

AZERBAIJAN:

After some 20 years, IDPs still face barriers to self-reliance

A profile of the internal displacement situation

10 December, 2010

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

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OVERVIEW

Azerbaijan: After some 20 years, IDPs still face barriers to self-reliance

Over 586,000 people remain internally displaced in Azerbaijan after the Nagorno-Karabakh war ended with a ceasefire in 1994. The figure includes approximately 230,000 children born to internally displaced people (IDPs) since they fled their homes. Insecurity near the line of contact with Armenia continues to disrupt the livelihoods of IDPs and others who live nearby.

IDPs' main concern, however, is their inadequate living conditions. Many still live in dilapidated public buildings and makeshift accommodation, some with poor security of tenure. The government has resettled some IDPs into new, purpose-built settlements, but while these offer better conditions, they are often far from neighbouring towns and offer insufficient access to services, jobs or livelihoods. Most IDPs have yet to benefit from this scheme and there is increasing disparity in the living conditions of IDPs.

IDPs are more often unemployed than their non-displaced neighbours and the majority continue to depend on government benefits as their main source of income. Limited finances prevent some from accessing health care services and education despite provisions ensuring their free access. IDPs continue to suffer mental health issues relating to their displacement and experiences during the war, and there is a lack of appropriate and affordable support. Specific and expanded measures are required to improve their self-reliance and decrease the pattern of dependency.

Return remains the preferred settlement option for many IDPs and for the government. Some younger IDPs, however, say they would prefer to stay in their current places of residence even if return were a viable option. While the government has allocated significant attention and resources to improving the lives of IDPs, a better national response would entail efforts to engage IDPs on issues that affect them and to amend regulations and practices that prevent IDPs from enjoying a normal life at their current residence.

Background

Internal displacement in Azerbaijan is mainly a consequence of the ethnic conflict over the territory of Nagorno-Karabakh. The roots of the conflict go back to early Soviet times, when Nagorno-Karabakh was declared an autonomous region within Azerbaijan. Ethnic conflict erupted in 1988 when the soviet government of Armenia agreed with Nagorno-Karabakh to incorporate it into Armenia. Nagorno-Karabakh declared its own independence in 1992, leading to war between Karabakh Armenian and Azerbaijani forces. Active hostilities ended with a ceasefire agreement in 1994, but Nagorno-Karabakh's independence claim has not been recognised by Azerbaijan, Armenia or any other state, and a final resolution to the conflict is still pending. Nagorno-Karabakh and seven surrounding districts have been wholly or partially occupied by ethnic Armenian forces ever since.

By the time of the ceasefire, an estimated 700,000 people had been forcibly displaced within Azerbaijan, while a further 30,000 people, mainly ethnic Armenians, had been displaced within Nagorno-Karabakh itself (NRC, 30 April 2008; ICG, 11 October 2005). An estimated 22,000 to 25,000 people were killed during the conflict, and an unknown number were injured or disappeared (ICG, 14 November 2007). More than 4,500 people are still missing (ICRC, 30 August 2010). Violations of the ceasefire escalated during 2010 and included fatal exchanges of

fire across the line of contact (RFE/RL, 24 June 2010; OSCE, 5 July 2010; Jamestown Foundation, 14 July 2010; Reuters, 1 September 2010; OSCE, 6 September 2010).

Azerbaijan and Armenia have agreed on the basic principles for negotiations, facilitated by the Minsk Group of the Organisation for Security and Cooperation in Europe (OSCE), but the key sticking points remain the status of Nagorno-Karabakh and the return of IDPs to the territory. Their positions are radically different and both parties lack the will to comprehensively resolve the conflict, preferring instead to take an uncompromising stance before their respective populations (ICG, 12 April 2010; Refugee Survey Quarterly, 2009). International pressure to resolve the conflict has increased since the 2008 conflict between Georgia and Russia over South Ossetia (Jamestown Foundation, 14 July 2010).

IDP figures

The State Committee for Refugees and IDPs is the sole source of statistics on internal displacement. In early 2010, the committee put the number of IDPs at 586,013 (Government of Azerbaijan, 1 January 2010). The vast majority are ethnic Azeri, though there are also ethnic Kurdish, Russian and Turkish IDPs (CoE, 24 May 2007; UN Commission for Human Rights 25 January 1999, para. 31). Prior to the conflict, ethnic Azeris were a minority in Nagorno-Karabakh but made up the overwhelming majority of the population of 425,000 in seven adjacent districts. More than 400,000 were displaced from these areas during the conflict (Refugee Survey Quarterly, 2009).

Government data is broken down by age and sex. The total number of IDPs includes more than 230,000 children up to the age of 17 who have acquired the IDP status of their fathers. However, the children of internally displaced women and non-displaced men do not acquire IDP status, and so they are not entitled to state benefits including monthly food allowances. As such, these children are discriminated against in law on the basis of the sex of their IDP parent.

Patterns of displacement

IDPs were initially settled mainly in rural areas in various types of accommodation. According to the World Bank, today 86 per cent live in urban areas, mainly in Baku and Sumgait (World Bank, 1 March 2010). Some have also migrated within rural areas, as those living in the worst conditions are moved to new, purpose-built settlements. Some 2,375 families were resettled in this way in 2009 (Government of Azerbaijan, 30 November 2009). Some 54,000 IDPs have returned to their homes in Fizuli district since 1994, when the Armenian army started to withdraw from some of the territory it had occupied (NRC, 29 February 2008).

Physical security

The Azerbaijan National Agency for Mine Action has cleared some areas of landmines and other ordnance, but accidents involving mines have continued, with 18 injuries and four deaths reported in 2009 despite mine risk education activities in schools and communities (Landmine and Cluster Munition Monitor, 18 June 2010; UNDP, 2009). There have also been ceasefire violations along the 175 kilometre line of contact, an area which is home to 150,000 villagers (PRIF, 2009; RFE/RL, 9 June 2009; RFE/RL, 4 September 2010; OSCE, 6 September 2010; Conciliation Resources, 30 November 2009; IWPR, 6 December 2007). The situation hinders IDPs and others from using their arable land, and disrupts their efforts to become self-reliant, as does the reported lack of water in the area (UNHCR, October 2009; IWPR, 24 September 2010). People have been killed or injured while working in their fields, collecting firewood or tending livestock (ICRC, 30

September 2008). There is a real potential for further violence along the line of contact, as the 30,000 or more troops on either side have gradually acquired more sophisticated weaponry and Azerbaijan has significantly increased its defence budget (Conciliation Resources, 30 November 2009; PRIF, 28 December 2009).

Sexual and gender-based violence (SGBV) persists in Azerbaijan. Women and girls, including IDPs, are subject to early marriage, sexual violence and physical as well as psychological abuse (UNICEF, 2009; WARD, 2009; DHS, 2008). Perpetrators of physical violence are mainly current or former husbands or partners, and mothers or stepmothers (DHS, 2008). A 2009 survey of 90 representatives of local NGOs, international organisations and UN agencies with experience of working with IDPs and refugees revealed that 81 per cent of respondents considered SGBV a common problem among these groups, with psychological and physical violence the most widespread manifestation (WARD, 2009). In line with a 2009 UNICEF report that early marriages were widespread in Azerbaijan among displaced and non-displaced people, 63 per cent also responded that early marriages were common. The incidence of SGBV may be higher than studies reveal, as cases are rarely discussed, reported or brought to justice in Azerbaijan (UNIFEM, 2006; WARD, 2009). The government has acknowledged combating violence against women as a priority issue and adopted a law on prevention of domestic violence in 2010 (Government of Azerbaijan, 2008; OSCE, 14 October 2010).

Housing and property rights

IDPs' main concern remains their inadequate living conditions (UNHCR, October 2009; IDMC, November 2009). In 2008, over 188,000 were living in collective centres (such as former public buildings, hostels, schools, kindergartens and sanatoriums) and some 117,000 were in makeshift accommodation (such as rail wagons, so-called Finnish houses and mud houses) (Government of Azerbaijan, 3 April 2008). The remainder were living in housing built by the government or international organisations, with relatives or in accommodation they occupied or built themselves, and where many have only limited security of tenure. A World Bank assessment found that IDPs lived in housing that was more crowded and with lower rates of access to electricity and sewerage than the local population (World Bank, 1 March 2010).

Collective centres

Many collective centres are in urgent need of refurbishment and some may be beyond repair. Housing is run-down and overcrowded, electricity supplies are limited and sanitation facilities, potable water supply and waste disposal are insufficient. Much of the housing does not offer adequate protection from the elements. Roofs leak, wiring is dangerous and vermin is present. Displaced children have grown up, married and established families of their own in these circumstances, often living in little privacy with the parents of the spouse as they cannot afford their own home (UNHCR, October 2009; BBC, 18 February 2009). In such crowded conditions, children often lack places to play or study. The government has carried out repairs to more than 115 public buildings that house IDPs, and it plans to continue to address the issue of poor living conditions (Government of Azerbaijan, 24 November 2009).

