviews that we conducted and we will highlight the most interesting cases, where refugees mention the common difficulties and restrictions that they face in Armenia, because of their status.

1.

THE INTERNATIONAL LEGAL PROTECTION
OF THE RIGHTS OF REFUGEES

1.1. THE RIGHTS OF REFUGEES IN THE INTERNATIONAL PERSPECTIVE.

One of the most important promotions of the 20th century in the international humanitarian field was the endorsement that the refugee problem is a matter of concern for the international community. The history of the notion of refugees started right after the collapse of the Ottoman and Russian Empires, when there was a huge need to provide protection for those people who were displaced from their countries of origin during that period⁵. However, the first documents, which were adopted in this sphere, identified only the protection of exact groups of refugees such as Russians, Armenians and other displaced people with Jewish origins⁶. In 1930s the military actions in Europe proved that the existing legal background was not enough to protect those who were not from the above-listed countries, but also faced the challenge of leaving their country of origin and seeking protection from another State, mostly near to their country of origin, in the belief that one day they would be able to return. This led to the development of new international norms on the protection of the rights of refugees. The League of Nations, whose main mission was to maintain world peace, started to deal with continuous waves of refugees, but, unfortunately, all the efforts resulted in failure⁷. Because of this, after the numerous wars,

⁵ See Hansson Michael, *The Refugee Problem and the League of Nations*. Conference held at the Norwegian Nobel Institute, Oslo, January 7, Geneva, 1938, p. 284.

⁶ See Hathaway J.C., *The Rights of Refugees under International Law*, Cambridge University Press, New York, 2005, pp. 83-86.

⁷ See Robinson N., *Convention Relating to the Status of Refugees: Its History, Contents and Interpretation*. New York, Institute of Jewish Affairs, World Jewish Congress, 1953, pp. 2-3.

the international community was not capable to protect the important aspects of the lives of refugees. It was developed only after the World War II, through consistent actions by the United Nations (hereinafter UN), which placed various refugee issues from all regions of the world under its concern and started to solve them⁸. Before a corresponding solution was found for them and refugees ceased to be refugees, either through voluntary repatriation or legal integration (naturalization) in their new home country, it was necessary for them to be treated in accordance with international standards. The formulation and further developments of these standards have been an integral component of the international approach to refugee problems. These standards were defined in different international instruments (such as Conventions, Resolutions, Recommendations etc), adopted universally by the United Nations, or within the framework of regional organizations⁹. One of the first statements was declared in the Universal Declaration of Human Rights (henceforth UDHR), which states, that “everyone has the right to seek and to enjoy in other countries asylum from persecution” (article. 14(1))¹⁰.

At universal level, the most comprehensive and legally binding international instrument which defines basic principal standards for the protection of the rights of the refugees is the United Nations Convention relating to the Status of Refugees on 28th July 1951 (hereinafter the 1951 Convention). This Convention was immediately adopted after World War II, when the international community was deeply concerned with the refugee problem. However, during this time the actions were mainly organized for the refugees with European origin. This was the reason that the Convention contained limitations on time and territory. The 1951 Convention limited its application to the people who had become refugees as a result of events occurring before 1st January 1951¹¹ and only in the territory of Europe¹². However, even

⁸ See the “United Nations Relief and Rehabilitation Administration”, Pearson Education, 2000-2006, the Columbia Electronic Encyclopaedia. 1994. Retrieved 13 October 2006, p. 48.

⁹ See The Convention and Protocol relating to the status of refugees, UNHCR official website, Accessed 28.03.16. <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

¹⁰ See Universal Declaration of Human Rights, Accessed 08.05.16. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

¹¹ Supra, note 9.

¹² See Andreas Zimmermann, the 1951 Convention relating to the status of refugees and its 1967 protocol, a Commentary, Oxford university press, 2011, p. 1619.

at that time it was recognized that the standards defined in the 1951 Convention also had universal applicability and the Conference which adopted this Convention therefore included in its Final Act the so-called Recommendation E, expressing the hope that all nations would be guided by the 1951 Convention and would grant refuge as far as possible to persons in their territory as refugees¹³.

Immediately after the adoption of the 1951 Convention, difficulties that were connected with refugee situations, but not with pre-1951 events began to arise in different parts of the world, which made the Convention not fully applicable in all new refugee situations, and led to the recognition of the 1951 Convention as a universal international instrument for the protection of all kind of refugee's situations. The result was the UN Refugee Protocol which removed the 1951 limitation (time and territory) in the Convention, and was opened for accession on 31st January 1967. The protocol is related to the 1951 Convention, but it is an independent legal act. To date, 145 States from different parts of the world have become parties to the 1951 Convention and 146 to the 1967 Protocol¹⁴.

Now, international legal protection of refugees guarantees the safety of people who have left their country of origin due to treatment and abuse, despite any time or territory limits. It is important to note that with the protection the State guarantees not only safety but also certain level of rights, obligations and freedoms (which we will discuss below) and an environment for the implementation of the latter that will provide them with a safe and prosperous life.

The provisions of the 1951 Convention and the 1967 Protocol can be separated into three types of provisions:

- Provisions, which provide the basic definition of who is and who is not a refugee and who, as a refugee, could cease to be one.
- Provisions, which define the legal status of refugees and their rights and duties in their country of asylum.
- Other provisions dealing with the implementation of instruments from an administrative and diplomatic standpoint and also the States'

¹³ *Supra*, note 11.

¹⁴ See States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, as of April 2015. The UNHCR official website. Accessed 20.04.16. <http://www.unhcr.org/3b73b0d63.html>.

responsibilities toward refugees¹⁵. In nother words – procedural provisions concerning refugee status determination.

According to the 1951 Convention “the term “refugee” shall apply to any person who is has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country; or who, not having a nationality and being outside the country of his/her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it¹⁶”. This definition will be discussed in details below.

As we can see there is a huge difference between the notions of “a refugee” and “a migrant”. In contrast with migrants, who are leaving their own countries for reasons such as employment, study or family reunification, refugees are forced to flee because of the persecution. The other main contradiction is that the migrants are continuing to enjoy the protection of their country, but the refugees are not being protected be their country of origin, that is why they are seeking the protection of another country¹⁷.

Although high numbers of countries are members of the 1951 Convention, there are different regional regulations as well. The Organisation of African Unity adopted a legal act “Convention Governing the Specific Aspects of Refugee Problems in Africa” in 1969. This Convention has unique regulations, mostly with regard to the definition of the term “refugee”. The Convention added to the 1951 convention’s universal definition of new provisions, such as a refugee can be any person, who is compelled to leave their country of origin with external aggression, occupation, foreign domination through events seriously disturbing public order in the country of origin or in the whole world. In another part of the worl,- South America, a colloquium of Latin American governments adopted the Cartagena Declaration,

¹⁵ See UNHCR, The Handbook on Procedures and Criteria for Determining Refugee Status, Geneva, January 2011, HCR/IP/4/Eng/REV.3 Reedited, paragraph 12.

¹⁶ See The Convention and Protocol relating to the status of refugees, UNHCR official website, Accessed 28.03.16. <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

¹⁷ See Protecting Migrants under the European Convention on Human Rights and the European Social Charter, Yannis Ktistakis, February 2013, Accessed 19.05.16. http://www.coe.int/t/democracy/migration/Source/migration/ProtectingMigrantsECHR_ESCWeb.pdf.

which like the OAU Convention adds more provisions to the 1951 Convention. According to this legal act those who flee their countries because of violent foreign aggression, internal conflicts or massive violation of human rights or other consequences that can disturb public order are refugees¹⁸.

The provisions of the 1951 Convention that define who is a refugee can be separated into three parts that have been named by scholars: “inclusion”, “cessation” and “exclusion” clauses. The inclusion clauses define all the criteria that a person must satisfy in order to be recognized as a refugee. It is necessary to mention that a person is a refugee within the meaning of the 1951 Convention as soon as he fulfils these criteria cumulatively (except persecution grounds and some others that to be implemented alternatively). It is not the recognition of refugee status that makes person a refugee but this only declares him to be one. It means that he/she does not become a refugee because of the recognition, but recognized because he/she is a refugee¹⁹. And here it is important to clarify the difference between “asylum seeker” and “refugee”, as we will use both these notions quite often. An asylum seeker is a person who has not yet been declared as a refugee. He/she did not yet submit an application or are waiting for it. They can be recognised or not as a refugee, but the recognition is declaratory²⁰.

These are the criteria stated in the definition, such as:

- having well-founded fear of being persecuted in the country of origin;
- being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion in the country of origin;
- being outside the country of his/her origin;
- being unable or unwilling to avail of the protection from country of origin²¹.

“Well-founded fear of being persecuted” is one of the key phrases in the definition of the refugee. Fear is a subjective phenomenon, and as we can see from the definition, it involves a subjective element

¹⁸ See *A Guide to International Refugee law*, p. 9. Accessed 20.04.16. http://www.ipu.org/pdf/publications/refugee_en.pdf.

¹⁹ See UNHCR, *The Handbook on Procedures and Criteria for Determining Refugee Status*, Geneva, January 2011, HCR/IP/4/Eng/REV.3 Reedited, paragraph 28.

²⁰ *Supra*, note 18, p. 11.

²¹ *Supra*, note 19, paragraphs 60-104.

for the person who applies for recognition as a refugee. This means that for determining a person, the authorities need to evaluate the applicant's statements. To the notion of fear, which is a state of mind and a subjective condition, is added the qualification "well-founded". This contains not only a subjective but an objective element as well, and in determining whether well-founded fear exists, both elements must be taken into consideration by the authorities. An evaluation of the subjective element is strongly connected with the personality of the applicant, as psychological reactions in each condition may differ for different individuals. For example, related to religious and political convictions the level of tolerance can be quite different. As regards to the objective element, the applicant's statements cannot be considered in the abstract, and must be viewed in the context of the relevant background situations. The correct information of conditions in the applicant's country of origin is the most important approach in evaluating the applicant's credibility²².

It is also important to clarify the term "persecution", even more so when there is no universally accepted definition of it and various attempts to formulate such a definition did not meet with any success. Now, the universal approach to the definition of persecution is article 33 of the 1951 Convention, which states, that "it may be inferred as a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution"²³.

As we mention above, in order to be considered as a refugee, a person must show well-founded fear of persecution for one of the reasons stated in the definition. These are the reasons of race, religion, nationality, membership of a particular social group or political opinion²⁴. It is unimportant whether the persecution arises from any single one of these reasons or from two or more of them. In practice very often the applicant himself/herself is not aware of the reasons for the persecution feared. It is not, however, their duty to analyze their case to such an extent as to identify the reasons in detail²⁵.

Race: When discussing race, it includes all kinds of ethnic groups

²² Ibid, paragraph 42.

²³ Ibid, paragraphs 37-52.

²⁴ Supra, note 16.

²⁵ Supra, note 23, paragraph 37.

that are referred to as “races” in common usage. Frequently it also includes membership of a specific social group of common descent forming a minority within a larger population. Discrimination for reasons of race has found world-wide condemnation as one of the most vivid violations of human rights. If as a result of race discrimination a person’s human dignity, as an inalienable human right, will be violated or where the disregard of racial limitations is a real subject to serious consequences, this will be assessed as a persecution in the sense of the 1951 Convention²⁶.

