

The right to education in the Caucasus in the course of the COVID-19 pandemic

Sergey Ghazinyan,^{*} Ana Teresa Corzanego Khatounian,^{**} Christina Tatoueva,^{***} Jakub Wojsyk^{****} and Zemfira Gogueva^{*****}

Abstract: *This paper is intended to initiate an international discussion on the implementation of the right to education during the global healthcare crisis. For that purpose, it analyses the experiences of Armenia, Russia, Georgia and Belarus in the light of measures taken by the authorities to respond to the new challenges, and examines the concrete situation faced by children and teachers in the region. It aims to identify the most common and visible problems that occurred in the Caucasus region during the Covid-19 pandemic, based on available data from particular countries. For comprehensive analysis of the issue, the present paper discusses the right to education as defined in international law, and looks at the main challenges inherent in the four pillars of the right to education as framed by UNESCO: accessibility, availability, acceptability and adaptability of education. As sources of information, it considers the observations of relevant domestic and international stakeholders, including the National Human Rights Institutions (NHRI), Human Rights Watch (HRW), UNESCO and UNICEF, as well as various academic sources. In each case, the response to issues generated by the COVID-19 pandemic is analysed in the context of other social factors. The article concludes that, while some examples of response could be seen in the countries under discussion, the lack of structured, informed, and timely responses made it difficult for children to fully enjoy their right to education. The paper provides recommendations targeted to the issues revealed, with the aim of improving state systems of response to the global healthcare crisis within the framework of implementing the right to education.*

Key words: *human rights; right to education; COVID-19; pandemic; South Caucasus; Armenia; Belarus; Russia; Georgia*

* CES Regional Research Coordinator; LLB (YSU), MES (YSU), LLM (AUA); Adjunct Professor Centre for European Studies, Yerevan State University; s.ghazinyan@ces.am
** LLB (State University of Londrina), MAS Transitional Justice, Human Rights and the Rule of Law (Geneva Academy of International Humanitarian Law and Human Rights; anateresack@gmail.com
*** LLB (BSU), MES (YSU); christinawork@mail.ru
**** Mgr (UAM), MA (College of Europe, MES (YSU); jakub.wojsyk@coleurope.eu
***** BA (KCHGU), MES (YSU); zemagoio@googlemail.com

Introduction

The COVID-19 pandemic led to a global healthcare crisis and unprecedented travel restrictions. It has also exacerbated existing socio-economic problems and divisions, affecting people across various social groups. However, it has not affected all people equally. In particular, the pandemic has led to severe consequences for people belonging to vulnerable groups, posing increasing challenges to the realisation and enjoyment of their rights. Among those groups are children, who were in especially vulnerable conditions during the pandemic and who suffered stark changes in their routine including whether and how they learn, leading to challenges for states to implement their right to education.

Aware that the right to education is key for children and for the wider society, this research paper investigates the impact of the pandemic on the right to education in the Caucasus, analysing the measures taken by the authorities to respond to the new challenges and the concrete situation faced by children in the region. It presents the right to education as defined in international law and looks at the main challenges for the four pillars of the right to education as per UNESCO's guidance: accessibility, availability, acceptability and adaptability of education. The authors seek to answer the two following questions: *first*, how has the COVID-19 pandemic affected the right to education in the Caucasus?; *second*, how have states, NGOs and other groups responded to the challenges caused by COVID-19 to ensure all children had the opportunity to enjoy their right to education?

The research methods include qualitative research based on reports of the National Human Rights Institutions of the analysed countries, fact-finding reports and desk research. The three fact-finding reports were done by three groups of students of the Centre for European Studies of the Yerevan State University in 2021. These reports are based on interviews with children, parents, teachers, and child rights experts. Such interviews were conducted according to strict safeguarding standards to ensure the safety of all those involved.

The detailed aforementioned reports which reflect the situation on the ground are a crucial source of information for this research, because data on the subject is scarce in the region. The scarcity of scholarly work on the subject in the region and the new and repentine character of this coronavirus are just some of the limitations of this research. This search is also bound by a time limitation, as it cannot foresee the effects of the coronavirus pandemic in the long run. Nevertheless, based on the rigorous methodology approach and the sufficiency of information to establish what the impact of the pandemic has been in the Caucasus regarding the right to education, this research is both valid and useful for safeguarding the right to education and, most importantly, children's rights in general.

While Armenia, Georgia and Russia serve as Caucasian case studies, Belarus is also analysed in order to present a different way of responding to the pandemic in the context of realising the right to education. As defined in the International Covenant on Economic, Social and Cultural Rights, the right to education is the right to free, compulsory primary education for all. The authors focus on children (persons under eighteen years of age, as defined by the United Nations Convention on the Rights of the Child) as those to whom the right to education is principally addressed. The research focuses on four countries of post-Soviet space and four vulnerable groups of children: low-income students, rural students, displaced students (only in Armenia) and children with disabilities. The goal of the authors, however, was not to analyse all four states in detail but rather to identify most common and visible problems that occurred in the region during the pandemic, based on available reliable data from particular countries.

It is worth mentioning the social, economic, and political tensions in the countries, which the authors analyse in the paper to create a full image for our readers. The Transcaucasian republics of Georgia and Armenia confronted the COVID-19 pandemic with a high incidence of disease, falling economic growth and its ensuing consequences, and dramatically altered geopolitical realities.

A quarter of a century after the collapse of the USSR, ethnopolitical conflicts in the region are still unresolved. There have been conflicts in Nagorno-Karabakh, the Georgian-Abkhaz (1992-1993) and Georgian-Ossetian (1989-2008) confrontations, the Georgian-Russian Crisis and Five-Day War (2008), the civil war in Georgia in 1991-1993, and the two conflicts in the Russian Caucasus (Ossetian-Ingush and Chechen). In addition, the Caucasus is the only part of the former Soviet Union where neighbouring states - Armenia and Azerbaijan, Russia and Georgia, Armenia and Turkey - do not have diplomatic relations with each other (Huzar 2017). These conflicts greatly affect the political stability and the economic situation in the region.