New IDP settlements

The government has resettled some 90,000 in more than 65 new settlements (Government of Azerbaijan, 8 November 2010). In 2009, 369 families were moved into new high-rise apartments in the Binagadi district of Baku – the first time IDPs have been resettled by the government in an urban area (Trend, 17 November 2009). This policy continued in other urban areas in 2010 with the allocation of land plots for new settlements in Mingachevir and the construction of multi-storey buildings in areas such as Qabala, Yevlakh and Goranboy (Trend, 12 March 2010; News.Az, 13 November 2009; IWPR, 29 October 2010).

Not all IDPs have been satisfied with conditions in the new settlements. Although an acknowledged improvement on their previous accommodation, houses do not always have electricity and water supplies. Local health care provision is poor and the settlements are most often in remote locations with few or no public transport links to the nearest towns. This isolation causes problems for IDPs with limited budgets and hinders their access to jobs, services and information (IWPR, 13 March 2009; Amnesty International, 28 June 2007; IWPR, 8 October 2010).

Evictions

IDPs have been evicted from public buildings purchased by private businessmen in the past, but the continuing privatisation of property and increased public construction coupled with European Court of Human Rights (ECtHR) decisions on property in Azerbaijan has made their plight more precarious, particularly in the main cities of Baku and Sumgait. The court upheld a claim by the owner of an apartment occupied by a displaced family, ruling that the applicant had been denied her right to peaceful enjoyment of her property (ECtHR, 27 December 2007). Prior to the ECtHR ruling, Azerbaijani legislation from 1999 prohibited the eviction of IDPs living in public or private property, unless they were offered alternative accommodation under adequate conditions.

More recently, however, the courts in Azerbaijan have been using the ECtHR decision as a precedent to evict IDPs from private property whether they had occupied it illegally or not. The government stated in 2010 that about 6,000 IDPs were occupying apartments illegally, and that the properties would soon be vacated (Trend, 19 January 2010; IWPR, 10 March 2010). IDPs have been evicted in only a small number of cases and in most instances the judgments have not been enforced. While IDPs may challenge eviction orders, the government should ensure that any decision to evict is necessary and proportional, and that evictions are carried out with full respect for the human rights of owners and IDPs, including the provision of adequate alternative housing in accordance with international guidelines.

Employment and livelihoods

Unemployment and inadequate livelihood opportunities continue to be a problem for IDPs. A recent World Bank poverty assessment for Azerbaijan found that about half of the IDPs surveyed were not working or were seeking work, compared with 36 per cent of the general population (World Bank, 1 March 2010). While the government and international organisations have implemented programmes to improve the self-reliance of IDPs with some success, opportunities for jobs and livelihoods remain particularly scarce for IDPs in rural communities. The World Bank assessment also found that government benefits were the main source of income for 71 per cent of IDPs, while only 15 per cent were able to make do with their own earnings. The continued payment of benefits to IDPs also poses a large fiscal drain. The monthly food allowance of \$18 is paid to over 542,000 IDPs (Government of Azerbaijan, 8 November 2010). IDPs' inadequate access to economic opportunities and dependence on state benefits prevents them from realising their full economic and social potential.

Government assistance has cushioned many IDPs from poverty, though some are still affected. According to the government, the poverty rate among IDPs decreased from 75 per cent to 25 per cent from 2003 to 2009 due to measures taken in the framework of the State Programme for IDPs (Government of Azerbaijan, 30 November 2009). IDPs in rural areas now face the highest poverty rate, with those living in private accommodation or with relatives the group next most at risk of poverty (World Bank, 1 March 2010). Poverty has meant that some internally displaced children have taken up agricultural or construction work in order to supplement family income; their school attendance has often suffered as a result (IDMC, October 2008). Further and expanded support is required to create, improve and expand income-generating activities in rural and urban areas according to the interests of IDPs and demands of the market.

Documentation

Some IDPs continue to struggle to get the documents they need in order to access assistance, entitlements, jobs and services. They have to travel long distances to submit applications, they often lack knowledge of administrative and judicial procedures, and the processes are prone to corruption and long delays. In some cases this has led to family members being excluded from government registration and assistance lists (UNHCR, 2009), elderly IDPs receiving minimum pensions that do not reflect the number of years they worked and even veterans of the Nagorno-Karabakh conflict not always receiving their entitlements (Praxis, 2009). The fact that the government archives for Nagorno-Karabakh are incomplete and inaccessible has made it more difficult for local authorities in exile to provide documentation (UNHCR, October 2009).

Citizens of Azerbaijan must register their residence as part of an internal registration system, the so-called *propiska* regime. Many IDPs who move away from where they settled at the beginning of displacement struggle to register their residence due to overly bureaucratic processes, corruption, or because they lost documents during displacement. Without registration, IDPs struggle to access employment, housing, medical services, education, pensions, bank loans and government assistance for IDPs. In 2008, the government was reportedly reforming legislation relating to registration requirements to improve IDPs' right to freedom of movement and choice of residence (UN HRC, 15 April 2008). In 2009, the UN Committee on Civil and Political Rights called on it to simplify the procedure (UN CCPR, 13 August 2009).

Education

Policies and laws are in place to help ensure access to education for displaced and returned children, but barriers still prevent children from attending school. In theory their studies should be free of charge, but in reality this is often not the case. Internally displaced students are supposed to benefit from free books, but their parents report that they do not always receive them and so must pay for them out of their own pockets, which they cannot always afford. Attendance rates in primary and secondary school are lower for low income families than for well-off families (UNICEF, July 2008; UNICEF, December 2008). Lack of finances also affects access to higher education; it is the main reason cited for young people not continuing their studies beyond compulsory schooling (World Bank, 1 March 2010).

Some young IDPs have dropped out of school because their families moved in search of employment or, in the case of girls, in order to get married (UNHCR, October 2009). A study on early marriage in Azerbaijan found that only two per cent of girls continued their studies after marriage (UNICEF, 2009). Government policy does not hinder internally displaced children with disabilities from attending school, but in practice they are often unable to because the necessary facilities and support are not in place (UNHCR, October 2009; UNICEF, 10 June 2010).

Quality of education is also an issue. IDPs cite inadequate buildings and infrastructure, and lack of furniture, computers, supplies, safe playgrounds and qualified teachers, especially in rural settlements (Eurasianet, 22 September 2010; UNHCR, 2009; UN HRC, 15 April 2008). Some children are educated in dormitory rooms in the collective centres they live in. Overcrowded living conditions in their homes also contribute to internally displaced children's lower performance at school (UNHCR, 2009 AGDM assessment). Low teacher salaries and continued use of outdated teaching methods also negatively affect the quality of education (UNICEF, July 2008; UNICEF, December 2008). Students in some schools revealed that they sometimes felt unsafe because some teachers used corporal punishment and threatened them, though the extent of the problem was unclear (UNHCR, 2009). The government has initiated a number of reforms to improve the

quality of education, but recent investments have not been significant (World Bank, 1 March 2010; UNICEF, December 2008).

Internally displaced parents can choose to send their children to local schools or schools specifically for displaced children, though their choice may be limited due to distance or lack of funds. As of 2004, 60 per cent of internally displaced children were attending separate schools (World Bank, 2004). More recent data is unavailable, but internally displaced children are generally still educated separately from local children. There is little information on how the quality of their education compares with that of non-displaced students; in some areas non-displaced children have outscored their displaced peers in most subjects (Eurasianet, 22 September 2010; UNHCR, October 2009). IDPs do not view the separate education of their children as discriminatory, although conditions were generally perceived to be better in local schools. Some students said that they would prefer to go to the same school as local children (UNHCR, October 2009).

Health care

IDPs' health continues to suffer as a result of their displacement. A World Health Organization-led study on IDPs' mental health found that 40 per cent of respondents had mental health disorders, of whom almost half had severe disorders. The study found that IDPs' poor mental health was directly associated with exposure to war trauma, crowded and run-down living spaces, poor education, low income, living alone, poor physical health and SGBV. Women were twice as likely as men to have a mental health disorder, and children were also affected via the traumatic experience of their parents and their poor living conditions. Insufficient support has left many IDPs with mental illnesses isolated, marginalised and dependent. A national mental health policy and an accompanying strategic action plan were put in place in 2008, but services have remained underfunded and underdeveloped (WHO, UNHCR, OHCHR, UNFPA and Ministry of Health, August 2009).

General health care provision in rural areas, including the new settlements, is compromised by limited personnel, equipment and supplies. Reproductive health services for displaced women are largely absent. Inadequate public transport means IDPs are obliged to pay taxis to shuttle them to the nearest clinic or hospital, sometimes up to 20 kilometres away. Like all citizens, they are subject to informal fees for medical services and medication, even though they are legally exempt from official fees in most cases. District medical centres do not always have the appropriate specialists and IDPs with complicated disorders must travel further to access treatment. As few can afford the transport and consultation, conditions often go untreated. Lack of finances is a key obstacle to accessing health services for the poor in Azerbaijan, where out-of-pocket expenditures constitute 73 per cent of total spending on health care (WHO, 2010; World Bank, 1 March 2010). The government has put in place an action plan to introduce health financing reforms and an incentives programme to attract qualified medical staff to rural areas (UN, 11 August 2010; WHO, 2010).