Religion: Despite the fact that the right to freedom of thought, conscience and religion, freedom to manifest it are profoundly proclaimed in the Universal Declaration of Human Rights and the Human Rights Covenant, persecution for the reason of religion is widespread. Persecution for this ground has various forms, such as the prohibition of membership of a religious community, of worship in private or in public, religious instruction, etc²⁷.

Nationality: The term “nationality” in this context must be understood in a broader sense than only as “citizenship”. It is connected to the membership of an ethnic or linguistic group and may sometime cross with the term “race” as well. Persecution for reasons of nationality may consist of adverse attitudes and measures directed against a nation²⁸.

Membership of a particular social group: This ground arises for persons of similar background, habits or social status. This group is united by the same characteristics as other grounds, i.e. race, religion or nationality. Membership of such a particular social group may be a basis for persecution because there is no confidence in the group’s loyalty to the Government or because the political or economic activity of its members or the very existence of the social group as such, is considered to be an obstacle to the Government’s policies²⁹.

Political opinion: When one’s political opinions differ from those of the Government it is not in itself a ground for claiming refugee status. The applicant must show that he/she has a fear of persecution for holding such opinions, because the Government is critical in their

²⁶ Ibid, paragraph 68-70.

²⁷ Ibid, paragraph 71-73.

²⁸ Ibid, paragraph 74-76.

²⁹ Ibid, paragraph 77-79.

policies or methods³⁰. This means that all grounds should be real or imputed by the government.

The protection that the 1951 Convention is providing is not permanent. In contrast with the inclusion clauses, which has a positive basis upon which the determination of refugee status can be done, the cessation and exclusion clauses have a negative essence.

Article 1 C of the 1951 Convention provides that the Convention ceases to apply to any person if:

- (1) He/she has voluntarily re-availed himself of the protection of the country of his/her nationality;
- (2) Having lost his/her nationality, he/she has voluntarily re-acquired it;
- (3) He/she has acquired a new nationality, and enjoys the protection of the country of his/her new nationality;
- (4) He/she has voluntarily re-established himself/herself in the country which the refugee left or outside which he/she remained owing to fear of persecution;
- (5) He/she can no longer, because of the circumstances in connection with which he/she has been recognized as a refugee have ceased to exist, continue to refuse to avail of the protection of the country of his/her nationality;
- (6) Being a person who has no nationality he/she is able to return to the country of former habitual residence³¹.

The first 4 clauses are on voluntary basis, the last two cessation clauses are based on the consideration that international protection is no longer justified on account of changes in the country where persecution was feared, because the reasons for a person becoming a refugee have ceased to exist.

The 1951 Convention also cover the clauses which exclude the possibility of having refugee status:

- (1) a Person already receiving United Nations protection or assistance;
- (2) a Person not considered being in need of international protection;
- (3) a Person considered not to be deserving of international protection³².

³⁰ Ibid, paragraph 80-86.

³¹ See The Convention and Protocol relating to the status of refugees, article 1(C), the UNHCR official website, Accessed 04.04.16.<http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

³² Ibid, article 1(F).

The State in which territory the asylum seeker is asking for status as a refugee decides whether any of this exclusion clauses are applicable or not. In order for the clauses to be implemented, the reasons should be reasonable, which means that the applicant's act has been really committed, but formal proof is not required. However implementation of the exclusion clauses should be strict³³.

It is important to note that cessation and exclusion clauses are listed exhaustively and states cannot add any new provisions or vary them in any other way³⁴.

The 1951 Convention first of all regulates the entrance of refugees to the country of asylum and then guarantees the respect of their rights and freedoms and the existence of the principle of *non-refoulement* to the country of origin or any country where the person can be persecuted or there is a threat to his life and freedom (article 33, paragraph 1). This principle is one of the most important components for protection of refugee rights. Although the principle of *non-refoulement* is basic in character, it is recognized that there can be cases in which an exception to the principle can legitimately be made. Thus, article 33(2) of the 1951 Convention continues that the beneficiary provision may not be claimed by a refugee for whom "there are reasonable grounds for regarding as a danger to the society of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the country (article 33, paragraph 2). There are, however, a number of situations when the principle of *non-refoulement* can be applied, but where are difficulties of a technical nature. Thus, the person concerned may find himself in a State which is not a party to the 1951 Convention or the 1967 Protocol, or which, although a party to these instruments, has not established a formal procedure for determining refugee status. As a solution to this problem is the fact that *non-refoulement* is now considered to be *jus cogens*, as it is "accepted and recognized by the international community of States as a whole a norm from which has no derogation and which can be modified only by a concrete norm of general international law having the same character"³⁵.

³³ See UNHCR, The Handbook on Procedures and Criteria for Determining Refugee Status, Geneva, January 2011, HCR/IP/4/Eng/REV.3 Reedited, paragraph 149.

³⁴ Ibid, paragraph 116.

³⁵ See Note on Non-Refoulement (Submitted by the High Commissioner), EC/SCP/2,

The convention obliged the States to accord the same treatment as towards aliens, who are legal residents³⁶, such as in regard with the right to obtain movable or immovable property (article 13)³⁷, any education (article 22), other than elementary one (as here they have the same rights as nationals), etc. According to the article 7 of the 1951 Convention there are even exceptional cases, for which it provides more favourable provisions³⁸.

Similarly, economic and social rights apply to refugees as they do to other individuals. Every refugee should have access to medical care. Every adult refugee should have the right to work (article 17). No refugee child should be deprived of schooling (article 22). In certain circumstances, such as large-scale inflows of refugees, asylum states may feel obliged to restrict certain rights, such as freedom of movement, freedom to work, or proper schooling for all children. Such gaps should be filled, wherever possible, by the international community. Thus, when there are no other resources available from the government of the country of asylum or other agencies, the UN High Commissioner for Refugees (henceforth UNHCR) provides assistance to refugees and other persons of concern who cannot meet their own basic needs (the activities of UNHCR will be discussed in the relative subchapter). Refugees also have certain obligations. In particular, they should conform to the laws and regulations of their country of asylum and with measures taken by the authorities to maintain public order³⁹.

In addition, the Convention establishes exact rights for refugees that are provided to its nationals, such as the freedom of religion (article 4), right to access to courts (article 16), they have equal opportunity to obtain rationing, in the cases where it exists (article 20), etc. Some articles of the 1951 Convention provides certain rights only to those refugees who are staying in the country of asylum lawfully; such as the right to engage in wage-earning employment (article 17), freedom of movement (article 26), the right not to be expelled, except certain cases,

23 August 1977, Accessed 23.05.2015. <http://www.unhcr.org/en-us/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html>.

³⁶ Supra, note 32.

³⁷ Ibid.

³⁸ Ibid.

³⁹ See A Guide to International Refugee law, p. 8, Accessed 20.04.16. http://www.ipu.org/pdf/publications/refugee_en.pdf.

connected with national security and public order (article 32, part 1)⁴⁰. In specific circumstances, such as during extensive inflows of refugees, the country of asylum can oblige to confine certain rights, such as freedom of movement, right to work, etc. But these limitations should be ended as soon as the international community is able to provide any kind of assistance. When there is lack of the resources in the State budget, international organisation, mostly UNHCR should ensure financial and psychological help for the refugees⁴¹.

It is important to clarify the question whether human rights law applies to the cases of protection of the rights of refugees⁴². International Human Rights law, on behalf of its legal norms, such as the Universal Declaration of Human Rights and 1966 Covenants⁴³ adopt the ban of discrimination and general principle of the protection of human rights. This non discriminative essence means that these legal norms are executed within the territory of the State towards every human being, without any exception and in spite of whether the person is a refugee or not. We can conclude that International Human Rights law is always available to fill those gaps that exist in Refugee law. Here we need to answer another question, such as in cases of contradictions between Human Rights and Refugee Law, which one should apply. First of all we need to note that according to the article 5 of the 1951 Convention “it shall not impair any rights and benefits granted by a Contracting State to refugees apart from the Convention”⁴⁴. We can conclude from this that in the moment when the 1951 Convention was created some States had their own regulations in this sphere through their domestic legislation, or they were using international regulations, as in connection with article 5 we can see in the preparatory works of the 1951 Convention that was designed by taking into account the existing practice

⁴⁰ See The Convention and Protocol relating to the status of refugees, UNHCR official website, Accessed 09.05.16..<http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

⁴¹ Supra, note 39, p. 22.

⁴² As in this paper we will discuss the protection of the refugee children rights it is important to answer to this question, as we will refer to different international and national legal acts, which do not regulate directly that sphere.

⁴³ In 1966 there were adopted two international Covenants, on 16 of December it was adopted International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

⁴⁴ See The Convention and Protocol relating to the status of refugees, UNHCR official website, Accessed 09.05.16..<http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

of some States that did not want to refuse it⁴⁵. The Convention on the Law of Treaties, concluded in Vienna on 23 May 1969 (hencehereinafter the Vienna Convention), states that “when a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail” (article 3, part 2)⁴⁶. Of course, the Vienna convention has non-retroactivite power (article 4)⁴⁷, but this norm tends to have a customary nature, which means that they can apply to the Conventions, concluded previously or ad hoc during the resolution on exact cases⁴⁸. As there is a necessity to amend article 5 of the Geneva Convention, the Vienna Convention is helping us in this case, as the parts 3 and 4 of article 30 of the Vienna Convention states that “when all parties to the earlier treaty are parties also to the later treaty, but the earlier treaty is not terminated or suspended, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty”. It also regulates relations when the parties to the later treaty are not the party to the earlier one. There is no legal document thatreplaces the Geneva Convention, but there are some positions that are similar with the positions of other Treaties. In particular, articles 3-34 of the Geneva Convention have the same essence as many documents connected with human rights. Thus, if we will use the positions of the Vienna Convention it means that the norms of 1951 Convention and 1967 Protocol are acting only in those cases when there is no other provision in International Human Rights Law. This means that if the new provisions of the latest treaty states norms different than the earlier one the later one would prevail.

As we can see there is an international mechanism on behalf of the 1951 Convention that regulates the most important aspects of refugees rights, but it cannot cover all issues, that is why other international acts that concern them are coming to its aid. One of the most important things is that the Convention is trying to find a keen balance between the interests of refugees and countries of asylum, and the bright example can be the definition of the 1951 Convention.

⁴⁵ See Paul Weis, *The Refugees Convention, 1951: The Travaux Preparatoires Analysed with a Commentary*, Cambridge University Press, 1995, p. 37.

⁴⁶ See the *Convention on the Law of Treaties*, Accessed 10.05.16. <https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf>.

⁴⁷ Ibid.

⁴⁸ See Springer Verlag, *Vienna Convention on the Law of Treaties. A Commentary* (Edited by O. Dorr and K.Schmalenbach), Berlin, Heidelberg, 2012, p. 87.

1.2 EUROPEAN UNION LEGISLATION ON THE REFUGEES AND BURDEN SHARING
FOR THEIR PROTECTION

“It is Europe today that represents a beacon of hope, a haven of stability in the eyes of women and men in the Middle East and in Africa. That is something to be proud of and not something to fear.”