The year 2020 was a year of military and political upheaval for Armenia. At the end of September 2020, the conflict between Azerbaijan, Armenia and the unrecognised republic of Nagorno-Karabakh, which has lasted for more than thirty years, escalated again. After a 44-day war, it ended with a cease-fire agreement. The status of Nagorno-Karabakh is still unresolved. Now the Armenian economy, in theory, needs to compensate for these losses, as well as solving the housing and social problems of people left homeless and jobless.

Georgia has not taken part in any military conflict since the Five-Day War with Russia in 2008, but it faced a deficit in its economy due to the pandemic closures. Georgia earned more than \$3.3 billion in tourism

in 2019, but in 2020 the coronavirus almost killed the industry and all the businesses tied to it (Morris 2021). The decline in economic activity due to the pandemic, and the state's assistance to the affected segments of the population, business, and healthcare, led to an 8% budget deficit and an increase in the country's external debt. Georgia had quite a high unemployment rate even before the pandemic, but the pandemic contributed to the unemployment rate significantly too; it grew from 17.9 in 2019 to 21.9 in 2021 (National Statistics Office of Georgia, n.d.).

The COVID-19 pandemic has also had a noticeable impact on the Russian economy. Russia's economy faced not only the shock of the pandemic and the quarantine restrictions, but also a severe 2020 decline in oil demand, which shrank by 3.1% in annual terms. During the coronavirus epidemic in Russia, unemployment increased by 30%. Many companies during the quarantine cut their employees or ceased to exist altogether. In May 2020, the unemployment rate reached its highest level in eight years at 6.1% (Sycheva 2020). And the six republics of the North Caucasus Federal District were among the regions with the highest unemployment rates in Russia at the height of the pandemic (RIA Rating 2020).

Belarus had somewhat different challenges during the pandemic. The country did not impose a lockdown or stop production because of the pandemic. However, its economic indicators – the record size of the national debt, the rapid reduction in foreign exchange reserves, and the growing budget deficit – do not lately give reason to be optimistic (Daneyko 2021). They are a consequence on the one hand of the coronavirus pandemic that has affected the whole world, and on the other hand of a large-scale political crisis in the country and repression by the authorities, under which the pandemic became a pretext for imposing Western sanctions (Novaya Gazeta 2021).

The impact of the geopolitical conflicts, war, high unemployment rates, and overall unstable political situations in the countries of the Post-Soviet area that we are looking at adds to the consequences of COVID-19 and directly or indirectly influences the right to education.

The following sections will present international standards concerning the right to education (in particular the most relevant international conventions and instruments of complaint or redress), their application in the Caucasus and in Belarus, and challenges to the right to education (acceptability, availability, acceptability and adaptability of education) in the time of the COVID-19 pandemic in Armenia, Georgia and Russia, and also in Belarus. The final section will address the efforts of interested parties to ensure the right to education in selected countries, the positive obligation of state authorities and measures of its fulfilment, and the approaches of local civil society (NGOs).

1. The right to education

1.1. International standards

1.1.1. Conventions

The right to education is a core element of international human rights law. It is considered a natural right, and has been established by both political commitments and normative instruments, all of which call on states to respect, protect and fulfill the right to education. The origins of the modern standards and regulations securing the right to education can be traced back to the *Universal Declaration of Human Rights* of 1948 (UDHR art. 26), a non-binding legal document enacted in the post-World War II context to establish the minimum rights to which all humans were entitled, which affirmed that education is a fundamental human right for everyone. The right to education has also been articulated in binding documents such as the *Convention against Discrimination in Education* of 1960 (CDE art. 1, 2, 3, 4 and 5), the *International Covenant on Economic, Social and Cultural Rights* of 1966 (ICESCR art. 13 and 14) and the *Convention on the Rights of the Child* of 1989 (CRC art. 28 and 29). The scope of this research paper does not allow a detailed presentation of all of the international legal acts referring to the right to education, or the monitoring treaty bodies which they establish. However, it is important to highlight that many other documents speak of the right to education in specific contexts, such as the 1989 *Convention on Technical and Vocational Education*, the 1997 *Convention on the recognition of qualifications concerning higher education in the European region* and the 2011 *Declaration on Human Rights Education and Training*.

From a human rights law perspective, national governments have to respect (avoid actions violating), protect (eliminate barriers and violence that might limit) and fulfill (make available for all) the right to education (OHCHR, n.d.). Moreover, the right to education is, according to the above-mentioned international documents, indispensable to the exercise of other human rights. Education is key to the development of a fully-rounded human being, it is a powerful tool to lift socially excluded children and adults out of poverty and into society, and it narrows the gender gap for girls and women. The right to education entails: free, compulsory and universal primary education, available and accessible to all; progressively free secondary education, including technical and vocational education, accessible to all on the basis of individual capacity; and progressively free higher education. It also comprises fundamental education for those who have not completed their primary or secondary education, professional training opportunities, equal quality of education through minimum standards, quality teaching and supplies for teachers, an adequate fellowship system and material conditions for teaching staff, and freedom of choice regarding the religious, ethical and philosophical components of education (UNESCO 2020).

Education has four key features that are known as the “4A” standards. The first two, *availability* and *accessibility*, were included in article 13 (2) of the ICESCR in 1966. The latter two, *acceptability* and *adaptability*, were elaborated by the UN Committee on Economic, Social and Cultural Rights in 1999 in General Comment No. 13 to the ICESCR.