Settlement options

IDPs' settlement preferences vary. In theory they should be able to choose between returning to their place of origin, remaining in their area of displacement, or settling elsewhere in the country. A 2008 survey found that some IDPs wished to return, others did not and others were still to make up their mind (CIPDD, 12 December 2008). Elderly IDPs generally said that their only wish was to return, while some of their younger counterparts in both rural and urban areas expressed a preference for staying at their current place of residence (UNHCR, October 2009). Having built

their lives in their area of displacement they may be more likely to view return as a disruption rather than a return to normality.

The government would prefer to see IDPs return to their places of origin. It has prepared a framework for a “great return” (APA, 28 July 2009). While the framework upholds the principle of voluntary return, the government has clearly stated that any efforts to improve the living conditions of IDPs are temporary measures pending return. This stance that is increasingly at odds with the protracted nature of displacement. Although significant, these temporary efforts are not sustainable and so IDPs will not be able to achieve durable solutions until there is a resolution to the conflict.

Given that return is dependent on a seemingly elusive resolution to the conflict, the government should continue to remove barriers preventing IDPs from enjoying a normal life. Such measures would not preclude their eventual return. Removing barriers that are currently preventing IDPs from becoming self-reliant and enjoying a normal life will ensure they are skilled and strong upon return if they so choose.

There has been no monitoring of IDPs’ achievement of durable solutions in accordance with the 2010 IASC framework. In 2008, however, the Caucasus Institute for Peace, Democracy and Development found that 33 per cent of IDPs had been assimilated into the local population, 30 per cent were relatively integrated, 36 per cent had not integrated and one per cent were marginalised (Caucasus Institute for Peace, Democracy and Development, 2008).

National response

The government has made considerable efforts to improve the situation of IDPs in recent years. In addition to assuming full responsibility for the internally displaced population and developing an extensive legal framework to regulate their rights and duties and improve their situation, it established the State Committee on Issues of Refugees and IDPs, trained government officials on IDP rights, raised national awareness of the issue of internal displacement, collected data on the numbers and location of IDPs, settled some 90,000 in new villages and cooperated with international and regional organisations. It has also devoted significant financial resources to assisting IDPs. The \$1 million allocated in 1995 rose to \$348 million by 2010, of which \$100 million came from the state oil fund.

Despite these impressive efforts, significant challenges still remain. The provisions of the government’s 2004 IDP programme and its amendments appear either not to have been fully implemented or not to have had the intended effect. The government did not consult IDPs during the development of the programme, and their meaningful participation in peace negotiations has thus far been lacking. Although people with disabilities, older people and those with other special needs are included in other national programmes, there are few targeted measures to identify and respond to their particular situations.

International response

As the government’s capacity to protect IDPs has increased and the conflict has become protracted, donor support has decreased. Current donors include the EU, the American, Japanese, German and Norwegian governments and the Norwegian oil company Statoil, as part of their corporate social responsibility programme. In 2008, the international community allocated \$31m to humanitarian and development programmes focusing on IDPs (UNHCR, October 2009).

The UN High Commissioner for Refugees (UNHCR) leads UN assistance for IDPs in Azerbaijan. The organisation focuses on advocacy on IDP rights, vocational training programmes and legal assistance. Other UN agencies that assist IDPs include Unicef, UNDP, UNFPA and WHO. International NGOs such as Oxfam and World Vision also provide assistance, including income generation opportunities, health care services and housing improvements. International organisations are also helping to rebuild water infrastructure (ICRC, 16 Dec 2008; ICRC, 1 July 2008; ADB, 23 September 2009). The World Bank has committed additional support for infrastructure, services and livelihoods.

In 2009, UN bodies issued several conclusions and recommendations on Azerbaijan. The UN Committee on the Elimination of Racial Discrimination (CERD) and the UN Committee on the Elimination of Discrimination against Women (CEDAW) both voiced concern that internally displaced women and children were particularly vulnerable and marginalised. CERD recommended that IDPs be ensured equal opportunities and participation in processes that affect them, while CEDAW recommended that measures be taken to improve the access of women, including internally displaced women, to general and reproductive health care services.

The Council of Europe's Committee on Migration, Refugees and Population visited Azerbaijan in 2009 and in a report on internal displacement in Europe called on relevant authorities in the region, including Azerbaijan, to support the integration of IDPs; to involve them in the search for durable solutions; to pursue the process of reconciliation more vigorously; and to find adequate solutions for the most vulnerable IDPs (CoE, 9 June 2009).

The EU Special Representative for the South Caucasus and the EU Commissioner for Enlargement met IDPs in Azerbaijan in 2010, and the European Parliament issued a report on the need for an EU strategy for the South Caucasus, to cover areas such as the rule of law, economic cooperation, social development, security and conflict resolution (European Parliament, 23 April 2010).

РЕЗЮМЕ ПРОФИЛЯ НА РУССКОМ ЯЗЫКЕ

Азербайджан: по прошествии почти 20 лет ВПЛ все еще сталкиваются с барьерами на пути к самообеспечению

Более 586 000 человек остаются внутренне перемещенными в Азербайджане после нагорно-карабахской войны, закончившейся прекращением огня в 1994 г. Это число включает приблизительно 230 000 детей, родившихся у внутренне перемещенных лиц (ВПЛ) с того времени как они покинули свои дома. Отсутствие безопасности вблизи линии фронта с Арменией продолжает нарушать жизнь ВПЛ и тех, кто живет рядом.

Главной проблемой ВПЛ, однако, являются их неудовлетворительные условия проживания. Многие все еще живут в ветхих государственных домах и временных помещениях, а некоторые без права на постоянное проживание. Правительство переселило некоторых ВПЛ в новые, специально построенные поселения, но хотя в них предоставлены более подходящие условия, они часто находятся вдалеке от ближайших городов и не представляют достаточного доступа к услугам, работе или заработкам. Большинство ВПЛ все еще не охвачено этим проектом.

ВПЛ являются безработными чаще, чем их неперемещенные соседи, и большинство продолжает зависеть от правительственных пособий как основного источника дохода. Ограниченные финансы не позволяют некоторым пользоваться услугами здравоохранения

и образования, несмотря на условия, обеспечивающие свободный к ним доступ. ВПЛ продолжают страдать расстройствами психического здоровья, вызванными их перемещением и другими связанными с войной событиями, при отсутствии должной и доступной поддержки. Требуются конкретные и расширенные меры для улучшения их самообеспечения и уменьшения положения зависимости.

Возвращение остается предпочтительным выбором для многих ВПЛ и для правительства. Однако многие более молодые ВПЛ говорят, что они предпочли бы оставаться в их нынешних местах поселения даже при наличии жизнеспособной альтернативы возвращения. Несмотря на то, что правительство уделило много внимания и выделило значительные ресурсы на улучшение жизни ВПЛ, более комплексные национальные меры должны включать в себя усилия по вовлечению ВПЛ в решение затрагивающих их проблем и по пересмотру регулятивных норм и практик, не позволяющих ВПЛ жить нормальной жизнью в их нынешних местах проживания.

История вопроса анные о ВПЛ ственности

Внутреннее перемещение в Азербайджане, в основном, является результатом этнического конфликта из-за территории Нагорного Карабаха. Корни конфликта уходят в прежние советские времена, когда Нагорный Карабах был объявлен автономной областью внутри Азербайджана. Этнический конфликт разразился в 1988 г., когда советское правительство Армении достигло соглашения с Нагорным Карабахом о включении его в Армению. Нагорный Карабах провозгласил свою независимость в 1992 г., что привело к войне между вооруженными силами карабахских армян и Азербайджана. Активные военные действия закончились соглашением о прекращении огня в 1994 г., но объявление независимости Нагорного Карабаха не было признано Азербайджаном, Арменией или каким-либо другим государством, и окончательное разрешение конфликта еще не достигнуто. Нагорный Карабах и семь прилегающих районов с тех пор полностью или частично оккупированы армянскими вооруженными силами.

Ко времени прекращения огня примерно 700 000 человек были насильно перемещены внутри Азербайджана, кроме того еще 30 000 человек, в основном этнических армян, были перемещены внутри самого Нагорного Карабаха (NRC, 30 апреля 2008 г.; ICG, 11 октября 2005 г.). По оценкам, от 22 000 до 25 000 человек были убиты во время конфликта, а неизвестное количество людей были ранены или исчезли (ICG, 14 ноября 2007 г.). Более 4 500 человек все еще считаются пропавшими без вести (ICRC, 30 августа 2010 г.). Число нарушений прекращения огня увеличилось в течение 2010 г. и включало перестрелки на линии фронта, в результате которых погибли люди (RFE/RL, 24 июня 2010 г.; OSCE, 5 июля 2010 г.; Джеймстаунский фонд, 14 июля 2010 г.; Рейтер, 1 сентября 2010 г.; OSCE, 6 сентября 2010 г.).

Азербайджан и Армения достигли соглашения об основных принципах переговоров при содействии Минской группы Организации по безопасности и сотрудничеству в Европе (ОБСЕ), но камнем преткновения остается статус Нагорного Карабаха и возвращение ВПЛ на эту территорию. Их позиции радикально противоположны, и обе стороны не стремятся к всеобъемлющему разрешению конфликта, предпочитая вместо этого занимать бескомпромиссную позицию перед своим соответствующим населением (ICG, 12 апреля 2010 г.; Refugee Survey Quarterly, 2009 г.). Международное давление с целью разрешения конфликта усилилось после возникновения конфликта между Грузией и Россией из-за Южной Осетии в 2008 г. (Джеймстаунский фонд, 14 июля 2010 г.).