Jean-Claude Juncker, President of the European Commission, 9 September 2015

Within the EU there are several acts which provide determination of the responsibilities of EU Member States regarding the examination of application from asylum seekers who are asking for international protection. In 1999 the heads of the Governments adopted the Tampere Conclusions which defined the so-called legislative programme of a Common European Asylum System. Since this several legal acts and programmes have been adopted. These acts are EU Qualification Directives, such as the directive 2004/83/EC of April 2004 on minimum standards for the qualification status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection grants⁴⁹, the Reception Conditions Directive 2013/33/EU⁵⁰, the directive 2013/32/EU of June 2013 on common procedures for granting and withdrawing international protection⁵¹ and the Dublin Regulation⁵². It was signed in Dublin, Ireland on 15 June 1990, and first came into force on 1 September 1997. The Dublin II Regulation was adopted in 2003, and it replaced the Dublin Regulation. On December 2008 the European Commission proposed amendments to the Dublin Regulation, and created an opportunity to reform the Dublin system. The Dublin III Regulation was approved in June 2013, replacing the Dublin II Regulation. It applies to all member

⁴⁹ See EU Directive 2004/83/EC, Accessed 20.05.16. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:en:HTML>.

⁵⁰ See EU Directive on the Reception Conditions 2013/33/EU, Accessed 30.05.16. http://europa.eu/rapid/press-release_IP-15-5699_en.htm.

⁵¹ See EU Directive 2013/32/EU, Accessed 20.05.16. <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>.

⁵² It is the Regulation No. 604/2013, which sometimes is being called Dublin Regulation III, (previously the Dublin II Regulation and Dublin Convention).

states of EU except Denmark⁵³. The responsibilities, which this legal act states run, in hierarchical order, from family considerations, to recent possession of visa or residence permit in a Member State, to whether the applicant has entered EU irregularly, or regularly⁵⁴.

As we can see, the above-listed directives are regulating 3 important issues, such as quality of protection, what the protection should cause and when and where it needs to be implemented. It seems like protection should be exhaustive and effective but the reality is different. In these regulations the practical and instant mechanisms for the protection of the violations of human rights and asylum law are missing⁵⁵. In September 2015 the European Commission started 40 violation procedures against 19 member States on the grounds of insufficient implementation of asylum directives, however they failed to protect human right violations in the Member State⁵⁶.

Another part of the above mentioned Dublin regulation, which contains the criteria for which State is responsible for the protection of the asylum application and refugees. It tried to prevent asylum seekers from submitting application in more than one Member State. This act covers some important issues such as the right to information (article 4). There are certain provisions that the applicant should be informed of as soon as the application for international protection has been made⁵⁷. There are different approaches in different countries, what kind of information should be provided and by what governmental authority.

The next important guarantee is access to the procedure (article 3). Only one Member State will be responsible for the assessment of the claim. Here it is important to note that according to the Dublin regulation the responsible Member State is mostly the one through which the asylum seeker first passed upon entering. The purpose is to avoid abuse of the system by the applicant submitting several applications⁵⁸.

⁵³ Came into force on 19 July 2013.

⁵⁴ See the official website of EU on Migration and Home affairs. Accessed 12.05.16 http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/index_en.htm.

⁵⁵ Hemme Battjes, Evelien Brouwer, Lieneke Slingenberg and Thomas Spijkerboer, *The Crisis of European Refugee Law: Lessons from Lake Success*, Preadvies CJV, 2015, p 8.

⁵⁶ See the Press release, IP/2015/5699, European Commission 23 September 2015.

⁵⁷ See official website of EU on Migration and Home affairs. Accessed 10.05.16. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation_of_the_implementation_of_the_dublin_iii_regulation_en.pdf.

⁵⁸ See the official website of the European Union, Accessed 10.05.16. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/index_en.htm.

Usually, the responsible Member State will be the state through which the asylum seeker first entered the EU⁵⁹. The purpose is to make the process of determination of the refugee status and preventing asylums from claiming asylum from several Member States efficient. Currently this norm bears some problems. In contrast with other states, mostly wealthier northern European ones, Italy, Hungary and Greece are accommodating large number of refugees and facing the difficulties of this norm⁶⁰. The poor reception conditions, lack of procedural guarantees, economic and political issues are common now in these countries, because of the large number of refugees.

During this period there were several cases in the European Court of Human Rights (henceforth ECHR) regarding to this issue. In the case *A.M.E. v. The Netherlands*, a Somali (13 January 2015) asylum seeker complained that his return to Italy would place him in poor living conditions and he even had a fear that from Italy he would be sent back to Somalia. The Court found the applicant's complaint under article 3 (which prohibits to treat with torture, inhuman or degrading treatments to others⁶¹) of European Convention on Human Rights (henceforth ECHR) inadmissible. The Court stated that his future prospect in Italy is not severe enough to be placed under the article 3 of ECHR. The Court also noted the fact that applicant was a young person with no dependents⁶².

In another case *A.S. v. Switzerland*, a Syrian complained that the result of a return to Italy would be inhuman and degrading treatment for him. Because of the number of refugees he would not receive proper housing and medical treatment. In addition to article 3 of ECHR, he also referred to article 8, which states the right to respect private and family rights, and mentioned that his relations with his sister would suffer because of his return to Italy. In this case too, the Court found the complaint to be inadmissible, as the applicant was not critically ill

⁵⁹ See The Dublin III regulation 26.05.13, Accessed 10.05.16. <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604>.

⁶⁰ See Amnesty International. Mediterranean crisis: UN pointed to 50-fold increase in deaths amid European government inaction. 15.04.15, Accessed 10.05.16. <https://www.amnesty.org/en/latest/news/2015/04/mediterranean-crisis-50-fold-increase-in-deaths-amid-european-inaction/european-inaction/>.

⁶¹ See European Convention on Human Rights, 1950, Accessed 11.05.16. http://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁶² See *A.M.E. v. the Netherlands* (no. 51428/10) 13, January 2015, Accessed 10.06.16. <http://hudoc.echr.coe.int/eng-press?i=003-5006911-6145069>.

and there is no approved statement that he would not receive proper treatment⁶³.

In this legal act the best interest of children is also considered as a key point. And we can see the interpretation, how it is assessed. article 6(1) states: ‘the best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation’. Article 6(3) sets out four factors on which to judge the best interests of the child:

- Family reunification possibilities;
- The minor’s well-being and social development;
- Safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;
- The views of the minor, in accordance with his or her age and maturity⁶⁴.

The question of how to determine the best interests of children is subject to much discussion in the literature; no agreement exists and there is no agreed upon criteria/indicators. An in-depth assessment of the methods is beyond the scope of this Study, but suffice it to say that in practice, Member States each give their own interpretation, as also confirmed by relevant stakeholders in some Member States. Moreover, most Member States do not have any special procedures or guidelines for determining the best interests of the child, but rather rely on general international or national guidelines; for example international guidelines drawn up by the UNHCR and Committee of the Rights of the Child (CRC), the Handbook from the Fundamental Rights Agency (FRA), or jurisprudence from the ECtHR. Italy, Sweden, Slovenia and Norway reported they also rely on national guidelines. In some Member States (CZ, DE, FI, IT, NL²⁶, NO, PL, SE) authorities reported they consult other relevant stakeholders within their Member State and take into account their views on what is considered to be in the best interests of the child⁶⁵.

One of the important regulations is also the Eurodac. The Eurodac

⁶³ See *A.S. v. Switzerland* (no. 39350/13), 30 June 2015, Accessed 10.06.16. [http://hudoc.echr.coe.int/eng-press?i=003-5121543-6317560#{"itemid":\["003-5121543-6317560"\]}](http://hudoc.echr.coe.int/eng-press?i=003-5121543-6317560#{).

⁶⁴ See The Dublin III regulation 26.05.13, Accessed 10.05.16. <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013R0604>.

⁶⁵ See official website of EU on Migration and Home affairs. Accessed 10.05.16. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation_of_the_implementation_of_the_dublin_iii_regulation_en.pdf.

Regulation has been implemented since 2003. This is a database of the fingerprints of EU asylum seekers. When an asylum seeker is applying, the fingerprints are transmitted to the Eurodac central database. This is one of the most sufficient IT mechanisms. Currently this database is not just used for asylums, but also the national police and Europol has the opportunity to compare the fingerprints from criminal investigation with the ones in the Eurodac⁶⁶.

As we can see there are a number of unique regulations in EU legislations, which can be adopted by national legislations as well (for example in RA), such as the specific right of information. Also, an interesting provision in these regulations is the interpretation of the best interest of a child in its 4 points.

⁶⁶ See Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of Eurodac for the comparison of fingerprints for the effective application of the Dublin convention.

2.

THE INTERNATIONAL LEGAL FRAMEWORK
ON THE RIGHTS OF REFUGEE CHILDREN

2.1. BASIC UNIVERSAL STANDARDS ON THE PROTECTION
OF THE RIGHTS OF REFUGEE CHILDREN

In this chapter we are going to discuss the protection of the rights of child refugees. First of all we need to clarify the definition of a child, which is stated in the Convention on the Right of the Child. According to the Convention “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (article 1). An estimated 51 per cent of the population of concern to UNHCR is under the age of 18⁶⁷. It is important to note that the protection of the rights of children did not begin with the CRC. In 1924, The League of Nations (LON) adopted the Geneva Declaration, which recognized the existence of rights specific to children and the relative responsibilities of adults towards them⁶⁸. This was a step after World War I, when Eglantyne Jebb started speaking about special protection that children need. After the foundation of the Save the Children Fund in London in 1919, with the support of the International Committee of the Red Cross (ICRC), Save the Children was organized and structured around the International Save the Children Union⁶⁹. On 28 February 1924, it ratified the draft of the Declaration of the Rights of the Child during its fifth general assembly. Jebb sent this document to the League of Nations, saying that she believed “we should claim certain

⁶⁷ See A Guide to International Refugee Law, p 5. Accessed 09.05.16. http://www.ipu.org/pdf/publications/refugee_en.pdf.

⁶⁸ See the Geneva Declaration of the rights of Children. Accessed 21.03.16. http://www.unicef.org/vietnam/01_-_Declaration_of_Geneva_1924.PDF.

⁶⁹ See Clare Mulley, *The Woman Who Saved the Children: A Biography of Eglantyne Jebb, Founder of Save the Children*, One world Publications, 2009, p. 30.

Rights for the children and labour for their universal recognition”. On 26 September 1924, the League of Nations adopted the declaration and called it the Geneva Convention. This was a historic day, as it was the first time that specific rights for children were recognized. The document summarizes the fundamental needs of children in five points, in discussing the right to develop, the well-being of children, assistance, relief and protection⁷⁰. But this was just a Declaration, and was not legally binding. Also, in these five points there were no principles about children who were far from their origin countries, as the notion of refugees had not been developed as well, although this was the end of World War I, when there was a huge problem with people who were far from their origin countries. Nonetheless, the Geneva Declaration remains the first international Human Rights document in history to specifically address children’s rights.