Availability of education means that national governments should ensure educational provision from early childhood education onwards, with adequate infrastructure, amenities, information and communications technology, libraries, and trained and well-paid teachers, without interfering with private sector initiatives and academic freedom as long as they meet the national standards of education.

Accessibility of education means that an educational system cannot discriminate by ethnicity, religion, socio-economic background or gender, and it should be both economically and geographically accessible (free at primary level and progressively free in secondary and higher education).

Acceptability of education means that national governments should provide quality education, fulfilling the aims of education defined in international treaties, to ensure that every child has an equal chance to develop his or her full potential, providing pertinent and culturally adequate contents, whereas parents are entitled to choose an education for their children based on religious or moral beliefs, while minorities are free to create their own schools in accordance with national education standards.

Adaptability of education means that education should be adaptable to the specific needs of each student (e.g. with disability), providing the assistance they require to promote their best interest (Tomasevski 2004).

Implementation of the right to education at the international level happens through human rights bodies competent to receive individual complaints. Where the right to education has been violated, citizens should be able to have legal remedy before the law courts or their administrative equivalents.

1.1.2. Complaints and redress

The international body responsible for ensuring the right to education is the United Nations Educational, Scientific and Cultural Organization (UNESCO). It develops, monitors and promotes education norms and standards to guarantee the right to education at national level. It also works to ensure that states’ legal obligations are reflected in their national legal frameworks and translated into concrete policies. It advocates the right to education principles and legal obligations through research and studies on key issues.

UNESCO maintains global online tools on the right to education, develops partnerships and networks, and enhances capacities and reporting mechanisms. Additionally, it raises awareness of key challenges such as migration and displacement, the provision of free and compulsory education to all, the elimination of inequalities and disparities in education, privatisation and its impact on the right to education, financing of education, quality imperatives, and valuing the teaching profession.

Its Constitution requires member states to report regularly on measures to implement standard-setting instruments at national level through regular consultations. UNESCO, through collaboration with UN human rights bodies, addresses recommendations to states to improve the situation of the right to education at national level. It takes stock, through its dedicated online observatory, of the implementation of the right to education in 195 states. It provides technical assistance and policy advice to member states that seek to review, develop, improve and reform their national legal and policy frameworks. In 2000, UNESCO together with the United Nations International Children's Emergency Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR) and the International Rescue Committee co-founded the Interagency Network for Education in Emergencies, emphasising urgency and humanitarianism over rights and prioritising access over quality. Digital learning only made intermittent appearances in the early documents on the right to education, in the context of accessibility being possibly achieved not only by physical attendance but also via modern technology (Sandvik and Ikdahl 2021).

1.2. Application in the Caucasus

The right to education is still a challenge for the Caucasus, due to both natural and man-made phenomena including pandemics, weak state structures and armed conflicts. The Caucasus in a broad sense includes the North Caucasus (*Ciscaucasus*) and the South Caucasus (*Transcaucasus*), and it is geographically located in four neighbouring states (Armenia, Azerbaijan, Georgia and Russia). In this region there are also two partially recognised countries (Abkhazia and South Ossetia) and one unrecognised country (Artsakh). It is clear that in such a diversified neighbourhood, even just from the administrative perspective, the level of application of the right to education, just like the level of application of many other rights, is not equal. Adding the military conflicts and ethnic tensions to that mix, one can see a highly complex situation. It is therefore not possible to analyze in detail the conditions in all administrative units (autonomous regions, federal subjects, etc.), with their local legislation and executive measures, and present the results in this research paper. It is however possible to give a general overview of the application of the right to education in the region and focus on selected countries in order to better analyze and present their situation under the COVID-19 pandemic.

1.2.1. Armenia

In Armenia, the pandemic overlapped with the 2020 war between Artsakh and Azerbaijan. As many citizens of Artsakh held Armenian passports and were, in the overwhelming majority, ethnically Armenian, many families relocated to Armenia. The seventy-three schools and fourteen kindergartens (UNICEF Armenia 2020b) affected by the war left more than 24,000 children deprived of their right to education (Ministry of Education Armenia 2020), in a severe situation of distress. This means that in addition to coping and realising the right of children to quality education, Armenia had to significantly increase its school capacity following the inflow of families from Artsakh.

Armenia has signed various human rights treaties and has been a member of UNESCO since 9 June 1992. Detailed information about Armenia's monitoring (including reports submitted to UNESCO, and concluding observations of UN treaty bodies such as the Committee on the Elimination of Discrimination Against Women, the Human Rights Council – Universal Periodic Review, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child), its legislative and administrative framework (including the Constitution, the law on education, the law on preschool education, the law on primary vocational and middle level professional education, the law on education of persons in need of special education conditions, the law on higher and postgraduate professional education, the law on state inspectorate for education, and the law on general education), and its educational policies (including education content and quality, education levels, education management, and inclusive education), goes beyond the scope of this research paper but can be found on the website of the UNESCO Observatory on the Right to Education.

1.2.2. Georgia

In Georgia, the pandemic occurred while still-unresolved territorial integrity issues created internal unrest and domestic political turbulence due to a parliamentary crisis. As a result, the Georgian state was not in its best condition overall to fully use its potential and properly respond to the healthcare crisis without negative effects on other spheres of citizens' lives, including education.

Georgia has signed various human rights treaties and has been a member of UNESCO since 7 October 1992. Detailed information about Georgia's monitoring, legislative and administrative framework (including the Constitution, the Law of Georgia on General Education, the Law of Georgia on Vocational Education, the Law of Georgia on Higher Education, the Law of Georgia on Development of Quality of Education, the Law on Early and Preschool Education, and the Law of Georgia on the Elimination of All Form of Discrimination), and educational policies (including

education content and quality, education levels, education management and inclusive education), goes beyond the scope of this research paper but can be found on the website of the UNESCO Observatory on the Right to Education.