Количественные данные о ВПЛ

Государственный комитет по делам беженцев и ВПЛ является единственным источником статистики по внутреннему перемещению. В начале 2010 г. комитет определил количество ВПЛ : 586 013 (Правительство Азербайджана, 1 января 2010 г.). Подавляющее большинство - этнические азербайджанцы, хотя среди ВПЛ есть также этнические курды, русские и турки (СоЕ, 24 мая 2007 г.; Комиссия ООН по правам человека, 25 января 1999 г., пункт 31). До начала конфликта этнические азербайджанцы были в меньшинстве в Нагорном Карабахе, но составляли подавляющее большинство населения в количестве 425 000 человек в семи прилегающих районах. Более 400 000 человек были перемещены из этих районов во время конфликта (Refugee Survey Quarterly, 2009 г.).

Правительственные данные даются с разбивкой по возрасту и полу. Общее количество ВПЛ включает более 230 000 детей в возрасте до 17 лет и получивших статус ВПЛ от своих отцов. Однако дети внутренне перемещенных женщин и неперемещенных мужчин не получают статус ВПЛ и, таким образом, они не имеют право на государственные пособия, включая месячные пособия на питание. Таким образом, эти дети дискриминируются по закону на основании пола своих родителей, имеющих статус ВПЛ.

Виды перемещения

Первоначально ВПЛ, в основном, селились в сельских районах в различных видах жилья. По данным Всемирного банка сейчас 86% проживают в городских районах, в основном в Баку и Сумгаите (Всемирный банк, 1 марта 2010 г.). Некоторые также перемещаются внутри сельских районов, по мере того как проживающих в худших условиях переселяют в новые, специально построенные поселения. Около 2 375 семей были переселены таким образом в 2009 г. (Правительство Азербайджана, 30 ноября 2009 г.). Около 54 000 ВПЛ возвратились в свои дома в Физульском районе после 1994 г., когда армянские войска стали покидать некоторые из оккупированных ими территорий (NRC, 29 февраля 2008 г.).

Физическая безопасность

Национальное агентство по разминированию территорий Азербайджана расчистило некоторые районы от противопехотных мин и других снарядов, но несчастные случаи, связанные с минами продолжают, так, в 2009 г. сообщалось о 18 ранениях и четырех смертях несмотря на инструктирование о минной опасности в школах и общинах (Мониторинг противопехотных мин и кластерных боеприпасов, 18 июня 2010 г.; ПРООН, 2009 г.). Имеются случаи нарушения прекращения огня вдоль 175 километровой линии фронта — района, в котором проживают 150 000 деревенских жителей (PRIF, 2009 г.; RFE/RL, 9 июня 2009 г.; RFE/RL, 4 сентября 2010 г.; OSCE, 6 сентября 2010 г.; Conciliation Resources, 30 ноября 2009 г.; IWPR, 6 декабря 2007 г.). Эта ситуация не позволяет ВПЛ и другим жителям использовать плодородные земли и подрывает их усилия по самообеспечению, так же как и нехватка воды в этом районе (UNHCR, октябрь 2009 г.; IWPR, 24 сентября 2010 г.). Люди получали ранения или погибали во время работы в поле, сбора дров или выпаса скота (ICRC, 30 сентября 2008 г.). Существует реальный потенциал дальнейшего развития насилия вдоль линии фронта по мере того, как армии, насчитывающие 30 000 или более человек с каждой стороны постепенно приобретают все более совершенное оружие, а Азербайджан значительно увеличил свой оборонный бюджет (Conciliation Resources, 30 ноября 2009 г.; PRIF, 28 декабря 2009 г.).

Сексуальное и гендерное насилие (СГН) по-прежнему распространено в Азербайджане. Женщины и девушки, включая ВПЛ, становятся субъектами раннего брака, сексуального насилия, а также физического и психического надругательства (UNICEF, 2009 г.; WARD,

2009 г.; DHS, 2008 г.). Физическое насилие в основном совершается их нынешними или бывшими мужьями или партнерами, а также матерями или мачехами (DHS, 2008 г.). В опросе, проведенном в 2009 г., 90 представителей местных НПО, международных организаций и агентств ООН, имеющих опыт работы с ВПЛ и беженцами показал, что 81 процент респондентов считают СГН распространенной проблемой в этих группах, с преобладанием случаев психического и физического насилия (WARD, 2009 г.). 63 процента также ответили, что ранние браки являются общепринятыми, что соответствует данным доклада ЮНИСЕФ 2009 года о широком распространении ранних браков в Азербайджане среди перемещенных и не перемещенных лиц. Процент СГН может быть выше указанного в исследовании, поскольку такие случаи редко обсуждаются, сообщаются или предаются суду в Азербайджане (UNIFEM, 2006 г.; WARD, 2009 г.). Правительство признало борьбу с насилием в отношении женщин приоритетным вопросом и в 2010 г. приняло закон о предотвращении домашнего насилия (Правительство Азербайджана, 2008 г.; OSCE, 14 октября 2010 г.).

Жилищные условия и права собственности

Основной проблемой ВПЛ остается их неудовлетворительные жилищные условия (UNHCR, октябрь 2009 г.; IDMC, ноябрь 2009 г.). В 2008 г. более 188 000 человек проживали в коллективных центрах (таких как бывшие общественные здания, общежития, школы, детские сады и санатории) и около 117 000 находились во временных жилищах (таких как железнодорожные вагоны, так называемые финские домики и землянки) (Правительство Азербайджана, 3 апреля 2008 г.). Остальные проживали в домах, построенных правительством или международными организациями, у родственников или в жилищах, в которые они самовольно заселились или сами построили, и где многие из них имеют ограниченное право проживания. По оценке Всемирного банка ВПЛ проживают в худших жилищных условиях, чем неперемещенное население (Всемирный банк, 1 марта 2010 г.).

Коллективные центры

Многие коллективные центры срочно нуждаются в реконструкции, а некоторые уже невозможно отремонтировать. Жилье находится в ветхом состоянии и переполнено, электроснабжение ограничено, а санитарные удобства, снабжение питьевой водой и удаление отходов неудовлетворительны. Многие дома не представляют достаточной защиты от непогоды. Крыши протекают, электропроводка опасна, жилища заражены паразитами. Перемещенные дети растут, женятся и создают свои семьи в таких условиях, часто проживая с родителями одного из супругов без возможности уединения, поскольку не могут позволить себе собственное жилище (UNHCR, октябрь 2009 г.; BBC, 18 февраля 2009 г.). В таких стесненных условиях детям часто не хватает места для игры или учебы. Правительство провело ремонтные работы в более чем 115 общественных зданиях, в которых размещены ВПЛ и планирует продолжить решение проблемы плохих жилищных условий (Правительство Азербайджана, 24 ноября 2009 г.).

Новые поселения ВПЛ

Правительство переселило около 90 000 человек в более чем 65 новых поселений (Правительство Азербайджана, 8 ноября 2010 г.). В 2009 г. 369 семей были вселены в новые квартиры в высотных домах района Бинагади в Баку — это первый случай переселения ВПЛ правительством в городской район (Trend, 17 ноября 2009 г.). В 2010 г. эта практика была продолжена в других городских районах путем выделения земельных участков для новых поселений в Мингачевире и строительства многоэтажных зданий в таких районах как Габала, Йевлах и Горанбой (Trend, 12 марта 2010 г.; News.Az, 13 ноября 2009 г.; IWPR, 29 октября 2010 г.).

Не все ВПЛ были удовлетворены условиями проживания в новых поселениях. Хотя и признается улучшение по сравнению с предыдущим жильем, в домах не всегда имеется электричество и водоснабжение. Местное медицинское обслуживание слабо развито и почти все поселения находятся в отдаленных районах, которые плохо связаны или вообще не связаны общественным транспортом с ближайшими городами. Эта изоляция создает проблемы для ВПЛ с ограниченным бюджетом и затрудняет им доступ к работе, услугам и информации (IWPR, 13 марта 2009 г.; Amnesty International, 28 июня 2007 г.; IWPR, 8 октября 2010 г.).

Выселения

В прошлом ВПЛ выселяли из государственных зданий, купленных частными предпринимателями, но продолжающаяся приватизация собственности и увеличение государственного строительства, вместе с решениями Европейского суда по правам человека (ЕСПЧ) относительно собственности в Азербайджане, сделало их положение более ненадежным, в особенности в главных городах — Баку и Сумгаите. Суд поддержал иск владелицы квартиры, занятой перемещенной семьей, постановив, что право истицы на ненарушенное обладание своей собственностью было нарушено (ЕСПЧ, 27 декабря 2007 г.). До решения ЕСПЧ азербайджанское законодательство от 1999 г. запрещало выселение ВПЛ, проживающих в государственной или частной собственности, если им не было предложено альтернативное жилье при соответствующих условиях.