International treaties are important, as they set standards for relations. When talking about the rights of refugee children there are some main international standards that must be examined. The specific convention, regulating the rights of refugee children is the 1951 Refugee Convention and the 1967 Protocol (Relating to the Status of Refugees), which set standards that apply to children in the same way as to adults:

- a child who has a “well-founded fear of being persecuted” for one of the stated reasons is a “refugee”;
- a child who holds refugee status cannot be forced to return to the country of origin (the principle of *non-refoulement*);
- no distinction is made between children and adults in social welfare and legal rights⁷¹.

Applying the criterion of “well founded” fear of persecution of children does not normally give rise to any problem when they are accompanied by one or both of their parents. Determination of unaccompanied children’s status is more difficult and requires special consideration (this will be discussed below).

There is only one specific article (article 22) that sets some standards which have special importance to children: refugees must receive the same treatment as nationals in primary education, and treatment at

⁷⁰ Supra, note 68.

⁷¹ See Refugee Children: Guidelines on Protection and Care, p 4. Accessed 10.04.16 http://www.unicef.org/violencestudy/pdf/refugee_children_guidelines_on_protection_and_care.pdf.

least as favourable as that given to non-refugee aliens in secondary education⁷².

The treaty which covers almost all areas concerning children rights is the 1989 Convention on the Rights of the Child (henceforth CRC), the norms of which are applied to the protection of the child refugee's right. This is not a treaty, regulating directly the protection of the rights of the refugees but there are some important statements, which became principles for the protection of the children's rights.

First of all, as we already mentioned, the CRC gives us the definition of the child. According to article 1, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". Thus, when discussing a refugee child, we mean a person below the age of eighteen. In practice, it is necessary for an asylum country to determine the age of a young person who has or claims the refugee status, as there may be different procedures or programmes for those who are under specific age. States often face practical problems when determining age, as a refugee's birth might never have been registered or in most cases the identity papers can be lost, faked or even destroyed. In some cases even when papers are in order, authorities question their validity. In such cases authorities usually base age assessments on physical appearance⁷³. Sometimes even "scientific procedures" can be used, such as dental or wrist bone x-rays⁷⁴. But in any case it is the authority's duty to be sure that their methods are accurate, safe and respect human dignity.

Article 3 of the convention states that "In all actions concerning children the best interest of the child shall be a primary consideration". This statement has become a principle when discussing any relations concerning a child. In many cases for solving exact issues it can be the only justification. The best interests of the child means that legislative bodies must consider whether laws being adopted or amended will benefit children in the potentially correct way. Children who are refugees or asylum-seekers receive special attention under the CRC, which "requires States Parties to take measures to ensure that such children receive appropriate protection and humanitarian assistance" (article 22). It is mentioned that "A State must ensure the rights of each

⁷² Ibid., p. 5.

⁷³ Ibid, p. 45.

⁷⁴ Ibid, p 46.

child within its jurisdiction without discrimination of any kind” (article 2). These are principles, which should be taken into consideration by all member states.

There is one specific article in CRC, concerning child refugees, which states that “State parties ensure with appropriate measures that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by parents or by any person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the Convention and in other international human rights or humanitarian instruments”(article 22, part 1)⁷⁵.

As we mentioned almost every aspect of a child’s life is covered in CRC: health, education, social and political rights etc. The CRC has gained huge importance for refugee children, as this Convention has near-universal ratification (196 State parties by 2015⁷⁶). Its standards have been admitted by countries in almost every region of the world, and because the standards are universal, the CRC can be used as a powerful tool for advocacy: a country cannot claim its uniqueness as an excuse for not living up to universal standards. In cases when a State is a party to the CRC but not to any refugee treaty, the CRC may be used as the primary basis for protecting refugee children. Even when a State has not ratified the CRC, UNHCR may still advocate its observance as its standards are universal. UNHCR also applies the CRC to its own work by using the rights as guiding principles.⁷⁷

Regardless of the domestic law of a country, a child may seek asylum under a procedure to determine the claim. The three basic methods are (1) group determination, (2) determination based on an adult’s claim and (3) determination based on the child’s own claim.

Group determination can be provided when there are a large number of refugees fleeing and it is impossible to make individual status determination. In this case the state might grant refugee status to all members of the group and each child in the group would automatically receive refugee status.

⁷⁵ See Convention on the Rights of the Child, Accessed 20.04.16. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

⁷⁶ See United Nations Treaty Collection. Accessed 20.05.16. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en.

⁷⁷ See Geraldine Van Bueren. International documents on children, 2nd addition, 1998. p. 450.

Determination based on adults claim is granted when the head of a household is granted refugee status, the status is being granted also for his or her dependants. This is not a required act under any article of the refugee treaties (except the provisions adopted by EU legislation), but States do it in many cases in order to promote family unity⁷⁸. It is an easy procedure when a child is with one or both parents; the family unity principle clearly applies and a dependent child will be accorded with the parent's status. In practice, dependants are those persons, who are living in the same household⁷⁹. The situation is more difficult, however, when the child is with an uncle, cousin or other relative. In these cases the State might not consider the relatives to be a "family", and might require each person, child as well, to make an individual claim. If the relatives are granted refugee status, based on their well- founded fear, but the child's claim is denied, he or she will be split apart from relatives and may become an unaccompanied minor. In some cases, the claim might describe the relationship as an informal, traditional or de facto adoption⁸⁰.

A child's individual claim is being determined, when the adult can be of great assistance by giving factual information to document the claim, speaking on behalf of the child, helping understand the procedures, giving emotional support, offering advice, or making a decision on behalf of the child. By contrast, it should be noted that unaccompanied children have none of this support when making an individual claim⁸¹.

When talking about the interview process, there are certain things that need to be covered, such as the existence of the legal representative or a guardian during the interview, who should be appointed immediately to ensure that the interests of a child applicant for refugee status are fully guaranteed. In many countries the appointments of such representatives do not work satisfactorily. Sometimes it takes too long, or the person does not have the required level of skills for the protection of the best interest of the child. The interview for status determination is very important, as it can be very traumatic especially for a child. The existence of a trusted adult, such as a family member or an appointed

⁷⁸ See UNHCR, *The Handbook on Procedures and Criteria for Determining Refugee Status*, Geneva, January 2011, HCR/IP/4/Eng/REV.3 Reedited, paragraph 181-188.

⁷⁹ *Ibid*, paragraph 185.

⁸⁰ *Supra*, note 74, pp. 42-43.

⁸¹ *Ibid*, p 43.

independent person accompanies them during the interview. And in the very end, it is important to inform them about the process, decisions that have been made and the possible consequences.

The absence of any of these guarantees can be the reason for appealing the decision of the State authority.

2.2. UNIVERSAL STANDARDS OF EDUCATION, NUTRITION AND HEALTH OF REFUGEE CHILDREN

In this part we would like to demonstrate the level of protection of different rights of child refugees, such as education, health, nutrition, etc.

As we already mentioned, CRC covers different aspects of child's life, and education is one of them. The enforcement of educational guarantees and most importantly access to education is one of the most important priorities in the lives of refugees.

The foundations of the provision of refugee education are stated in article 22 of the 1951 Convention Relating to the Status of Refugees, which states that "signatory states shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education and treatment as favourable as possible with respect to education other than elementary education". It is obvious that Member States of the 1951 Convention realize the right to education uniquely, which depends on their laws, policies and practices. Even the approach of the States differs in different period of historical time.

Access to education is one of the basic human rights and is strongly interrelated to poverty reduction, holding economic stability and growth, and better lives for children, families, communities and States. In 1948, the Universal Declaration of Human Rights recognized compulsory primary education as a universal entitlement. This is why there are number of international legal acts which cover non-discriminative and other important provisions in this regard. The 1979 Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1979) called for no discrimination in educational provision for men and women, and the 1989 Convention on the Rights of the Child (CRC) affirmed the right of all children, regardless of status, to free and compulsory primary education, to available and accessible secondary education, and to higher education on the basis of capacity (article 28).

Attending school provides persistence for children, and contributes to their well-being. For these reasons, education is an important component to the development of children. Also it is important to note that it is recognized as a universal human right. The 1951 Convention states that “the Government of the asylum country are bearing the responsibility to provide education for refugees” (article 22)⁸². According to article 28 of CRC each child has the right to education, free and compulsory secondary education available for all and higher education on the basis of capacity.

Many barriers must be overcome for to ensure that refugee children really receive education. Sometimes refugee children are denied education because the governments of the countries of asylum do not provide or are unable to provide primary education even for their own children, because of the lack of resources, such as poor infrastructure; inadequate resources and a lack of trained teachers are common limitations, as a result the quality of education may be poor, the hours limited and school materials may be lacking. The other problem is that sometimes they get education, but it is not in the refugee children’s parents tongue. To ensure that refugee children have the opportunity of education, responsible offices, in collaboration with host governments and partner agencies, must try to overcome such obstacles⁸³.

As we already mentioned each State has its own policy and structure with regard to the right to education and access to education. For example, as early as 1975, refugee children from countries like Burundi, Rwanda, and Zaire in Tanzania were mostly integrated into the national education system, although they were later moved into refugee camps. In Iran, Afghan refugees were able to exercise the right to education before voluntary repatriation to Afghanistan began in 2002. However Afghans who still remain in Iran are continually denied access to education through discrimination and the taxation of additional tuition fees⁸⁴.

The CRC states that each child has the right to the “highest attainable standard of health” (art. 24). States must take action “to diminish

⁸² See The Convention and Protocol relating to the status of refugees, UNHCR official website, Accessed 28.03.16. <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

⁸³ *Supra*, note 81.

⁸⁴ See The Global review on refugee Education, p. 13. Accessed 09.05.16. <http://www.unhcr.org/4fe317589.pdf>.

infant and child mortality,” to develop “primary health care,” and to teach “child health and nutrition” (art. 24). Each constitutes a critical component of the health system. The right of children to humane living standards and adequate health services, (stated in the CRC articles. 23, 24 and 27), are also adequately established⁸⁵. Children are more vulnerable and when they become cold, hungry and have no shelter, they do not develop and quickly become ill quickly. If food, water, environmental sanitation and shelter services are not properly provided, children are the first to die. This is the reason that refugee health and nutrition should be cared for at the highest level.

According to the CRC every child who is a victim of “any form” of abuse or neglect has the right to “physical and psychological recovery and social reintegration” (art. 39). Refugee children’s psychosocial well-being is as important an element as their physical health. The term “psychosocial well-being” is used to reflect the intimate relationship between psychological and social factors⁸⁶. Psychosocial well-being is important because they are developing; their personalities are being formed and coping skills being learned almost daily. They do not develop when they are separated: the family is essential in providing the sense of dignity, security and identity that is necessary for the child to successfully learn, develop and fit into the society. The uprooting, violations and insecurity, which are interconnected with the refugee situations, can harm children’s physical, intellectual, psychological, cultural and social development. On the other hand, adults also very often suffer in refugee situations and this alone can influence their ability to provide for their children. Sometimes parental distress results in child abuse, abandonment, family strife and other forms of family disintegration. During refugee situations, children face greater risks to their psychological development. Hardships in refugee situations are chronic.

To avoid this kind of problem the States first of all need to have proper mechanisms for the regulation of these spheres and the realization of those norms. There should be also proper mechanisms for the rehabilitation of refugee children’s psychic and mental State, because as we already mentioned refugee situations mostly bring this kind of consequences.