1.2.3. The Russian Federation

In Russia, unlike in smaller states, the pandemic might have had significantly different effects on the right to education across the country, depending on geographical location, material situation, natural environmental conditions, infrastructure, particular administrative unit and other factors.

Russia has signed various human rights treaties and has been a member of UNESCO since 21 April 1954. More detailed information about the monitoring, legislative and administrative framework (including the Constitution, the Federal Law on Education in the Russian Federation, the Federal State Educational Standard for Primary General Education, the Federal State Educational Standard for Basic General Education, the Federal State Educational Standard for Secondary General Education, and other documents) and educational policies (including education content and quality, education levels, education management and inclusive education) in Russia goes beyond the scope of this research paper, but can be found on the website of the UNESCO Observatory on the Right to Education.

1.3. Application in Belarus

In Belarus, the pandemic took place in the midst of a serious political legitimacy crisis and regular mass protests, resulting in the growing international isolation of Belarus and decreasing access to reliable data on the condition of Belarusian citizens and their rights.

Belarus has signed various human rights treaties and has been a member of UNESCO since 12 May 1954. More detailed information about the monitoring, legislative and administrative framework (including the Constitution, the Law on Children's Rights, the Law on Freedom of Conscience and Religious Organizations, the Law on National Minorities, the Law on Education, the Law on Languages, the Law on Initial Vocational Training, the Law on General Secondary Education, the Law on Higher Education, the Code for Education of the Belarus Republic, the Code of the Republic of Belarus on Education, the Law of the Republic of Belarus On Disability Prevention and Rehabilitation of Disabled Persons, the Law On State Youth Policy, and the Belarusian Act On Education of Children with Psychomotor Disturbances) and educational policies (including education content and quality, education levels, education management and inclusive education) in Belarus goes beyond the scope of this research paper, but can be found on the UNESCO Observatory on the Right to Education website.

To conclude, there are still some conventions - different for each of the analysed states - that need to be ratified and implemented in order to effectively protect and fulfill the right to education of the citizens. It is therefore recommended that Armenia, Georgia, Russia and Belarus take necessary steps, ratify relevant international documents and implement them into their domestic legal orders to make their educational systems better prepared for times of instability like the ones experienced during the COVID-19 pandemic or other ongoing crises.

The following section of this paper will discuss the right to education in the Caucasus during the pandemic, showing how children were affected by these challenges and which actions were undertaken by various actors to diminish the harsh impact of COVID-19. The analysis will be conducted in accordance with the 4A criteria of General Comment No. 13 to the ICESCR, namely **availability, accessibility, acceptability and adaptability**.

2. Challenges to the right to education

2.1. Challenges concerning the accessibility of education

Crises don't affect all people in the same way: they hit the most vulnerable groups first. In the case of COVID-19, these include underfunded education systems without universal digital coverage, schools without a safety cushion, underpaid teachers, low-income students, and children with special needs. And in cases when military conflict is added to the global health crisis, as in the case of the conflict over the region known as Nagorno-Karabakh, children are often deprived of their right to education.

In government attempts to promote a transition to distance learning because of the pandemic, a number of children actually found themselves with a complete lack of education. The reasons vary, but include: the lack of equipment, the unavailability of the school and teachers, problems in the family, and individual characteristics or disabilities that exacerbate the already difficult process of online education.

Thus, unequal distance learning opportunities are affected not only by differences in family resources and home learning conditions, but also by the capacity of schools. The pandemic has revealed a new dimension of the previously known differences in the professional and equipment-related resources of different groups of schools. While some schools had a sufficient number of teachers, for example, the fact that the teachers lacked adequate equipment such as computers and cameras, or capacities such as know-how related to the management of virtual classrooms and interactive tools, proved to be challenging.

Overall, the organisational and human resources in private schools, schools that implement advanced programs and large urban schools allowed them to make school education more effective, and possibly even to increase educational motivation. The advantages were shown in the availability of modern platforms to train teachers to work remotely, and in high-quality planning. However, rural schools often do not have resources to organise distance learning at the required level, exacerbating the already existing problem of the lack of opportunities in rural areas (Human Rights Defender of the Republic of Armenia 2020).

In view of these challenges, it may be affirmed that the physical dimension of the accessibility criteria, or in other words the fact that “education has to be within safe physical reach, either by attendance [...] or via modern technology (e.g. access to a ‘distance learning’ programme)”, was not always seen in practice in Armenia, Georgia or Russia (Tomasevski 2004).

Taking into account the hard socio-economic conditions facing the majority of families living in rural areas of those countries, it is important to mention that the most pressing problems were related to technological availability and internet accessibility. For the children with no devices or internet, classes organised by teachers on online platforms were not accessible. Often students did not connect because there was only one internet-connected device in the family, and another family-member had to use it (Martirosyan, Hovhannisyan and Makasyan 2021).

Children in more vulnerable families, who experienced war and had to flee, were hit by the triple impact of school closures, lack of parental resources, and sudden displacement, as in the case of children from Nagorno-Karabakh (Martirosyan 2020).

Moreover, children arriving from Nagorno-Karabakh in some cases faced unequal treatment in Armenia. This attitude resulted in non-grading or inflation of the grades (meaning that teachers avoided grading or overestimated grades). Further, displaced children were often not asked for their homework and were not required to participate in the lesson, which resulted in low efficacy of school teaching for the displaced children. No doubt this approach reduced the accessibility of education for those children (Baldryan and Gogueva 2021). The reasons for it might be an overloaded educational system and the notion that the situation is temporary.

Another group of children who are highly vulnerable to any changes in their routine are children with special needs. The vast majority of teachers, psychologists and parents believe that it is much more difficult for children with disabilities to learn remotely. The most basic problem is the lack of children’s access to rehabilitation and complementary education. Another problem is the lack of parents’ opportunity to fully educate the child at

home (UNICEF Georgia 2020b). For example, a survey in the North Caucasus showed that most parents do not have the necessary textbooks or knowledge about how to use online technologies. In addition, some families do not have necessary equipment such as a computer or tablet, or even internet access (Bolshakov 2020).