Однако совсем недавно суды в Азербайджане использовали решение ЕСПЧ как прецедент с целью выселения ВПЛ из частной собственности вне зависимости от того, занимали они ее нелегально или нет. Правительство в 2010 г. заявило, что около 6 000 ВПЛ занимали квартиры нелегально, и что эта собственность вскоре должна быть освобождена (Trend, 19 января 2010 г.; IWPR, 10 марта 2010 г.). ВПЛ подвергались выселению только в небольшом количестве случаев, а в большинстве случаев решения суда не были осуществлены. Хотя ВПЛ могут оспорить решение о выселении, правительство должно гарантировать, что любое решение о выселении является необходимым и соразмерным, и что выселения проводятся при полном уважении прав человека в отношении владельцев и ВПЛ, включая предоставление адекватного альтернативного жилья в соответствии с международными руководящими принципами.

Занятость и заработок

Безработица и недостаточные возможности заработать себе на жизнь продолжают оставаться проблемой для ВПЛ. Недавняя оценка бедности в Азербайджане показала, что половина опрошенных ВПЛ не работали или искали работу по сравнению с 36 процентами основного населения (Всемирный банк, 1 марта 2010 г.). Тогда как правительство и международные организации с некоторым успехом внедрили программы улучшения самообеспечения ВПЛ, у ВПЛ по-прежнему мало возможностей для работы и заработка, в особенности в сельской местности. Оценка Всемирного банка также показала, что государственные пособия были основным источником дохода для 71 процентов ВПЛ, и только 15 процентов могли обеспечить себе существование благодаря своим заработкам. Продолжающаяся выплата пособий ВПЛ также представляет собой большие финансовые расходы. Месячное пособие на питание в размере 18 долларов США выплачивается более 542 000 ВПЛ (Правительство Азербайджана, 8 ноября 2010 г.).

Недостаточный доступ ВПЛ к экономическим возможностям и зависимость от государственных пособий не позволяет им полностью реализовать свой экономический и социальный потенциал.

Помощь государства смягчила бедность многих ВПЛ, хотя некоторые все еще находятся под ее влиянием. По данным правительства уровень бедности среди ВПЛ уменьшился с 75

процентов до 25 процентов с 2003 г. до 2009 г. благодаря мерам, принятым в рамках Государственной программы для ВПЛ (Правительство Азербайджана, 30 ноября 2009 г.). ВПЛ в сельской местности имеют сейчас самый высокий уровень бедности, а проживающие в частном жилье или с родственниками представляют собой вторую группу, которой грозит риск бедности (Всемирный банк, 1 марта 2010 г.). Бедность означает, что некоторые дети ВПЛ заняты на сельскохозяйственных или строительных работах для пополнения семейного дохода, в результате чего зачастую страдает их школьная посещаемость (IDMC, октябрь 2008 г.). Требуется дальнейшая расширенная поддержка для создания, улучшения и увеличения возможностей заработка в сельских и городских районах в соответствии с интересами ВПЛ и требованиями рынка.

Документация

Некоторые ВПЛ продолжают добиваться получения документов, которые нужны им для получения помощи, прав на пособия, работы и услуг. Они вынуждены преодолевать большие расстояния для подачи заявлений, зачастую у них отсутствует знание административных и юридических процедур, а самим процедурам свойственны коррупция и проволочки. В некоторых случаях это приводит к тому, что члены семьи исключаются из государственных списков регистрации и помощи (UNHCR, 2009 г.), пожилые ВПЛ получают минимальную пенсию, не учитывающую отработанные годы, и даже ветераны Нагорно-Карабахского конфликта не всегда получают принадлежащие им по праву пособия (Praxis, 2009). Тот факт, что правительственные архивы по Нагорному Карабаху не являются полными и доступными, делает предоставление документации еще более трудным делом для местных властей в изгнании (UNHCR, октябрь 2009 г.).

Граждане Азербайджана должны зарегистрировать свое местожительство, что является частью внутренней регистрационной системы, так называемого режима *прописки*. Многим ВПЛ, переехавшим из мест их первоначального поселения после перемещения, трудно оформить регистрацию своего местожительства в связи с чрезмерными бюрократическими процедурами, коррупцией или в силу того, что они потеряли документы во время перемещения. Без регистрации ВПЛ очень трудно рассчитывать на получение работы, жилья, медицинского обслуживания, образования, пенсий, банковских кредитов и государственной помощи для ВПЛ. По сообщениям, в 2008 г. правительство проводило законодательные реформы, связанные с требованиями регистрации с целью улучшения права ВПЛ на свободу передвижения и выбора местожительства (UN HRC, 15 апреля 2008 г.). В 2009 г. Центр комитета ООН по правам человека, занимающийся мониторингом Международного пакта о гражданских и политических правах, призвал правительство упростить процедуру (UN HRC, 13 августа 2009 г.).

Образование

Существуют нормы и правила, помогающие получить доступ к образованию для перемещенных и возвратившихся детей, но все еще имеются барьеры, препятствующие детям посещать школу. Теоретически их обучение в школе должно быть бесплатным, но в действительности это не так. Предполагается, что бесплатные учебники помогут внутренне перемещенным учащимся, но их родители сообщают, что они не всегда их получают и поэтому должны платить за них сами, что они не всегда могут себе позволить. Уровень посещаемости в начальной и средней школе ниже для семей с низким доходом, чем для обеспеченных семей (ЮНИСЕФ, июль 2008 г.; ЮНИСЕФ, декабрь 2008 г.). Нехватка денег также влияет на доступ к высшему образованию; это является основной причиной, на которую ссылаются молодые люди, не имеющие возможности продолжения обязательного школьного обучения (Всемирный банк, 1 марта 2010 г.).

Некоторые молодые ВПЛ бросают школу, потому что их семьи переехали в поисках работы или, в случае с девушками, с целью выйти замуж (UNHCR, октябрь 2009 г.). Изучение проблемы ранних браков в Азербайджане показало, что только два процента девушек продолжали свою учебу после замужества (ЮНИСЕФ, 2009 г.). Правительственная политика не препятствует внутренне перемещенным детям с физическими недостатками посещать школу, но на практике они часто не могут это осуществить из-за отсутствия необходимых удобств и поддержки (UNHCR, октябрь 2009 г.; UNICEF, 10 июня 2010 г.).

Качество образования также представляет собой проблему. ВПЛ отмечают не отвечающие требованиям здания и инфраструктуру, а также нехватку мебели, компьютеров принадлежностей, безопасных спортивных площадок и квалифицированных преподавателей, особенно в сельских поселениях (Eurasianet, 22 сентября 2010 г.; UNHCR, 2009 г.; UN HRC, 15 апреля 2008 г.). Стесненные жилищные условия в их домах также влияют на низкую успеваемость в школе внутренне перемещенных детей (UNHCR, 2009 г. оценка AGDM). Низкая зарплата учителей и продолжающееся использование устаревшей методики преподавания также негативно влияют на качество образования (ЮНИСЕФ, июль 2008 г.; ЮНИСЕФ, декабрь 2008 г.). Учащиеся в некоторых школах рассказывали, что иногда они не чувствовали себя в безопасности, поскольку некоторые учителя применяли телесное наказание и угрожали им, хотя масштабы проблемы были неясны (UNHCR, 2009 г.). Правительство инициировало ряд реформ с целью улучшения качества образования, но недавние инвестиции не были значительными (Всемирный банк, 1 марта 2010 г.; ЮНИСЕФ, декабрь 2008 г.).

Внутренне перемещенные родители могут выбирать, посылать ли своих детей в местные школы или в специальные школы для перемещенных детей, хотя их выбор может быть ограничен отдаленностью или нехваткой денег. По состоянию на 2004 год 60 процентов внутренне перемещенных детей посещали отдельные школы (Всемирный банк, 2004 г.). Последние данные отсутствуют, но внутренне перемещенные дети, в основном, по-прежнему обучаются отдельно от местных детей. Имеется мало информации о сравнении качества их образования и неперемещенных учащихся; в некоторых районах неперемещенные дети превосходили своих перемещенных сверстников по большинству предметов (Eurasianet, 22 сентября 2010 г.; UNHCR, октябрь 2009 г.). ВПЛ не рассматривают отдельное обучение своих детей как дискриминационное, хотя в целом ощущалось, что условия в местных школах лучше. Некоторые учащиеся говорили, что они предпочли бы ходить в ту же школу, которую посещают местные дети (UNHCR, октябрь 2009 г.).

Медицинское обслуживание

Здоровье ВПЛ продолжает ухудшаться в результате их перемещения. Проведенное под руководством Всемирной организации здравоохранения исследование психического здоровья ВПЛ установило, что 40 процентов респондентов имели психические расстройства, почти половина из которых имели серьезные расстройства. Исследование установило, что слабое психическое здоровье ВПЛ было напрямую связано с военной травмой, тесными и ветхими жилыми помещениями, плохим образованием, низким доходом, жизнью в одиночестве, слабым физическим здоровьем и СГН. У женщин вероятность психического расстройства была в два раза выше, чем у мужчин, а дети были также затронуты через травматический опыт своих родителей и плохие жилищные условия. Недостаточная поддержка оставила многих ВПЛ, имеющих психические болезни, изолированными, маргинализированными и зависимыми. Национальная политика в области психического здоровья и сопроводительный стратегический план действий были

приняты в 2008 г., но услуги остались недостаточно финансируемыми и слабо развитыми (WHO, UNHCR, OHCHR, UNFPA и Министерство здравоохранения, август 2009 г.).