⁸⁵ Supra, note 83 p. 21.

⁸⁶ Ibid, pp. 13-14.

2.3. UNACCOMPANIED CHILDREN AS THE MOST VULNERABLE GROUP

As we already mentioned refugee children are extremely vulnerable, but still the most vulnerable are the ones who are not together with an adult or other legal representative who is responsible for their care. Without exceptional and special care to ensure fundamental needs of unaccompanied refugee children, their rights can be infringed easily and very often. In every refugee circumstance the rights of such kind of children must be guaranteed with unique activities⁸⁷. “Unaccompanied children” are those children who are separated from their both parents and there is no adult by law or custom, who is responsible for the care of this children⁸⁸. Here it is worthy to mention that each State has its own mechanisms of family ties, and there is no universal one, so the existence or absence of the family should be discussed for each case and country differently, but in general family is a close personal connection between members, and some universal principles have been adopted by the ECHR, which will be discussed below.

It is important to distinguish the notions of “unaccompanied children” and “orphan”. The orphan is a child who’s both parents are dead. A child is unaccompanied, when he/she is not cared for by their parents and faces difficulties and not proper care and protection⁸⁹. According to the CRC each “child has the right to know and be cared for by his/her parents” (article 7). There is also a special article that states that “Applications by a child or his/her parents to enter or leave a State for the purpose of family reunification shall be dealt with by State Bodies in a positive, humane and expeditious manner” (article 10) .

In every State there must be specific procedure for identification of unaccompanied children. There are 2 main aims for this: (1) to find out whether the child is really unaccompanied and (2) to clarify whether the child is an asylum seeker⁹⁰.

⁸⁷ See UNHCR Policy on Refugee Children EC/SCP/82, the official website of UNHCR, 6 August 1993.. Accessed 08.04.16. <http://www.unhcr.org/3ae68ccc4.html>.

⁸⁸ See *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, February 1997, paragraph 3, Accessed 09.04.16. <http://www.unhcr.org/3d4f91cf4.pdf>.

⁸⁹ See *Guardianship systems for children deprived of parental care in the European Union, Luxembourg*, Publications Office of the European Union, 2015, p. 11. Accessed 09.04.16

https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/guardianship_systems_for_children_deprived_of_parental_care_in_the_european_union_en.pdf.

⁹⁰ Supra, note 88, paragraph 5.1.

UNHCR developed 3 approaches for how to protect these children:

- Direct services to the children;
- Helping the child through services to the family;
- Assisting the child and the family through services to the community.

The separation of families except from age affects the refugee children in physical and psychological aspects and often the huge help is when the States also provide support to the families and communities, as it is obvious that the most effective protection for refugee children is also the protection of refugee families. An important guarantee is also special mechanisms adopted by the States to ensure the actions that will provide for family reunion.

There are several actions that must be carried out by the State authorities when an unaccompanied child is found:

- Provide representation, (for example, a guardian);
- Guarantee suitable accommodation for the child (foster family, relatives or just an accommodation centre);
- Organize all necessary actions for locating the family of the child;
- Take into account the principle of family unity in the issues connected with unaccompanied children;
- Solve any problem with the principle of the best interest of the child⁹¹.

There are few cases of European Court of Human Rights concerning this topic, but most of them are related to family reunion. According to the ECHR the “broader” structure of family are parents, children, and spouses. Besides the traditional family structure, article 8 has been interpreted in a way that allows the protection of individuals with other family links. In the case of *Marckx v. Belgium*⁹², the Court found that family life, within the meaning of article 8, includes at least the ties between near relatives, for instance those between grandparents and grandchildren, since such relatives may play a considerable part in family life⁹³.

In the other Judgment, the Court added that “article 8 makes no distinction between the ‘legitimate’ and the ‘illegitimate’ family” (paragraph 31). Indeed, this interpretation opens the notion of family life to non-married cohabitants who have a stable relationship, brothers

⁹¹ Ibid, paragraph 3.

⁹² See the case of *MARCKX v. Belgium* 13 June 1979, Accessed 10.04.16. [http://hudoc.echr.coe.int/eng#{“appno”:\[“6833/74”\],“itemid”:\[“001-57534”\]}](http://hudoc.echr.coe.int/eng#{“appno”:[“6833/74”],“itemid”:[“001-57534”]}).

⁹³ Ibid.

and sisters, as well as uncles/aunts and nieces/nephews. In these latter situations, the question of the existence or nonexistence of a family life is essentially a question of facts.

The ties between relatives must be real and effective in order to determine whether a family life exists. The Court will, among other things, look into whether the individuals live together and/or whether there is financial or effective dependency⁹⁴.

The starting point for services for unaccompanied children is planning for prevention and identification. Prevention is conducted when authorities try to ban the separation of children from their families by identifying actual and probable causes of separation and intervening. For example, in an organized evacuation, each child should be accompanied by at least one parent⁹⁵. Care must be taken to avoid those families intentionally separated from their children in order to take advantage of special services for unaccompanied children.

2.4 UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
AS AN INTERNATIONAL INSTITUTION FOR THE PROTECTION
OF THE RIGHTS OF REFUGEE CHILDREN

Notwithstanding international legal acts it is important to note those organizations, which try to execute the norms adopted in different acts. The most important Organization is the United Nations High Commissioner for Refugees (henceforth UNHCR). In 1946, the UN General Assembly established the International Refugee Organization (IRO) as a Specialized Agency of the United Nations with a limited duration, and when the prospective termination of the mandate of the IRO was near to the end the UNGA, by Resolution 319 (IV) of 3 December 1949, decided to establish a High Commissioner's Office for Refugees "to discharge the functions enumerated and such other functions as the General Assembly may from time to time confer upon it"⁹⁶. article 35 of the 1951 Convention and article II of the 1967 Protocol contain an agreement for States Parties to cooperate with UNHCR in the exercise of its functions

⁹⁴ See *Berrehab v. The Netherlands*, 28 May 1988, 3/1987/126/177;10730/84, Accessed 10.04.16. <http://www.refworld.org/docid/3ae6b6f424.html>.

⁹⁵ *Ibid.*

⁹⁶ See the Annex to the Resolution 319 (IV) of 3 December 1949.

and, in particular, to help UNHCR supervise the implementation of the provisions found in those treaties⁹⁷. UNHCR is a humanitarian and non-political organization. It is mandated by the United Nations to provide the protection of refugees and help them to find solutions to their difficult situations. As the problem of displacement and refugees has grown over the past half century, UNHCR has also grown to meet the challenge. In addition to existing legal protection, UNHCR now provides material relief in major emergencies, either directly or through partner agencies as well. During the first fifty years, UNHCR has protected and assisted more than 50 million people and its work has earned it two Nobel Peace Prizes. At the international level, UNHCR promotes international refugee agreements and monitors government compliance with international refugee law. UNHCR staff promote refugee law among all people who are involved in refugee protection, including border guards, journalists, NGOs, lawyers, judges and senior governmental officials⁹⁸. One of the most important roles of UNHCR in many countries is the opportunity to give advice during the process of status determination and is a part of the appeal body which reviews negative decisions⁹⁹.

UNHCR's primary goals that are connected with refugee children are follows:

- To ensure the protection and healthy development of refugee children.
- To achieve durable solutions which are appropriate to the immediate and long-term developmental needs of refugee children¹⁰⁰.

During recent years the Executive Committee of UNCHR has developed different conclusions and decisions connected with the refugee children. For example, in 1988 the UNHCR Guidelines for refugee children were adopted which are key elements for the care and protection of refugee children¹⁰¹.

Also it should be noted that UNHCR's Executive Committee has adopted two specific Conclusions regarding refugee children. The

⁹⁷ See The Convention and Protocol relating to the status of refugees, UNHCR official website, Accessed 28.03.16. <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

⁹⁸ Ibid, article 35.

⁹⁹ See UNHCR policy on refugee children, 6. August 1993, Accessed 10.05.16. <http://www.unhcr.org/3ae68ccc4.html>.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

first one is Conclusion No. 47 (XXXVIII), which was adopted in 1987 and concernsthe children who are refugees and mostly those who are unaccompanied or disabled. This Conclusion contains recommendations on the assessment and the need of this people¹⁰². The next Conclusion (Conclusion No. 59 (XL)) was adopted in 1989, and guarantees the special attention and attitude towards refugee children. There are also several examples of how these needs can be assessed, monitored and met. Here we can see a requirement by the High Commissioner to report regularly to the Executive Committee about the needs and challenges of refugee children¹⁰³.

It is obvious that children will always be vulnerable and need special care. It is important to highlight that the High Commissioner through its objectives and goals in not stating that children and their needs should be assessed in other way than refugees, and as we will see in the case study many problems (for example not accessible job market), regarding adults indirectly affects the need of the children. That is why one of the prior goals of the UNHCR is commitment of exact action which will integrate the protection of the children in all aspects, so that a separate policy, which UNHCR is conducting currently will not be so necessary.

As we can conclude the best interest of children, as a prerequisite, is being accomplished by the hosting Government and the international community, however the UNHCR's policy shall be implemented as an additional resource. The observations of UNHCR always will show where to invest the financial resources of the country, for the protection of the right to education or in different sphere. This would be an important guarantee especially for countries which do not have developed economic and financial capability. On the other hand the High Commissioner will provide the special protection and support on behalf of international community¹⁰⁴.

¹⁰² See *Refugee children*, UNHCR Executive Committee Conclusion No 47, 1987, Accessed 11.05.16. <http://www.unhcr.org/excom/exconc/3ae68c432c/refugee-children.html>.

¹⁰³ See Conclusions on the International Protection of Refugees, UNHCR, Geneva (1992).

¹⁰⁴ *Supra*, note 101.

3.

DOMESTIC REGULATIONS ON THE PROTECTION
OF REFUGEE CHILDREN IN ARMENIA

3.1 THE LEGAL FRAMEWORK OF THE PROTECTION
OF CHILDREN REFUGEES IN ARMENIA.

According to the Law of the Republic of Armenia (RA) on children's rights, adopted on May 29, 1996¹⁰⁵, a child is considered to be such under the age of 18.

Issues related to the refugees have always been in the political and social, economic agenda of Armenia for almost a century. At the beginning of the 20th century hundreds of thousands Armenian families fled to Western Armenia, other parts of Turkey and Azerbaijan, and became refugees. After the declaration of Soviet Armenia, it continued receiving refugees right after World War II. At the end of 20th century as a result of a military dispute between the former Soviet Republics of Armenia and Azerbaijan over the Nagorno Kharabakh region, hundreds of thousand families fled to Armenia¹⁰⁶. The specificity of issue relating to the refugees in the Republic of Armenia (hereinafter RA) is the fact that 99% of refugees living in Armenia are ethnic Armenians¹⁰⁷, but this does not release them from the number of restrictions and violations. The huge flow of refugees to Armenia began in 1988 and only at that time about 418.000 people moved from different Soviet Republics to Armenia, 360,000 of whom were from Azerbaijan¹⁰⁸. In this chapter we

¹⁰⁵ See 1st article of the Law of the Republic of Armenia on the rights of Children. Accessed 10.05.16. <http://www.parliament.am/legislation.php?sel=show&ID=1700> (ARM).