Several months of quarantine have shown that the organisation of distance learning in Russian regions, specifically in the North Caucasus, is still at a low level. This problem is particularly acute for children with special needs, as many of them study at home all year round. The majority of parents surveyed are convinced that the school cannot cope with the distance format, and that teachers do not fulfil their duties, completely shifting the responsibility for educating children with special needs onto the shoulders of parents. The situation in Georgia and Armenia was no better and similar challenges were faced. In Georgia, some children did not attend schools for almost a year and parents found it a real challenge. Trying to organise the educational process at home and stay dedicated to it every day, while having remote work and household chores to do, is incredibly hard for parents of children with special needs (Vardiashvili 2021). In addition to the deterioration in academic performance, the quarantine has also exacerbated the problem of isolating children with disabilities from their peers. And this has an extremely negative effect on their socialisation.

Based on the analysis of the experience of distance learning, including best practices and negative examples, *it is recommended that Ministries of Education of the Caucasus offer regions and municipalities a package of variable models for organising distance learning, taking into account different territorial conditions, socio-economic resources of the families and special needs of children, responding to both equipment-related and capacity-building challenges.*

2.2. Challenges concerning the availability of education

In many countries, the transition to remote learning has revealed the lack of readiness of secondary and higher schools for modern methods of work. The unreadiness of infrastructure, teachers and students calls into question how the digital breakthrough in availability of school education was implemented during the pandemic as a whole.

When switching to distance learning, questions about digital literacy and adequate infrastructure and equipment arise almost everywhere, across all the countries of the region, among students, parents and teachers alike.

In terms of availability, requirements such as “trained teachers receiving domestically competitive salaries, teaching materials”, “facilities such as computer facilities and information technology” were the main challenges

for the Caucasus. Teachers were not provided with the necessary training for organising engaging online classes, and they often faced technical problems and lacked information technology support from school administrations (Martirosyan, Hovhannisyana and Makasyan 2021).

Teachers who had at least partially used modern technology in teaching before the pandemic were more prepared for such progress. For some, the changes came as a “shock” and they had to learn again. For example, primary school teachers in rural schools who had not previously dealt with the internet were forced to learn complex skills very quickly under pressure from their superiors. It resulted in one of the significant methodological difficulties being the problem of retaining the attention and involvement of students (Kolesnikova 2020).

In Russia, only 66.3% of teachers say they have a stable internet connection for distance learning. Further, 86.1% said they need a working place and working equipment: laptop, computer, tablet, whiteboard with the ability to collaborate in real time, etc. A mere 61.2% of teachers have a technologically equipped workplace. These figures show the difficulties that teachers had to go through when switching to distance learning (Kolesnikova 2020).

However, there are places where distance learning was more or less successfully implemented (UNICEF Georgia 2020a). In Georgia, in 2020, as a result of cooperation with the Ministry of Education, Science, Culture and Sports, an online educational course was developed for teachers. According to the Organization for Economic Co-operation and Development, Georgia is one of the best examples of the application of distance learning. With the help of Microsoft, “virtual rooms” were created and activated for all classes and school subjects, and individual profiles were created for teachers and students. The entire Microsoft Teams educational portal was translated into Georgian. The “Teleschool” educational project was launched in collaboration with one of the TV channels, as well as the launch of a separate TV channel called First Channel - Education. “Teleschool” offers lessons in all subjects for all grades, separate lessons for ethnic minorities (in Armenian and Azeri), and sign language lessons for students with hearing difficulties.

To support teachers, the Ministry of Education created e-learning resources and retrained them in distance learning. There were 130 webinars for teachers across the country in 2020, with more than 20,000 teachers participating, and about 16,000 teachers received training in “Distance Learning with Microsoft” (Shelia 2021).

Despite the positive initiative, however, the government has not yet made “any progress in developing policy documents (human rights education strategy or action plan). In addition, the level of integration

of digital citizenship education into the general education system still does not meet the modern standards set by the Council of Europe or the Committee on the Rights of the Child” (Public Defender (Ombudsman) of Georgia 2021).

In Armenia, the Ombudsman’s 2021 report on education and its gaps can be taken as a description of challenges that were faced not only by Armenia: “The COVID-19 global pandemic reduced access to education and exacerbated existing inequalities. Surveys indicated that more than 10 percent of the school-aged student population was likely left out of the educational process due to a lack of equipment, internet access, and tech-savvy teachers. Public criticism was directed at the government for providing insufficient online instruction or virtual learning alternatives and failure to include all students equally in the educational process, particularly students with disabilities. The government tried to make up for the gaps by offering training for teachers, finding resources for technical equipment, and offering additional instruction during the summer, but these efforts failed to close the learning gaps” (U.S. Department of State 2021).

As a result of unavailability of “trained teachers receiving domestically competitive salaries, teaching materials” and “facilities such as computer facilities and information technology”, an online education did not become a universally accessible blessing and joy; on the contrary, for many it became a very difficult challenge. To ensure the availability of education, ***it is recommended that Ministries of Education develop and implement training programs for teachers as well as technical support on all the levels of implementation of distance learning.***

2.3. Challenges concerning the acceptability of education

General Comment No. 13 to the ICESCR has stated that education must be *acceptable*. In other words,

the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State (see art. 13 (3) and (4)).

In the context of the Caucasus, this means that education must be relevant and must consider the context-specific needs of children. This includes the capacity of education to make use of and teach the languages of the various levels, in addition to sharing cross-cultural elements. Moreover, as a region strongly attached to religions and symbols, the acceptability of education also speaks to the capacity of schools to include and reflect in

their teaching plans the cultural, ethnic and religious diversity of students in a non-discriminatory manner.