Предоставление основных услуг медицинской помощи в сельских районах, включая новые поселения, затруднено из-за нехватки персонала, оборудования и материалов. Услуги в области репродуктивного здоровья для перемещенных женщин в основном отсутствуют. Незрелость общественного транспорта означает, что ВПЛ должны платить за такси для поездок в ближайшую поликлинику или госпиталь, иногда на расстояние до 20 километров. Как и все граждане они вынуждены неофициально платить за медицинские услуги и лекарства, хотя по закону они освобождены от официальной платы в большинстве случаев. Районные медицинские центры не всегда имеют соответствующих специалистов, и ВПЛ со сложными расстройствами должны ехать еще дальше для получения лечения. Поскольку немногие могут позволить себе транспорт и консультацию, то они часто остаются без лечения. Нехватка финансов остается основным препятствием для получения медицинских услуг неимущими в Азербайджане, где оплата услуг за свой счет составляет 73 процента от общих расходов на медицинское обслуживание (WHO, 2010 г.; Всемирный банк, 1 марта 2010 г.). Правительство осуществляет план действий по введению финансовых реформ в здравоохранении и программы стимулирования с целью привлечения квалифицированного медицинского персонала в сельскую местность (UN, 11 августа 2010 г.; WHO, 2010 г.).

Варианты поселения

Предпочтения ВПЛ относительно поселений различаются. Теоретически, они должны иметь возможность выбора между возвращением в места своего происхождения, возможностью остаться в месте перемещения или поселиться где-либо еще в пределах страны. Обзор 2008 года показал, что некоторые ВПЛ пожелали вернуться, другие не пожелали, а остальные все еще не приняли решение (CIPDD, 12 декабря 2008 г.). Пожилые ВПЛ в основном сообщали, что их единственное желание — вернуться, в то время как некоторые молодые ВПЛ как в сельских, так и в городских местностях выразили предпочтение остаться в своем нынешнем месте проживания (UNHCR, октябрь 2009 г.). Построив свою жизнь в нынешнем месте проживания, они могут рассматривать возвращение скорее как ее нарушение, чем как возвращение к нормальной жизни.

Правительство предпочло бы видеть ВПЛ возвратившимися к месту их происхождения. Оно подготовило рамки программы “Большое возвращение” (APA, 26 июля 2009 г.). В то время как рамки основаны на принципе добровольного возвращения, правительство ясно указало, что любые усилия по улучшению жизненных условий ВПЛ являются временными мерами в ожидании возвращения. Это позиция, которая в большой степени расходится с затянувшимся характером перемещения. Эти временные меры, несмотря на свою значительность, не являются устойчивыми, и поэтому ВПЛ не смогут достичь долговременных решений до тех пор, пока не будет разрешен конфликт.

Исходя из того, что возвращение зависит от судя по всему нескорого разрешения конфликта, правительство должно продолжать устранение барьеров, мешающих ВПЛ вести нормальную жизнь. Подобные меры не препятствовали бы их последующему возвращению. Устранение препятствий, в настоящее время мешающих ВПЛ стать самодостаточными и вести нормальную жизнь, позволит им, если они примут такое решение, вернуться домой более квалифицированными и полными сил людьми.

В соответствии с рамками МВПК от 2010 г. мониторинг достижений долгосрочных решений для ВПЛ не проводился. Однако в 2008 г. Кавказский институт мира, демократии и развития пришел к выводу, что 33 процента ВПЛ ассимилировались с местным

населением, 30 процентов были относительно интегрированы, 36 процентов не интегрировались и один процент оказался маргинализован (Кавказский институт мира, демократии и развития, 2008 г.).

Национальные меры реагирования

В последние годы правительство сделало значительные усилия для улучшения ситуации с ВПЛ. В дополнение к принятию полной ответственности за внутренне перемещенное население и развивая экстенсивные правовые рамки для регламентирования их прав и обязанностей, а также улучшения их положения, оно создало Государственный комитет по делам беженцев и ВПЛ, обучило правительственных чиновников по вопросам прав ВПЛ, повысило национальную осведомленность в вопросах внутреннего перемещения, собрало данные о количестве и местах проживания ВПЛ, переселило около 90 000 в новые поселки и сотрудничало с международными и региональными организациями. Оно также выделило значительные финансовые ресурсы на помощь ВПЛ. 1 миллион долларов США, выделенные в 1995 г., выросли до 348 миллионов долларов США к 2010 г., из которых 100 миллионов долларов США поступили из государственного нефтяного фонда.

Несмотря на эти впечатляющие усилия, еще остаются серьезные вызовы. Условия правительственной программы для ВПЛ 2004 года и ее поправки либо оказались не полностью выполненными, либо не достигли ожидаемого эффекта. Правительство не проводило консультаций с ВПЛ во время разработки программы, и соответственно они не могли принять значимое участие в мирных переговорах. Хотя люди с физическими недостатками, пожилые люди и лица с особыми потребностями включены в другие национальные программы, нехватает целевых мер для идентификации и решения их особых ситуаций.

Международные меры реагирования

По мере того как возможности правительства в области защиты ВПЛ возрастали, а конфликт принимал затяжной характер, донорская поддержка уменьшалась. В настоящее время в число доноров входят ЕС, американское, японское, немецкое и норвежское правительства, а также норвежская нефтяная компания Statoil (в рамках своей корпоративной программы социальной ответственности). В 2008 г. международное сообщество выделило 31 миллион долларов США на программы гуманитарной помощи и развития, нацеленные на ВПЛ (UNHCR, октябрь 2009 г.).

Управление Верховного комиссара ООН по делам беженцев (УВКБ ООН) возглавляет помощь ООН для ВПЛ в Азербайджане. В центре внимания организации находятся защита прав ВПЛ, программы профессионального обучения и юридическая помощь. Другие агентства ООН, оказывающие помощь ВПЛ, включают ЮНИСЕФ, ПРООН, ЮНФПА и ВОЗ. Международные НПО, такие как Oxfam и World Vision, также предоставляют помощь, включая возможности генерирования дохода, медицинские услуги и улучшение жилищных условий. Международные организации помогают также в восстановлении инфраструктуры водоснабжения (ICRC, 16 декабря 2008 г.; ICRC, 1 июля 2008 г.; ADB, 23 сентября 2009 г.). Всемирный банк выделил дополнительные ресурсы на инфраструктуру, услуги и выплату пособий.

В 2009 г. агентства ООН приняли несколько заключений и рекомендаций по Азербайджану. Как Комитет ООН по ликвидации расовой дискриминации (КЛРД), так и Комитет ООН по ликвидации дискриминации в отношении женщин (КЛДОЖ) высказали озабоченность относительно того, что внутренне перемещенные женщины и дети были особенно уязвимы

и маргинализованы. КЛРД рекомендовал, чтобы для ВПЛ были созданы равные возможности и обеспечено участие в процессах, оказывающих на них влияние, а КЛДОЖ рекомендовал принятие мер по улучшению доступа женщин, включая внутренне перемещенных женщин, к общим медицинским услугам и услугам в области репродуктивного здоровья.

Комитет по миграции, беженцам и народонаселению Совета Европы посетил Азербайджан в 2009 г. и в отчете по внутреннему перемещению призвал соответствующие власти в регионе, включая власти Азербайджана, поддерживать интеграцию ВПЛ, вовлекать их в поиск надежных решений, решительнее заниматься процессом урегулирования и находить адекватные решения для наиболее уязвимых ВПЛ (СоЕ, 9 июня 2009 г.).

Специальный представитель ЕС по Южному Кавказу и Комиссар ЕС по вопросам расширения встретились с ВПЛ в Азербайджане в 2010 г., а Европейский парламент выпустил отчет о необходимости выработки стратегии ЕС по Южному Кавказу с включением таких сфер как примат права, экономическое сотрудничество, социальное развитие, безопасность и разрешение конфликтов (Европейский парламент, 23 апреля 2010 г.).

BACKGROUND AND CAUSES OF DISPLACEMENT

Background on displacement

Human rights standards

Involuntary displacement is central to the definition of an internally displaced person (IDP). The following human rights standards set forth the right to be protected against arbitrary displacement.

[Guiding Principles 6 and 7](#)

[ICESCR Articles 11](#)

[CERD Article 5\(d\)\(2\) and \(v\)](#)

[ECHR Protocol 4 Article 2\(1\) and 8](#)

[ICCPR Articles 12 and 19](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Causes of the conflict over Nagorno-Karabakh

While the dispute over Nagorno-Karabakh dates back centuries, the current conflict stems from the demarcation of borders during Soviet rule. The territory has been home to both Armenians and Azeris throughout time. The Soviet demarcation left Armenians discontent as Nagorno-Karabakh was declared an autonomous region in Azerbaijan. Conciliation Resources points to four elements that led to and sustain the conflict: divergent national narratives, a disputed territorial boundary, an unstable security arrangement and lack of dialogue between Azerbaijan and Armenia (Conciliation Resources, 31 December 2005). The International Crisis Group outlines historical, political and legal issues and human rights violations as the underlying causes of the conflict (ICG, 11 October 2005).