¹⁰⁶ See The Living Conditions of Refugees in Armenia. Country report, p. 3. Accessed 01.06.16. <http://www.unhcr.org/45adf1132.pdf>.

¹⁰⁷ See The official website of the Human Rights Defender of RA, 2015. Accessed 09.05.16. <http://www.ombuds.am/guards/browse/code/5> (ARM).

¹⁰⁸ Ibid.

will discuss how Armenian legislation regulates relations connected to the refugees and mostly refugee children, are there any gaps.

During recent decades Armenia has accepted several hundred thousand refugees from Azerbaijan and more than thousand from Iraq. Currently the new flows are coming from Syria and Ukraine due to the military actions in these countries. According to official statistics in 2015 there were 316 asylum seekers in the RA, and only 202 were recognized as refugees. It is interesting to mention that from those asylum seekers, 104 were from Syria, 93 from Ukraine, 75 from Iraq and 21 from Iran. All in all almost 15,000 Syrian refugees seek asylum in Armenia (most of them are ethnic Armenians). Regarding the Ukrainian refugees, as already mentioned, there were only 93 people in 2015, but it is obvious that the number can be higher, as with regards to the Ukrainians they sometime use the opportunity of the no-visa system between Armenia and Ukraine¹⁰⁹. As we can see these numbers are lower compared with the statistics available in European countries, Lebanon or Turkey, but for a small country such as Armenia with a low GDP such situation brings with it huge problems¹¹⁰.

For solving all these problems, except national legislature, the RA has ratified several international treaties regarding this issue. It is praiseworthy that the RA was one of the first republics of the former Soviet Union that has ratified the 1951 Refugee Convention and its 1967 Protocol in 1993. It has also ratified a number of international legal acts, such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness in 1994, but it has still not signed the Council of Europe 1997 European Convention on Nationality, nor the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession.

The implementations of ratified international norms are illustrated in the domestic acts. We can divide the national legal acts into 3 levels: the Constitution of the RA, the legislation of the National Assembly and the regulations of the Executive Body (these are rules and regulations for the implementation of the legislation in these regard). According

¹⁰⁹ See the statistics on the official website of the Ministry of Territorial Administration and Development of the RA, State Migration Service, 2015. Accessed 20.05.16. http://www.smsmta.am/?menu_id=151. (ARM).

¹¹⁰ See the official website of the World Bank. Accessed 12.06.16. <http://www.worldbank.org/en/country/armenia>.

to article 17 of the Constitution “No one may be subjected to torture and to treatment and punishment that are cruel or degrading to the individual’s dignity”. This is an important guarantee and protection of refugees from *refoulement*. articlehe 55 states that the President of the RA shall decide whether or not to grant the political asylum¹¹¹.

The basic legal act, adopted by the National Assembly and the direct legal mechanism for the protection of the rights of refugees, which regulates relations with the refugees, is The Law of the Republic of Armenia on Refugees and Asylum (hereinafter the Law), adopted in 27.11.2008¹¹². After the Collapse of the Union of Soviet Socialist Republics (hereinafter USSR) the first main document was adopted in 1998, which was called The Law of the Republic of Armenia on Refugees, but currently this law is deprecated¹¹³, as it was not equivalent with the provisions stated in the 1951 Convention. The latest revised Law on Refugees and Asylum, which entered into force in 2009, incorporates most of the basic principles of refugee protection enshrined in the 1951 Convention. There remain, however, a number of gaps in the law that may indirectly affect the quality of refugee status determination procedures.

According to article 1 of the Law, which provides implementation of the 1951 Convention and its Protocol, it regulates the legal relations concerning issues of recognition as refugee and granting asylum in the RA, states different rights of refugees and asylum seekers¹¹⁴. It is important to note that article 2 states that if the international agreements of the RA stipulate norms other than the Law, the norms of international agreements prevail. This is the implementation of Paragraph 4 of article 6 of the Constitution of RA, which states that the ratified international treaties shall apply, even in cases when they define norms other than the ones provided for in national laws¹¹⁵.

The definition of the refugee can be found in the article 6 of the Law of the Republic of Armenia on Refugees and Asylum. The first point of

¹¹¹ See the Constitution of the Republic of Armenia, adopted 05.07.95, amended on 06.12.15. Accessed 13.06.16. <http://www.parliament.am/parliament.php?id=constitution> (ARM).

¹¹² See The Law of the Republic of Armenia on Refugees and Asylum. Accessed 09.05.16. <http://www.arlis.am/DocumentView.aspx?DocID=102917> (ARM).

¹¹³ See The Law of RA on Refugees. Accessed 09.05.16. <http://www.parliament.am/legislation.php?sel=show&ID=1482&lang=arm> (ARM).

¹¹⁴ *Supra*, note 112.

¹¹⁵ *Supra*, note 111.

the article 6 states the same criteria for having the status of a refugee as the 1951 Convention. “A refugee is a foreign citizen, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her citizenship and is unable, or owing to such fear, is unwilling to avail him/herself of the protection of that country; or who, not having a citizenship and being outside the country of his/her former residence is unable or, owing to such fear, unwilling to return to it”¹¹⁶. It is interesting to mention that the second paragraph of point one from article 6 states additional conditions, and people who correspond to that criteria can be recognized as refugees as well. “A foreign citizen, who has been compelled to leave his/her country of citizenship, or, in the case of a stateless person, his/her former residence due to generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other serious events which have disturbed public order can be recognized as refugees”¹¹⁷. This is one of the positive aspects of the Law, as we can see that the people fleeing to Armenia face wars, violations and huge amount of aggression in their country or origin. In recent years the definition of the 1951 Convention has been criticised by many scholars, as it do not mention any inclusion clauses regarding to the war situations, which are, unfortunately, spread in 21 century. In the same time UNHCR itself encourages the States to adopt broader definitions rather than in the 1951 Convention. As we can see the RA with this provision solve this problem.

One of the fundamental norms missing in the Law is the guarantee of non-discrimination. Despite the fact that this kind of provision can be found in different international treaties, such as the article 3 of the 1951 Convention (but, of course it should be adopted at domestic level too) and even in the Law there are certain cases when it is stated that the refugees should be treated like foreigners (such as article 14 of the Law) or citizens (such as article 19 of the Law), but this refers only for certain rights and between refugees and foreigners or citizens, and no provisions are given about the situations when the issue will concern two refugees. Thus, the guarantee of non-discrimination should be added to the Law.

¹¹⁶ Supra, note 114.

¹¹⁷ Ibid.

Another interesting provision is connected with the cessation clauses. First of all it is important to note that in the Law can find the same exclusion clauses as in the 1951 Convention, but regarding the cessation clauses there is an additional one, “for personal reasons is not willing to remain any longer a refugee” (article 10, point 1.7). Cessation clauses are listed in the law exhaustively¹¹⁸ and in contrast with the definition they cannot be added, or varied. Such a provision is not clear, as anything can be put under personal reasons. This additional norm should be dismissed.

The other practical problem which is widespread in the RA is the proper conducting of the interview for determination of status. According to the law, during the interviews when the person does not understand the Armenian language, the State has the obligation to provide a free interpreter (art. 47.7). The asylum seeker can ask for a interpreter by paying them him/herself (art. 51 of the Law). However, the specified NGOs are very concerned about this matter, as they state that in practice there is a huge need for trained interpreters in specific languages, such as Arabian, Persian, Turkish, during status determination. This is a truly big issue as the guarantee of interpreting services is important to guarantee the principle of the confidentiality.

According to the Law asylum seekers or refugees do not bear any criminal or administrative responsibility for illegal entry into the territory of the RA (article 28). article 329 of the Criminal Code of the RA states that asylum seekers are not being punished for illegal crossing the border. However, there were several cases when there were detentions of asylum seekers¹¹⁹. There should be implemented special mechanisms for guaranteeing these people from detention. The amendments in the Law of Advocacy of the RA will be a step ahead for the solution of this problem and a guarantee for free and independent legal advices for asylum seekers.

There are several articles in the Law that cover relations connected to children’s rights . The first one is article 7 article. According to the 2nd point of the article” other relatives or in-laws of a refugee granted asylum in the RA might as well be considered as refugees and accorded

¹¹⁸ See UNHCR, The Handbook on Procedures and Criteria for Determining Refugee Status, Geneva, January 2011, HCR/IP/4/Eng/REV.3 Reedited, paragraph 116.

¹¹⁹ See the annual report of the Human Rights Defender of the RA, p. 322. Accessed 13.06.16. <http://legalportal.am/public/files/2410.pdf> (ARM).

with asylum”. The 3rd point states that when the parents of the child, who is under 18 years old, as well as sisters and brothers above 18 who are disabled, may also be considered as refugees and granted asylum in RA¹²⁰. This means that, for example, in a case where parents of the child will be granted the status of refugee, the child will have the status as well. The same article also provides the principle of family reunion with their family members. This is a very important statement, as the refugees who flee to Armenia, are mostly with families, so this makes the process easy and productive.

Articles 8 and 50 of the Law provide for protection of unaccompanied and separated minors. According to article 8 “an unaccompanied and/or separated minor shall be considered as a child who is an asylum seeker or refugee under the age of 18, and does not have a legal representative (parents (parent), guardian, and custodian). Unaccompanied and/or separated minors shall enjoy the same rights as asylum seekers and refugees, unless otherwise specified by the Law or other laws of the RA”. Special guarantees are stated in the same article 8. In the asylum proceedings for unaccompanied or separated minors responsible legal representatives and other responsible actors such as the State Migration Service, the Ministry of Labour and Social Issues, and the Guardianship and Trusteeship Authorities are involved. Although it seems that the domestic and international legislation regulates the issues connected with unaccompanied or separated children, it is squalid that in Armenia there were only one case of asylum application by an unaccompanied child and no legal representative were present during the procedure and in result a negative decision was states without the child’s presence¹²¹. As we can see, the existing regulation is not enough and there should be an amendment to ensure the protection of unaccompanied or separated children, even though that there was just one case. Amendments may be on the way, as there are effective mechanisms for the appointments of representatives and the effective mechanisms for validations from the Government or a guarantee in the Law on access to legal representation for asylum seekers.

¹²⁰ See The Law of the Republic of Armenia on Refugees and Asylum. Accessed 09.05.16. <http://www.arlis.am/DocumentView.aspx?DocID=102917> (ARM).

¹²¹ See the Compilation Report for the Office of the High Commissioner for Human Rights’ - Universal Periodic Review, the official website of UNHCR, p. 6. Accessed 13.06.16. <http://www.refworld.org/pdfid/54c0f9424.pdf>.

As we can see there is little provision in the Law that regulates the rights of refugee children directly, and as children are unique and need special protection, the Law is not enough to concentrate on. Armenia has ratified the most important international treaties, concerning the refugees and also children¹²². In 1992 the RA ratified the UN Convention on the Rights of Children (henceforth CRC) which came into force in the RA on July 27th 1993. In 2005 two Optional Protocols of the CRC were ratified as well¹²³. However the Optional Protocol of the CRC, adopted in 2011 on a Communication Procedure has not yet been ratified. This Protocol has a huge value as it provides a procedure for the international complaints on the violations of children's rights¹²⁴. Even the UN Committee on the Rights of the Child recommended in its 2013 Observation that the RA Government needed to ratify the Optional Protocol for strengthening the realization of State's duties on the protection of the child's rights. Despite that, there has been no development on the issue connected with the signing and ratifying the above mentioned Protocol¹²⁵.