During the pandemic, schools were challenged to find adequate means of mourning and dealing with COVID-19 in such a way that informs but does not create panic among students and families, while simultaneously creating a safe space for education to continue. Moreover, the use of the internet and online programs was also a challenge to the acceptability, and thus to the quality, of education. While in previous sections the issue of how students could *access* the internet was discussed, here the issue is how COVID-19 created challenges for the *quality* of education.

In Armenia, a series of educational reforms were in the process of receiving approval and/or implementation when the pandemic arrived. Part of the reform was the draft New Standards for General Education (Unified Website for Publication of Legal Acts' Drafts 2010), intended to implement creative education, which is now on hold. This progressive act would make significant changes to the way Armenian Apostolic Orthodox religion is taught, which would change it from being an independent subject to being a part of Armenian history (Titizian 2020). Moreover, it would implement gender/sex education, both issues which led to strong opposition from the public.

However, in the midst of the large influx of children, the war, the education reform and the change to online education, the content and thus the acceptability of education were compromised. Moreover, the differences between urban and rural schools were also significant. Children from rural areas were enrolled in understaffed schools which led to a lack of compulsory classes and inadequate curriculum, either due to the content of the subjects or the way in which they were taught. This has been a long-existing problem that was aggravated by COVID-19 and the war in Artsakh.

Despite the Armenian government's effort to ensure the right to education, over 39,000 children entered the small Caucasian country from Artsakh, making it difficult to ensure that all teachers and social workers were adequately trained to provide quality education. Thus, UNICEF and civil society organisations were crucial to training professionals and providing adequate support for children to continue to study during this period of crisis (UNICEF Armenia 2020a).

Georgia, in contrast, has had a less turbulent period during COVID-19. The country has been congratulated by the OECD, UNICEF, Microsoft and others for its rapid response to the pandemic (Shelia 2021). Though school closure in March 2020 left over 754,630 children out of school (Gharibyan 2020), the swift change to online learning was implemented in a relatively all-encompassing manner. However, despite the good overall

result, there is a significant lack of disaggregated data concerning how the changes impacted minority children (Tabatadze and Chachkhiani 2021).

Based on the *de facto* situation of the Caucasus, ***it is recommended that countries of the region make the best possible use of available resources to ensure adequate quality education for all children.***

2.4. Challenges concerning the adaptability of education

According to General Comment No. 13 to the ICESCR,

education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

As a core human and child right, education must be available, effective and meaningful for all children at all times. Modern times and the spreading use of new technologies have pushed teachers and students to a constant re-discovery process of what education means and how it can be a more holistic and useful process of continuous learning. COVID-19 has forced these considerably fast-paced challenges to be even more comprehensive and immediate in reaching their goals.

This requires one major challenge, and thus also a major skill: adaptability. Education systems will be more relevant to children to the extent that they are able to swiftly and continuously embrace changes and challenges. In the context of COVID-19, adaptability speaks to the ability of public education systems to embrace, reinvent and make the most of the *de facto* conditions, including resources and possibilities.

This adaptability will be addressed in each of the selected countries. Factors considered include COVID-19 and other context-specific challenges such as war, environmental issues and access to the internet.

In Armenia, there is no educational crisis-management policy with a coordinated institutional approach. As a result, there is a lack of regulatory norms, technological equipment, internet connections, and the willingness and capacity of teachers and students to conduct quality online classes. The educational entities have limited administrative capacity to ensure the adaptability of education for children in rural areas of Armenia, displaced children from Artsakh, and children with special needs.

In Georgia, school reopening also faced challenges (JAM News 2021). However, the model was fairly efficient and exemplary if compared to other countries in the Caucasus, and can be looked up to by neighbouring countries. In view of the adaptability challenges and good practices

available in the Caucasus, *states should ensure that the education system is more open to change in order to address the current needs of students but also to ensure they build capacity and resources to better respond to future crises in ways that reduce any negative impact for children.*

3. Efforts of interested parties to ensure the right to education

3.1. Positive obligation of the state authorities and measures of fulfilment

Since 2020, the coronavirus pandemic has challenged many countries. How to respect and fulfil their obligations regarding the right to education amidst a global health crisis and various restrictions that overthrow school life as it has been known? Certainly, the complications caused by the severe epidemiological situation have affected countries in the Caucasus region. This section will look at the experiences of states such as Armenia, Georgia and Belarus in terms of ensuring the right to education under existing conditions.

Regarding the obligation of states regarding the right to education, the basic criterion for its fulfilment is **universal accessibility** (Article 26 of the UDHR, Article 28 of the CRC). An additional criterion for primary and secondary education is that it is **free of charge**. More than a human right, the right to education is also a constitutional right in the Caucasus. Article 27 of the Georgian Constitution stipulates that primary and basic education is compulsory and general education is fully financed by the Georgian state in the manner prescribed by law (Constitution of Georgia, n.d.). Similarly, the right to education is found in the constitutions of Armenia and Belarus.

Nevertheless, the scope of the commitments made among such states may differ. Article 43 of the Constitution of the Russian Federation guarantees universal and free access for not only pre-school and basic general education, but also for secondary vocational education in state or municipal educational institutions and enterprises (Constitution of the Russian Federation, n.d.).

In general, there are two main approaches to providing access to education within the Caucasus region. The first is the creation of conditions for distance learning, which could fully replace in-person education. The second approach focuses on ensuring a safe environment for staying and learning in educational institutions in person, despite the pandemic. The differences in the above approaches to providing access to education are also closely related to ensuring that access to primary education remains free, as established in international law and the primary law of nations.

3.1.1. Armenia

The approach to providing remote access to education during a coronavirus pandemic will be examined first and foremost in the example of Armenia, which enshrines this right in its constitution. During the pandemic, the steps taken by the Armenian government focused on ensuring online education and supporting vulnerable groups of parents with children.