Historical causes

Nagorno-Karabakh is a region to which both Azerbaijan and Armenia claim historical ties stretching back centuries. Armenia and Azerbaijan have mutually exclusive views of the region's pre-Soviet and Soviet-era history and both describe the other as "non-indigenous". Armenians petitioned Moscow several times during the Soviet period for the oblast's transfer. In January 1988 a petition signed by 80,00 Armenians from Nagorno-Karabakh and Armenia was delivered. On 20 February 1988 the Nagorno-Karabakh Soviet passed a resolution asking for a transfer to the Armenian soviet socialist republic. Moscow and Baku formally rejected this, Armenia later consented to Nagorno-Karabakh's incorporation. Azerbaijan declared its own independence on 30 August 1991 while Nagorno-Karabakh declared independence on 6 January 1992 after a referendum. No state, not even Armenia, has recognised Nagorno-Karabakh's statehood.

Political and legal causes

There is a contradiction between Azerbaijan's insistence on territorial integrity as Nagorno-Karabakh is within its internationally recognised borders and the aspiration of the majority of Nagorno-Karabakh residents for self-determination as a territorially concentrated, historically continuous ethnic group should be allowed to have its own state if it chooses. Armenia cites Soviet law and underlines that just as Azerbaijan had the right to secede from the Soviet Union in 1991, Armenians in Nagorno-Karabakh had the right to separate from Azerbaijan. Azerbaijan argues the rights of Karabakh Armenians should not supersede those of Karabakh Azeris purely because they are in the majority and that the 1990 law used by Karabakh Armenians to justify secession related to the secession of Union Republics from the Union, not from the Union Republics. Azerbaijan believes essence of conflict is not self-determination but Armenia's ambitions to acquire territory and the right to self-determination does not extend to secession and must be exercised with respect for territorial integrity.

Human rights violations as a cause of conflict

From the very beginning the conflict degenerated into inter-ethnic violence, which propelled the conflict even further. The basic positions – the Karabakh Armenians' determination to secede from Azerbaijan with the support of Armenia, and Azerbaijanis' resolve to stop that happening – were adopted in February 1988 and that month saw turmoil erupt in the form of demonstrations, strikes, political quarrels, flights of forcibly displaced people and pogroms (Conciliation Resources, 31 December 2005). Most accounts of the chronology of violence begin with the massacre of Armenians in Sumgait in February 1988, which was reportedly triggered by the death of an Azerbaijani in clashes with Armenians (RFE/RL, 10 February 2006). Armenia often claims the Sumgait events were a precursor to violence in Nagorno-Karabakh, whereas Azerbaijan says the first acts of violence took place in Gugark region of Armenia in the fall of 1987 (De Waal, 2010; RFE/RL, 1 September 2009). However the violence started, the atrocities committed against each other in communal violence quickly took on a mass mob character with the majority standing by and at least tacitly condoning the violence (ICG, 11 October 2005).

Details of the conflict over Nagorno-Karabakh

The conflict over Nagorno-Karabakh lasted from February 1988 to May 1994 and was between ethnic Armenians of Nagorno-Karabakh backed by the Republic of Armenia, and the Republic of Azerbaijan. At the time both Armenians and Azeris lived in Karabakh, with 180,000 Armenians forming the majority and about 40,000 Azeris comprising a minority. An underground movement for unification of Nagorno-Karabakh with Armenia had existed inside Nagorno Karabakh for decades. During political thaws or shifts during soviet rule they would send letters and petitions to Moscow seeking Nagorno-Karabakh to be made part of Armenia (De Waal, 2003).

Request to transfer Nagorno-Karabakh

The crisis began in February 1988 after the Armenian deputies of local soviet of the Nagorno-Karabakh Autonomous Oblast of the Azerbaijan soviet socialist republic resolved that the Supreme Soviet of the USSR in Moscow should change internal borders and transfer the oblast to the Armenian soviet socialist republic. Moscow rejected the request and said the soviet's actions "contradict the interests of the working people in Soviet Azerbaijan and Armenia and damage interethnic relations". Mass demonstrations were held on the issue in Karabakh and counter demonstrations organised by Azerbaijanis followed.

Former Soviet president Gorbachev faced a dilemma in dealing with the Karabakh revolt. Agreeing with the soviet's demand would have set a precedent for other union republics while arresting the demonstrators would have been against the spirit of glasnost he was trying promote

throughout the entire union. He sent a battalion of 160 Soviet Interior Ministry troops to Karabakh in 1988 and a Politburo delegation traveled to the region to negotiate with the rebels. This failed to resolve the situation and there followed a slow descent into armed conflict.

Violence erupts

Ethnic tensions intensified and began to take a violent form targeting Azeris in Nagorno-Karabakh and Armenia and ethnic Armenians in Azerbaijan, with particularly violent attacks occurring against the latter in the city of Sumgait in February 1988 and in the capital, Baku, in January 1990. The attacks in Sumgait comprised the most savage inter-communal violence in the Soviet Union, while the violence in Baku amounted to the worst single act of bloodshed during perestroika (De Waal, 2010). In Sumgait, gangs of ethnic Azerbaijanis targeted the Armenian population after reports of the death of an Azerbaijani in clashes with Armenians. From 26 to 29 Armenians were killed, hundreds more injured, and 14,000 Armenians fled Sumgait and thousands more from Azerbaijan entirely (De Waal, 2003). Anti-Armenian pogroms also broke out in Baku with brutal savagery. Baku turned into a battle zone with Soviet tanks and troops sent in after declaration of a state of emergency: 130 citizens and 21 soldiers killed (De Waal, 2010; RFE/RL, 10 February 2006). Azerbaijani neighbours rescued many Armenians, while thousands of others were evacuated in ferries across the Caspian sea.

Violence escalates

The struggle escalated into full-fledged warfare after Armenia and Azerbaijan attained independence from the USSR in 1991, as there was a lack of any restraining force. The ethnic Armenian leadership of Nagorno-Karabakh proclaimed the independence of the "Republic of Nagorno-Karabakh" in January 1992, which also fuelled the violence. Azerbaijani forces launched an offensive against separatist forces in Nagorno-Karabakh in 1991-1992, but the Armenians counterattacked and by 1993-1994 had seized almost all of the region as well as vast areas around it (RFE/RL, 10 February 2006; PRIF, 28 December 2009). Both sides used missile systems, armed personnel carriers, heavy artillery and comparable conventional weapons (HRW, 1993). Both sides also frequently seized and exchanged civilian hostages, and held corpses hostage. The side making the biggest territorial gains at any given time was usually responsible for the majority of abuses.

During the winter of 1992, Armenian forces went on the offensive, forcing almost the entire Azerbaijani population of Nagorno-Karabakh to flee, and committing unconscionable acts of violence against civilians as they fled. The most notorious of these attacks occurred in February 1992 in the Azerbaijani-populated village of Khojaly. Residents fled the village as it fell to Armenian forces and as they approached the boundary with Azerbaijan, they were fired upon at an Armenian military post. At least 161 civilians are known to have been murdered in this incident, although Azerbaijani officials estimate that about 800 perished (HRW, 1993). More recent reports estimate 200 and 1,000 Azerbaijanis were killed while escaping from Khojali in February 1992 (ICG, 11 October 2005).

After Armenian forces take Shusha and the Lacin corridor in May 1992, Azerbaijan launches its counter offensive in Mardakert in northern Karabakh and the neighbouring Guranboy district displacing some 40,000 Armenians, and thereafter continues indiscriminately bombarding Armenian towns and villages (HRW, 1993). Other incidents such as the murder of some 50 Armenian villagers in Leninavan (Maraga) were carried out by Azerbaijani troops. Indiscriminate aerial bombardment and artillery shelling of Stepanakert and other Nagorno-Karabakh settlements caused more than 1,500 civilian Armenian deaths in 1992. Thereafter both sides launch offensives and counter offensives, and both (re)gain and lose territory (RFE/RL, 10 February 2006).

Ceasefire

A ceasefire brokered by the OSCE Minsk Group and Russia was signed by the foreign ministers of Armenia, Azerbaijan and Nagorno-Karabakh on 12 May 1994. By that time ethnic Armenian forces controlled all but the north-eastern-most section of Nagorno-Karabakh, all of the surrounding districts to the west and south of the enclave and portions of the districts of Fizuli, Terter and Agdam to the east, collectively covering some 17 to 20 per cent of the territory of Azerbaijan (UN CHR, 25 January 1999). Shortly before the ceasefire in 1994, 22 out of 76 villages of the district were liberated from Armenian control in Fizuli district (NRC, 29 February 2008). Yerevan claims that the occupation of additional territory was necessary to ensure a lifeline and "security belt" for the region (ICG, 14 November 2007).

With no resolution to the conflict most of Nagorno-Karabakh and the surrounding territory remains under the effective control of Armenia. An estimated 18,500 Nagorno-Karabakh soldiers, half of whom are estimated to be from Armenia, and 30,000 to 45,000 Azerbaijani fighters remain on or near the line of contact (ICG, 11 October 2005). Years of talks mediated by the United States, France and Russia have yet to yield a peace deal.