The RA Law on the Rights of the Child was adopted on 29th May 1996 and came into force on 27th June 1996¹²⁶. As we can see from the context of this law it is mostly repeating the regulations of the UN Convention on the Rights of the Child. In 2008 UNICEF conducted studies, which assessed the level of compliance of the domestic legislation with the Convention requirements. The results showed that in this sphere the

¹²² The ILO Convention on Abolition of Forced Labour 1957, the ILO Minimum Age Convention 1973, the ILO Worst Forms of Child Labour Convention 1999, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption along with declarations 1993, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children 1996, the Hague Convention on the Civil Aspects of International Child Abduction 1961, the UN World Declaration on the Survival, Protection and Development of Children 1990.

¹²³ The first one is the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution (25th of May 2000) and Child Pornography and the second one is the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (25th of May 2000).

¹²⁴ See Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the official website of UNHCR, Accessed 10.06.2016. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPIICCRC.aspx>.

¹²⁵ See Child rights situation analysis. Armenia, official website of the Save the Children, accessed 10.06.16. <https://armenia.savethechildren.net/sites/armenia.savethechildren.net/files/library/book-arm.pdf>, p. 16 (ARM).

¹²⁶ See The Law of the Republic of Armenia on the rights of Children. Accessed 10.05.16. <http://www.parliament.am/legislation.php?sel=show&ID=1700> (ARM).

RA legislation is mostly appropriate, nevertheless a huge number of norms still remain on paper and violations occur. The reason of this is mostly the lack of resources¹²⁷.

According to the RA Law on the Child's rights, the child is considered to be individual under the age of 18. As in the Convention on the Rights of the Child, this Law also states that the children have equal rights, regardless of their and their parents' or other legal representatives' (foster parents, adopters or trustees) nationality, race, sex, language, religion, social origin, proprietary or other situation, education, place of habitation, the circumstances of the child's birth, health conditions or any other stipulation (article 4). This is very important, because as we will discuss below, the fact that child is a refugee must not deprive him/her of basic rights and freedoms. This Law covers such important fields of child's life, as appropriate living conditions (article 8), right for health protection (article 7), right to be protected against violence (article 9), right to education (article 11), etc. According to this Law each child has the right to an education. The state bodies have the obligation to create appropriate conditions for the expression of the individuality, development of the child's talent, mental and physical abilities, by establishing secondary and vocational schools, sportive, technical and cultural creative children's and teenage centres, etc (article 11). Each child has the right to gain the right free of charge to higher and other professional education in the state higher educational establishments on a competitive basis. One interesting topic is the right for labour. Each child has the right to acquire a profession in accordance with its age, physical abilities and health conditions, as well as to carry out any labour activity not prohibited by the law. A labour contract can be made with a child of age 16 and in exceptional cases of age 15 (article 19)¹²⁸.

The RA Law on the Child's rights has a separate chapter which regulates the rights of children during unfavourable conditions and extreme emergency situations (chapter 3). The article covers the situations when a child is deprived of parental care (article 24). In these cases each child has the rights to be protected, cared for, assisted and

¹²⁷ See Child rights situation analysis. Armenia, official website of the Save the Children, accessed 10.06.16. <https://armenia.savethechildren.net/sites/armenia.savethechildren.net/files/library/book-arm.pdf>, p. 16 (ARM).

¹²⁸ See The Law of the Republic of Armenia on the rights of Children. Accessed 10.05.16. <http://www.parliament.am/legislation.php?sel=show&ID=1700> (ARM).

educated by the State and its corresponding bodies. Based on the child's and its legal representative's interests, the state and its corresponding bodies perform an assessment of the child's living and health conditions in private in accordance with the order stipulated by the Government of the Republic of Armenia. After reaching the age of 16 the child has the right to live independently provided appropriate living conditions, material aid and certain conditions have been created for him by the state and its corresponding bodies¹²⁹. Article 30 is a part of that chapter and is the only article which directly regulates the rights of refugee children. It states that a refugee child deprived of private property and place of residence as a result of military operations and other conflicts has the right to protect its interest. The state and its corresponding bodies are initiating arrangements for searching for the parents or relatives of the child, provide it with material, healthcare and other assistance, if necessary place the child in a preventive medical boarding school or other institutions¹³⁰.

As we can see, more or less the legislation is covering the most important aspects, with some gaps which we mentioned. But it is important to understand as well how these rights are being executed in real life.

3.2 CASE STUDY: THE CHALLENGES THAT REFUGEE CHILDREN FACE IN THE RA

In this paper we are going to carry out a case study, as theoretical analyses alone are not enough to show all the problems that refugee children are facing currently. In this paragraph we will discuss 10 cases, which will illustrate the most important problems. We conducted interviews with almost 15 families and also we will show some cases that interviewed families told about their relatives or friends. There are some groups of problems that all of them are facing, which is why we will combine and present together. As we already mentioned in the 1st subchapter of chapter 3, there are refugees in the RA from different States, such as Syria, Azerbaijan, Iraq, Iran, Ukraine and etc. During the interview we tried to choose refugee families with different countries of

¹²⁹ Ibid.

¹³⁰ Ibid.

origin, and as we will see below, the country of origin plays its unique role along the way on adaptation.

By developing our recommendations, we understand the connection between most of the challenges and the economic situation and the level of property in Armenia. Right after the first years of independence¹³¹ RA's economic situation collapsed heavily, and poverty and income inequality began to rise. In 2005, the level of poverty decreased from 55.1% in 1999 to 29.85%. During 2008, the global economic crisis had its effect on the economic situation of all over the world and Armenia as well, thus in 2013 the RA increased the rate of poverty to 32%. Every aspect of the political, social, economic and cultural life is being affected because of this statistic and of course a child's rights are no exception. According to the 2013 official statistics 3.3% of children in the RA live in extreme poverty and 37.3% in poverty¹³².

1. The first interviewees were a family (there is a child in the family, 15 years old, who is not a refugee, by status, but his parents still do not have citizenship) that fled from Azerbaijan in 1992. Although 24 years have passed, they are still facing serious problems, mostly with housing conditions. This issue is strongly connected with the health and psychological problems of their children, and they highlight this as a first problem. As they told us, there are two main options for finding a house for refugees: on their own (mostly with the help of their relatives) or with State support. These two options have their disadvantages, as in the first case mostly when these people are renting a house they are paying more than non-refugees, because mostly when sellers see non-citizens they suggest high prices. Despite this, such refugees provide themselves with minimum level of conditions for normal survival, because most of their money goes towards paying for the house. In the second case as we already mentioned, temporary shelters suffer extremely bad conditions. Generally, the location of the places housing shelter for refugees is very inconvenient, with no proper transportation, healthy environment and etc. Thus the 1st interviewee family is living in so-called temporary shelter or dormitory. This issue was mostly highlighted during the interviews with

¹³¹ See the Armenian declaration of Independence, 23 August 1990, Accessed 12.06.16. <http://www.gov.am/en/independence/> (ARM).

¹³² See Social Snapshot and Poverty in Armenia, 2014. Part 1 - Armenia: Poverty Profile and Labour Market Developments in 2008-2013. RA National Statistics Service and World Bank. Accessed 13.06.16. http://www.armstat.am/file/article/5.poverty_2014a_2.pdf (ARM).

refugees, who fled from Azerbaijan. The family stated that that situation puts its seal on the fate of the child, on a child's lifestyle, and behaviour. Their child is becoming frequently ill because of the poor living conditions. There are a lot of people waiting for their turn to get a house, as they have been registered for an apartment for more than 20 years, and every time the Migration Service finds an excuse. In 2008 they were told that their turn was coming, but nothing has so far changed. Unfortunately, since 2009 no financial appointments have been conducted by the State budget, in a case where currently prior housing problems involved 670 families in Yerevan and 254 in *marzes* (e.g. administrative-territorial unit at regional level)¹³³. For a country as small as Armenia these numbers are too high, as only 924 refugee families face housing problem. It is quite obvious that the economic situation in the RA is not in a perfect situation, but at least each year a certain amount of money can be allocated, and at least 10 families can obtain houses with normal conditions.

As the interviewed family mentioned most of those refugees who are living in temporary shelters which are provided by the RA Government have serious problems with vital living conditions. No proper space for the members of the family, necessary goods, kitchen, bathroom, running water, etc.

They told a story of another family from one of the *marzes*, where the mother was keeping the child in dirt, in awful conditions, as a result of which the child died of a lung infection.

2. Another family that fled from Iraq in 2004 mostly complained about their living conditions (they have 2 children, 12 and 14 years old). Because of not having enough money they were not able to provide their children with minimum living conditions (such as proper food). The salary of the father is not enough for providing for all family needs. On the other hand the mother (40 years old) of the family is capable and wants to work but has not managed to find a job in 5 years. . They also live in a dormitory for refugees in bad living conditions. And this all affects the health and the behaviour of the children. They have problems with integration into the society. Like one of the children who is 14 years old told, he is ashamed to have friends and to invite them to their house.

In 2011 the organization Save the Children carried out a survey in

¹³³ See the Annual Report of the Ministry of Territorial Administration and Development of the RA, State Migration Service, 2015, p. 8, Accessed 20.05.16. http://www.smsmta.am/upload/Tarekan_2015.pdf (ARM).

Yerevan and 7 *marzes* and the results showed that 44% of respondents do not earn enough money even for buying food, 39% mentioned that their money is enough for food but not for other cares, such as clothes, and only 14% answered that they earn enough money for buying both clothes and food, but not other goods¹³⁴.

Here the problem is not that most of these families want social benefits of financial help, in some cases all they want is the opportunity to get a normal job and earn their money themselves.

It is important to note that 7 out of 15 of the interviewed families complain about their living conditions, and mostly about the lack of opportunities to have a proper job.

3. The third interviewee family fled to Armenia in 2013 from Syria. They have 3 children, 2 boys (7 and 10) and a girl who is 2 years old. They told us that there were some cases when they paid doctors for the little child's medical care, when that care was free, the doctors did not even want to see the refugee documents. The family told that they know of some cases when some refugee children were even rejected as they were not able to pay despite the fact that primary health care for children aged 0-7 is free of charge. There was also a case when the parents showed their Identification Cards, which is a competent document to show for receiving free medical treatment, but the doctors refused to recognize it as such and did not provide them with the important service. According to the Law on Refugees and Asylum Seekers of the RA, "The refugees who received refugee status in the territory of Armenia have the rights to use free medical care and services guaranteed by the State" (article 23). Although most of the other parents mentioned that they did not encounter any problems while ensuring their children's health care and treatment, there are some cases when this right is not executed properly.

Most of these families mention that in the health sector most of the problems are connected with the lack of resources in this sphere. There are huge problems in this sector connected with finances, regulations and incorrect organizational and structural issues¹³⁵.