Measures to provide remote access to education firstly included the creation of an online tool for relevant purposes. It should be noted, however, that the digitalisation of the Armenian education system started long before the COVID-19 crisis. The obligation to ensure online learning for students was originally adopted by the Armenian government in 2009 as one of the priority aims for the digitalisation of the country. For that, a web-based 'Education Management Information System' (EMIS) was developed in the country in partnership with the World Bank. The declared goal of EMIS was to cover all stages of education, including pre-school, secondary and tertiary, and to digitise them. It was planned to ensure the further development of EMIS by implementing respective State Programs. For instance, the latest Government Program of Armenia for the period of 2019-2023 sought to guarantee the completion of EMIS functionality by 2020 (Gharibyan 2020). However, the research shows that EMIS has not so far managed to cover all the educational stages.

The main problem associated with the implementation of measures to provide distance education on the digital platform is the lack of sufficient experience of teachers in using the platform, as well as lack of sufficient financial resources to develop it. In the crisis environment caused by the coronavirus pandemic, providing training for staff and students in the use and delivery of such a platform is a difficult task. This creates barriers to access to education, and requires a quick and detailed plan to overcome them.

The implications of the transformation of the educational process to an online format in the context of general secondary education deserve special attention. Homeschooling implies a significant increase in parental childcare responsibilities, along with increased costs for housing, utilities, telephone, internet, food and, in many cases, the technical means for the child to access the educational process online. The problem of giving students the technical means for online learning is the most common and sensitive, because it raises the question of who has the obligation to provide them, the parents or the state.

In the case of Armenia, the state's role in this matter is defined as supporting parents and/or guardians of children of a certain age, depending on their socio-economic status during the pandemic. Accordingly, the Armenian government provided financial aid to vulnerable families with children of a certain age through another state support program addressing

the social impact of COVID-19. The *4th Package of Measures to Neutralize the Consequences of COVID-19 Outbreak* was adopted to pay benefits to “a family with a child under 14 years of age, where the parents or one of the parents has lost his/her registered work in the period from March 13 to 25 and none of the parents has a job as of March 25”. The measure includes a one-time payment for each minor child of USD 200 where the average monthly salary did not exceed USD 960 during the two months prior to dismissal (Government of Armenia 2020a).

The next type of support is provided to families with a child aged 0-18, where neither parent has a registered job, by the *9th Package of Measures to Neutralize the Consequences of COVID-19 Outbreak*. It aims to provide a lump-sum payment of around USD 50 for each child. This support is applicable in a situation where the children and at least one of the parents are residents of the Republic of Armenia, and the family is not eligible for a family benefit, or, if one of the parents had a job before 1 March 2020, his or her monthly salary did not exceed USD 960 (Government of Armenia 2020b).

It can be seen from the above conditions that, despite the Armenian government taking a number of measures to financially support vulnerable groups with children of a certain age, these measures will not fully cover the stakeholders who are in need of support. The support is mainly in the form of one-time payments, and their size only partially covers the basic needs of families and children, with no provision for the needs of children with regard to access to online education.

Hence, ***it is suggested that the Armenian distance learning system be improved, with particular attention to vulnerable groups, so that those who are disadvantaged in physical, financial, infrastructural and other senses will not be left behind.***

3.1.2. Belarus

The Republic of Belarus recognises international standards in the field of education and provides appropriate guarantees under Article 49 of its constitution. In addition to the proclamation of the universal right to education, the state guarantees accessibility, free of charge, not only to primary and secondary education, but also to vocational and technical education. This feature is largely because Belarus positions itself as a social state.

The approach chosen by the Republic of Belarus to provide access to education during the pandemic is authentic and has not spread much into neighbouring countries. It consists in ensuring the safety of learning in the regular mode without a comprehensive transfer of the educational process to the online format. The Ministry of Health of the Republic of Belarus advised that it would be inappropriate to close schools during the

coronavirus pandemic. Thus, prevention measures are being strengthened in schools instead.

As part of the prevention policy, all mass events involving children are cancelled. Unauthorised people are not allowed into the buildings, and children are reminded to wash their hands more often. Thus, children in Belarus retain their access to education and the organisation of any distance learning process is, at least partially, a private initiative of teachers. Parents have the right to keep their child at home, even if they are not sick. To do this, they need to write an application to the class teacher. In it, they need to specify how long they are taking the child, and where and with whom the child will be during this time. In this case, before the child returns to school, it is necessary to get a doctor's certificate declaring that they are healthy. It should be noted that all school textbooks are available in electronic versions, to contribute to the student's education at home.

This approach has a number of advantages and disadvantages. It preserves and stabilises the educational process, since the measures taken do not fundamentally change it and can be implemented without extensive training. An additional advantage is that accessibility of education in this case does not change significantly, and also the problem of ensuring 24-hour care of the child by working parents is solved.

Further, all the materials necessary for learning are provided by the school and do not require large material investments. Nevertheless, this approach is neither perfect nor universal. Its application depends primarily on the severity of the epidemiological situation in the state. In addition, preventive measures are not able to fully guarantee a high level of health protection, certainly retaining some risk of infection. Given the parents' right to decide the degree of their child's participation in the direct educational process at school, both parents and the state in this case have to act according to the principle of the best interests of the child.

It is recommended that the distance learning system for students be introduced, in order both to ensure the right to education and minimise the risk of being infected by COVID-19, as well as creating equal opportunities for all.

3.2. Approaches of local civil society (NGOs)

NGOs play a remarkable role in promotion and implementation of the best practices and standards stipulated in international law for the right to education. In particular, their activities in the Caucasus region during the

COVID-19 pandemic aim to support the governments in exercising their policies in accordance with both national and international obligations. Three main types of support provided by NGOs in the Caucasus in the field of educational rights can be outlined: informational support, content and material support for facilitating educational processes, and training support for stakeholders.

Firstly, informational support includes gathering and analyzing data on the impact on children's access to education, and on school classes in particular. In Armenia, World Vision Armenia and the Armenian Helsinki Committee provided such research (Human Rights Watch 2021). The research showed that most Armenian schools were closed in the period of March - September 2020 due to inability to organise remote education promptly. The set of digital facilities for the organisation of the educational process in a remote form have been created, which led to the emergence of a number of factors requiring the attention of the state. On one hand, distance learning allowed more children to access education. On the other, distance learning has made it difficult for children with disabilities to participate in the educational process. Thus, this report identified the problem of digital inclusion disruption, namely the lack of conditions for combining digital learning with the need to use special equipment necessary for inclusion, such as hearing aids, books in Braille or other adjustments.

Secondly, NGOs also support Caucasus governments by preparing educational materials for distance-based learning at school, creating relevant educational video content, etc. For instance, the relevant civil society organisations of Georgia set the goal of supporting rapid responses to COVID-19 challenges in the field of education. With the financial aid of USAID's ACCESS Program, Georgian NGOs including Coalition Education for All and Studio Bicycle worked with two child psychologists, Lika Qurcikidze and Shoko Tkeshelashvili, in cooperation with Georgia's Ministry of Education, Science, Culture and Sports to digitalise the educational process in order to support the uninterrupted development of children (USAID 2020). In addition to preparing materials to provide a full and continuing school education, special attention has also been paid to creating information for parents, whose role in raising a child in a remote environment has increased dramatically. Additionally, a set of online resources was created to inform children how to cope with feelings of stress and isolation caused by the pandemic, and with the lack of live communication with their peers.

Finally, in view of the teachers' above-mentioned lack of necessary qualifications and skills for using digital platforms to conduct online classes, it is essential to provide informational support for teachers by conducting appropriate training courses. NGOs were able to assist governments in that sphere as well. In Belarus, where school education was not interrupted by lockdown or quarantine, there was little support from the state for digitalising the educational process. The only school in Belarus which has turned to remote education is a private one (Iskortseva-Kunskaya 2020), which means its implementation of digital resources in the school's routine was independent of state action. The provision of online education opportunities at the school is mostly based on the initiative of the teachers themselves. In order to support them, the local educational foundation New School collaborated with the IT company Vizor Games and the Education for the Future Association to create the Teacher for Belarus program (Teacher for Belarus, n.d.). The primary resource offered by this program is a platform where teachers can share their experiences of conducting online lessons, and consult foreign experts through interactive lectures. In addition to the lectures, the program supplies a bank of useful information materials, including educational literature, textbooks in electronic format, recommendations, and leaflets on the subject of organising the distance learning process under COVID-19 pandemic conditions.

To sum up, the measures taken by civil organisations in the Caucasus are informational and practical in nature. Their goal is to provide concrete and objective data on the scale of the problem and to provide informational support to children in the form of various interactive educational materials, compensating for the lack of a full educational process in schools. The most common obstacle is the lack of funding for practical projects, for which the UN missions try to compensate. Nevertheless, the situation in the countries of the region is not uniform. For example, civil society organisations in Armenia complement the state policy of safe access to education (mainly via distance learning), whereas in Belarus this initiative has an independent character, presenting an alternative to the policy of the state.

Thus, it is recommended that the states ensure that necessary support is provided to NGOs and schools which either perform individual initiatives in order to fulfil state policy, or introduce alternative approaches which create equal opportunities for stakeholders to exercise the right to education in the environment of the COVID-19 pandemic.

Conclusions and recommendations

The pandemic has significantly affected the right to education in the Caucasus. This can be seen in Armenia, Georgia and Russia. The impact of COVID-19 on the right to education was also seen – but differently – in Belarus. In all cases, the accessibility, availability, adaptability and acceptability of education were challenged by the pandemic, especially in the presence of parallel difficulties resulting from war, influx of displaced children or existing socio-economic inequalities and special needs.

A new understanding of educational inequality has emerged. In particular regions and municipalities, the socio-economic status of families and accessibility issues (broadband, affordable internet, availability of trained teachers) in the context of the transition to online education have led to possible increases in educational inequality on social and territorial grounds. Rural schools often do not have resources to organise distance learning on the required level so the already existing problem of lack of opportunities in rural areas deepens. Although most of the measures taken can be characterised as temporary or short-term solutions, they are likely to represent a step toward the sustainable digitalisation of the educational process in Caucasus, as well as the source of inspiration for new ideas and approaches in this sphere.

It is recommended that Ministries of Education in the Caucasus offer regions and municipalities a package of variable models for organising distance learning, taking into account different territorial conditions, socio-economic resources of the families and special needs of children. To ensure the availability of education it is recommended that Ministries of Education develop and implement training programs for teachers as well as technical support on all the levels of implementation of distance learning. States should ensure that the education system is more open to change in order to address the current needs of students but also to ensure they build capacity and resources to better respond to future crises.

It is suggested that the Armenian distance learning system be improved, with particular attention to vulnerable groups, so that those who are disadvantaged in physical, financial or infrastructural senses are not left behind. It is recommended that the states ensure that necessary support is provided to NGOs or schools which perform individual initiatives to fulfil state policy, or which introduce alternative approaches creating equal opportunities for stakeholders to exercise the right to education in the environment of the COVID-19 pandemic.

The authors would recommend further academic research into matters related to the impact of the COVID-19 pandemic on the right to education in the Caucasus region that have not yet been subject to full data collection and comprehensive analysis, such as the gender perspective (i.e., the potentially different impacts on girls and on boys), and the psychological impacts of long lasting isolation, health threats, and distance learning.

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