¹³⁴ See Save the Children, Child rights situation and issues of children of refugee families in Armenia, November 2011, p ii. Accessed 05.06.16. https://armenia.savethechildren.net/sites/armenia.savethechildren.net/files/library/REFUGEE%20CHILD%20RIGHTS%20SITUATION_SC_UNHCR.pdf (ARM).

¹³⁵ See Assessment of health related factors affecting reintegration of migrants in Armenia, Yerevan 2014, p 5. Accessed 09.06.16. http://publications.iom.int/system/files/pdf/assessment_of_health_eng.pdf.

Interview 4. One of the interviewed families that fled from Syria in 2012 raised the problem connected with social benefits. They stated that no social assistance is being provided in Armenia for refugees, as it was in the beginning when they came.

As it turned out, currently humanitarian assistance programs are generally not being implemented, but the main aim is the elimination of psychological dependence of refugees. There are several international and local organizations that provide some assistance, but they do not place emphasis on the refugee status, but the fact that these people suffer difficult social situation. It is enough to cite the RA Law on Refugees and Asylum, that states “Refugees having sought asylum in the territory of the Republic of Armenia have the right to enjoy social services defined by RA legislation for the citizens of the Republic of Armenia, get State allowances and other financial assistance, allowances provided in case of temporary disability, occupational injury, accidents, occupational diseases, free medical care and services guaranteed by the State, as well as having pension security defined by the legislation of the Republic of Armenia, right to social protection in case of unemployment, if they meet the requirements defined by the legislation of the Republic of Armenia regulating the sphere” (article 23).

Interview 5. According to the Law on Refugees and Asylum Seekers, “The asylum seeker and refugees in Armenia have the same rights to basic general education as citizens” (article 25). An Iraqi 15-year old child (whose family fled in 2004) was interviewed who mentioned financial situation and language problems as the main reasons for problems at school. He mentioned that he has difficulties in communication and relationships with schoolmates as they sometimes made fun and ignored him because of his refugee status and language barriers. The children laughed about the way he speaks. The parents of the boy stated that this issue is a problem for most Iraqi children, because of the language problem. Even the books are written in a difficult way for them. The same situation was described by the 2nd interviewed family. It is interesting that this kind of problem was not mentioned by refugees that fled from Azerbaijan.

The difficulties with education differ for Syrian, Iraqi and Azeri children. Language barriers were most commonly mentioned by Iraqi refugee children, whereas Azeri and Syrian refugee children point out the hard education program as the main difficulty encountered during the education process, and in contrast the Iraqi students did not complain of it.

According to the Annual report of the Human Rights Defender

of the RA, 91% of Syrian refugee children go to school, and 51% to kindergarten¹³⁶, however the NGOs of this sphere state that there is a need for teachers who speak Persian, as for many of Syrian refugees, mostly for the younger ones this is the main native language. In Armenia there are only 6 schools where there are teachers who speak Persian¹³⁷.

Another problem connected with the right to education is connected with the accessibility of the schools. It is important to mention that in Armenia, there is no problem with accessing school, but there are some refugee families that keep their children at home and do not let them to go to school.

Interview 6. The family who fled Azerbaijan told that they were afraid for the security of their child, as going to school would be dangerous because of maniacs. Here we can see a good example of the main fault lying with the family, due to which the child did not get a proper education. There are no direct legally binding punishments for such cases towards parents, but it is clear that they are bearing the whole responsibility.

There is another case connected to the right of education and access to education. During the 7th interview the family (who fled Syria in 2014, and have 2 children, a boy (14) and a girl (16)) told that as they are planning to go to Canada they do not want to stress their children and send them to school. Here again because of the parents' fault the children cannot execute their right to education.

Interview 8: There was also one important case, where a 17 year-old refugee child (whose family fled Syria in 2012) told us about communication difficulties that he faces during everyday life. Because of the language barriers he faces problems in integrating into the society. After coming from Syria where he left his friends, now he cannot find any new ones. The parents noticed developing psychological problems after coming to Armenia.

Interview 9: All interviewed families that fled Azerbaijan talked about the difficult process of naturalisation. It is enough to highlight that only in 2015 there were only 50 naturalised persons who fled Azerbaijan¹³⁸.

¹³⁶ See Annual Report of the Human Rights Defender of the RA, Yerevan 2015. Accessed 14.06.16. <http://legalportal.am/public/files/2410.pdf> (ARM).

¹³⁷ See Save the Children "Integration challenges of displaced Syrian Armenians Needs Assessment Report", April-June 2014, p. 19.

¹³⁸ See the Annual Report of the Ministry of Territorial Administration and Development of the RA, State Migration Service, 2015, Accessed 20.05.16. <http://www.smsmta.am/upload/>

By taking into consideration all the above-mentioned cases we have developed several recommendations which in our opinion would more or less fix the most vulnerable issues for the children refugees in Armenia. We will try to give all recommendations, by taking into consideration the order of the presented interviews.

- As we already mentioned, after 2009 no money was guaranteed for solution of the housing problems for refugee families and as we already mentioned in the 2nd chapter, one of the most important steps for providing protection to the refugee children is the protection of their families. In our opinion although the RA economy is not at a very good level, the guarantee of some money annually will solve a huge problem which the RA is facing now.

- Another important step that the State can take to protect the refugee families is development of the work market. If the State makes workplaces more accessible to the refugee parents, they will be able to provide proper protection of their children's rights (in different aspects, such as health, education, cultural development, etc.)

- The State should develop the mechanism of checking whether refugees use their right to free medical care, as we see there were several examples when the doctor refused to provide any of them. We can discuss different rights and obligations, different problems but the importance of the medical care and health is priceless.

- It is an important practical issue to organize special training for the teachers inschools and kindergartens. They are responsible for the period of time when the children are at school and the way in which they will introduce the situation, educate by non-discrimination will effect the treatment of toward refugee children. Mostly teachers are not prepared for such experiments, so special courses that can be organized by the Ministry of Education and Science in the RA will be very productive.

- Special programs or summer schools for both refugee and non-refugee children should also be organized for integration of these children into society. Now there are different such kinds of schools for refugee children or for citizens, but the promotion of inclusion will solve the problem of a non-acceptable attitude of non refugee children towards refugee children.

- It is very important to organize free or maximally not expensive

language courses for refugee children. As the interviews showed, there were some cases when the children were ashamed of their way of speaking Armenian. This can also solve a problem with the difficulties of books in the school. We think that the Ministry of the Education and Science should overview the content of the books, but if that is impossible, language courses will be the fundamental solution.

- It is also very important to develop language courses for Persian, as the refugees from Syria (who are in contrast with refugees from Iraqi and Azerbaijan new comers) are used to that language and for some of the children it is a native language.

- It is also praiseworthy to develop a special action plan for integration, as now the refugee problem is spread in all over the country, and through such action the mentality of the nation will be more correspondent and adequate.

- The possibility of providing social benefits is also very important. Of course, the level should be reasonable for the refugee families so they can continue to look for jobs, but in some cases mostly connected with the refugee children, these benefits are very important.

- The next recommendation is connected with the naturalization process. With the Syrian and Ukrainian refugees the issue is not so problematic, but regarding the refugees from Azerbaijan (who have been living in the RA for almost 25 years) and refugees from Iraq (who have been living for almost 10 years in the RA) the complicated process prevents them from gaining citizenship. This issue is not directly connected with the rights of the refugee children, but if this issue is not solved now, the current refugee children will face it in 10 years' time.

CONCLUSION

The conditions in which the refugee children are living affects their psychology and development. The family, community and State bear responsibility to provide special care and protection for them.

The first point of article 6 of the RA Law on refugees and asylum states the same criteria for having the status of a refugee as in the 1951 Convention. “A refugee is a foreign citizen, who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her citizenship and is unable, or owing to such fear, is unwilling to avail him/herself of the protection of that country; or who, not having a citizenship and being outside the country of his/her former residence is unable or, owing to such fear, unwilling to return to it”. The second paragraph of the pont 1 of article 6 states additional conditions, and people who correspond to that criteria’s can be recognized as refugees as well. “A foreign citizen, who has been compelled to leave his/her country of citizenship, or, in the case of a stateless person, his/her former residence due to generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other serious events which have disturbed public order can be recognized as refugees”. This is one of the positive aspects of the Law, as we can see that the people fleeing to Armenia also face wars, violations and huge amount of aggression in their country of origin. In recent years the definition of the 1951 Convention has been criticised by many scholars, as it does not mention any inclusion clauses regarding the war situations, which are, unfortunately, spreading in the 21st century. At the same time UNHCR itself encourages the States to adopt broader definitions rather than the 1951 Convention. As we can see the RA with this provision solves this problem.

There are, however, several gaps in the Law, which we discussed in the first subchapter of chapter 3, but one of the most important ones is the lack of provision of non-discrimination, based - on any ground - as an important guarantee.

In practice refugee children in the RA (i.e. every person under the age of 18 according to the article 1 of the RA Law on the Child's rights) are facing serious problems connected with their status. As the case study introduced in the 2nd subchapter of chapter 3 showed, the problems are present in different aspects of their life, such as housing or living conditions, access to free medical care, social benefits, rights to education (with different forms). One of the most important issues is continuing to be the integration of refugee children in the society.

We can divide the challenges regarding different aspects of life. The first important challenge that we mentioned was the opportunity of housing. As we mentioned, after 2009 no money was guaranteed for solving the housing problems of refugee families from the State's budget. Although the economy of the RA is not at a very good level, the guarantee of some amount of money each year would solve a huge problem which the RA is facing now. The next issue which was connected with the housing problem was living conditions, as a recommendation we highlight the accessible job market as currently many refugee families are complaining from it. These issues are connected with the well being of refugee children, because as we mentioned during the case study many problems are connected with the health and psychology. On another hand there were families that complain of medical care. As we can see children who have health problems because of living conditions do not get free and proper medical treatment.

One of the most vulnerable spheres of the refugee children's life is connected with the right to education and schools. There are several recommendations that we address for the solution of these problems. It is an important practical issue to organize special training with the teachers of the schools and kindergartens.. Mostly, the teachers are not ready for such experiments and are not capable of solving problems that arise between refugee and non-refugee pupils. The other recommendation was connected with the inclusive summer schools and different programs for refugee and non-refugee children. Now there are different kinds of schools for refugee children or for citizens, but the promotion of inclusion will solve the problem of unacceptable attitudes of non-refugee children towards refugee children. As many refugee

children have complained about the difficulties of the language and tutorials the organization of free or cheap language courses for refugee children and for their families is very important. This will be a step forward for integration, as there were children during the interview that mention how ashamed they are during classes or some discussions and that is preventing them from having friends.

The positive aspects of this sphere should also be mentioned, such as the organized works of different NGOs. In contrast with European or other countries that accept huge number of refugees, in Armenia refugees and their children are not facing serious levels of violation and restrictions, as they are mostly fleeing ethnic Armenian who keep our cultural values. The problems which we mentioned above can be solved, the only issue which is important is to say them aloud. Before doing our research we were concerned that there were not so many refugees and refugee children in Armenia, and those who are here easily integrate in the society, but the research and interviews have shown that there is a large amount of not only new refugees but also from past decades, which shows that this sphere is not properly developed by the government. We also saw the challenges that they are facing in their daily life.

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