Karabakh Armenians maintain that when they sought self-determination peacefully, Azerbaijan tried to suppress them by force. Karabakh Armenians reason that having suffered fundamental injustices, including threats to life and ethnic cleansing, they have the remedial right to secede. Azerbaijan similarly blames Armenia for having ethnically cleansed Azerbaijanis from Armenia and the occupied territories to create an ethnically pure Greater Armenia. Azerbaijan accuses Armenian armed forces of brutal violence during their offensives and destruction of all that once belonged to Azeris, thus making return difficult. It claims that until the rights of the Azerbaijani IDPs to return home are restored, it has the moral authority to use force to regain their land and property.

The independence claim of Nagorno-Karabakh has not been recognized by Azerbaijan, Armenia or any other state. It is internationally recognized as part of Azerbaijan and is still highly dependant on Armenia for its military security and economic survival: over half its army are believed to be Armenian citizens, while Yerevan covers 50 per cent of the budget (ICG, 14 September 2005).

International dimension of conflict

The conflict has an external dimension. It is generally accepted that the Karabakh Armenian cause has received considerable economic and military support from Armenia and the ethnic Armenian diaspora. For this reason, analyses of the conflict tend to describe the conflict as one between the Government of Azerbaijan and ethnic Armenian forces, the latter term referring to the Karabakh Armenian forces and their wider membership, which may include citizens of Armenia, mercenaries and members of the armed forces of Armenia. The United Nations Security Council resolutions on the conflict also reflect its international dimension in explicitly referring to the deterioration of relations between Armenia and Azerbaijan and the resulting tensions between them, urging the Government of Armenia "to continue to exert its influence" over the Nagorno-Karabakh Armenians. Finally, negotiations to resolve the conflict facilitated by the OSCE Minsk Group are held between the governments of Armenia and Azerbaijan. The authorities of Nagorno-Karabakh have not been invited to participate.

Consequences of the conflict over Nagorno-Karabakh

In addition to [massive displacement](#), the conflict over Nagorno-Karabakh has had several devastating consequences.

Casualties

Tens of thousands of people were killed (Reuters, 1 September 2010; PRIF, 2009; UN CHR, 25 January 1999; de Waal, 2003), mainly civilians. The number of dead is controversial, though there appears to be consensus that the number of deaths totals 18,500, including some 12,000 Azerbaijanis (de Waal, 2003; Yunusov, 2002; ICG, 14 September 2005). Countless people were injured and an unknown number went missing or were taken hostage (UN CHR, 25 January 1999).

Loss of territory

Azerbaijan lost control of most of Nagorno-Karabakh and all or some of seven surrounding districts to ethnic Armenian forces. These areas have been under the effective control of Armenia ever since the ceasefire in May 1994.

Material damage

The war also exacted severe material damage, because hostilities often took on a pattern of looting and systematic burning of captured areas (UN CHR, 25 January 1999). The indiscriminate shelling and sniper shooting killed or maimed hundreds of civilians, destroyed homes, hospitals and other objects that are not legitimate military targets, and generally terrorized the civilian population (HRW, 1993).

Division of communities

Another consequence of the conflict is the division of Armenian and Azerbaijani communities. This is despite a high rate of intermarriage during Soviet times. The armies of Armenia and Azerbaijan and the defence forces of Nagorno-Karabakh all violated the rules of war and those who committed human rights violations have not been prosecuted or otherwise penalised. Neither side has reflected on their responsibility for the atrocities, either. No dialogue has been launched to start a process of forgiveness or trust building. Many Azerbaijanis and Armenians therefore remain haunted by hatred, a sense of victimisation, images of death and destruction, and a desire for revenge (ICG, 11 October 2005).

Economic consequence

The economic blockade imposed against Armenia by Azerbaijan for the supply of goods and materials, in particular energy supplies, has disrupted the economy of Armenia. The continued imposition of this blockade is a reflection of the fact that serious tensions remain.

Causes of displacement

Displacement as a result of conflict, human rights violations and generalized violence

Internal displacement in Azerbaijan is a direct consequence of the conflict over the territory of Nagorno-Karabakh. People were forced to flee their homes because of conflict, human rights violations and generalized violence. The vast majority of the refugees and IDPs in Azerbaijan are

ethnic Azerbaijani and were displaced based on their ethnicity. As such, they can be considered victims of racial discrimination (CoE, 24 May 2007).

There is no agreement on the exact [number of people internally displaced](#) in Azerbaijan as a result of the conflict. The government of Azerbaijan maintains one million people fled their homes as refugees and IDPs as a result of the conflict. The International Crisis Group estimates that 724,000 Azerbaijanis (and Kurds) were displaced from Armenia, Nagorno-Karabakh and the surrounding districts (ICG, 14 September 2005). The Peace Research Institute of Frankfurt reported that over 360,000 refugees fled from Azerbaijan to Armenia and over 70,000 people fled within Armenia, while over 200,000 refugees fled from Armenia to Azerbaijan and 570,000-690,000 people were internally displaced within Azerbaijan (PRIF, 28 December 2009).

The first phase of displacement occurred between 1988 and early 1991 predominantly across the Azerbaijan-Armenia border. Ethnic tensions led over 300,000 ethnic Armenians to flee from Azerbaijan to Armenia and some 185,000 ethnic Azerbaijanis to flee from Armenia to Azerbaijan (UN CHR, 25 January 1999). The displaced first started to flee Armenia and Nagorno-Karabakh in September-October 1988 following scattered sporadic interethnic clashes (RFE/RL, 10 February 2006).

Beginning in late 1991, displacement became predominantly internal in nature. A series of violent attacks, by which Karabakh forces gained control of the cities of Khojaly, Shusha and the area around Lachin displaced the ethnic Azerbaijani and Kurdish populations, as well as Meskhetian Turk refugees settled in these areas. Counter-offensives by Azerbaijani forces beginning in mid-1992 displaced some 40,000 ethnic Armenians (UN Commission on Human Rights, 25 January 1999, paras. 29-30).

The biggest wave of displacement occurred in 1993, when Karabakh Armenian forces reversed earlier losses and made significant military gains beyond Nagorno-Karabakh. These offensives displaced an estimated 450,000 to 500,000 persons. Another 50,000 people were displaced in 1994 during an offensive that led to further gains in the northern parts of Nagorno-Karabakh and districts to the north-east (UN Commission on Human Rights, 25 January 1999, paras. 29-30). The vast majority of the displaced are still blocked from returning to their homes.

Displacement as a result of natural disasters

Floods

Heavy rains in 2010 caused flooding in several areas of Azerbaijan. IDPs in Terter, Saatli, Imishli and Fizuli region were displaced for a second time as a result of the floods (RFE/RL, 13 May 2010; Today.az, 5 May 2010; Trend, 18 June 2010). The Ministry of Health reported that some 20,000 people – or more than 4,300 families – in 20 villages near the Kura River were affected by the flooding (Eurasianet, 25 May 2010). The hardest hit area was Sabirabad district. Thousands of houses were severely damaged or destroyed. Some of them had been living in newly built homes, though floods did not damage any new IDP settlements built by the government (Trend, 18 June 2010).

The Ministry of Agriculture estimated the cost of the damage to 50,000 hectares of farm land at about \$62.5 million (Eurasianet, 25 May 2010). President Ilham Aliyev pledged to help compensate people for their losses and reportedly said \$497.5 million will be provided in aid (RFE/RL, 13 May 2010). About 1,000 households were also due to receive payments to cover repairs to their homes, while those with destroyed housing will be entitled to move into government-built residences of the same size, and receive a one-time welfare payment. In August 2010, a government official in Sabirabad reported that reconstruction of new housing was

on schedule and that the displaced will be able to move into the new apartments before the end of 2010 (Eurasianet, 1 September 2010).

Since fleeing their homes, most of the displaced live in local schools, but some have been living in tents provided by the Ministry of Emergency Situations. While construction of new housing units began several months after the flooding, there was reportedly a shortage of building materials and builders. Delays in payment of construction workers also slowed construction (Eurasianet, 1 September 2010). IDPs had also not received any financial assistance more than six months after the flooding (Eurasianet, 1 September 2010). Some of the displaced were making detailed assessments of the damage to their property with the help of NGO "Kura," which they intend to use to seek additional government compensation. Some said officials had been unresponsive to their queries and staged a public protest in August 2010 calling for the officials to quicken reconstruction (Eurasianet, 1 September 2010).

IDPs were also displaced in 2007 as a result of flooding (Today.az, 3 May 2007).

The collapse of dams and reservoirs for hydro-electric power, irrigation and water supply along the main Kura river could lead to massive flooding of the country's most densely populated areas. In December 1994 such a disaster occurred on the Absheron Peninsula, and part of a Baku suburb was flooded. The rise in the level of the Caspian water basin has also resulted in flooding and displacement of people from their homes (UNDP, 1996).

Earthquakes

A strong earthquake struck Azerbaijan on 25 November 2000 at 22:10 local time (18:10 GMT). The International Federation of Red Cross and Red Crescent Societies reported that the earthquake measured 5.9 on the Richter scale (IFRC, 6 December 2000), while the UN's Office for the Coordination of Humanitarian Affairs reported that it measured 7.0 on the Richter scale (UN OCHA, 5 January 2001).

This earthquake was the strongest in 150 years and was felt in Baku, Sumgait and 13 other regions. Approximately 4 million people, half the country's population, live in Absheron, where the earthquake hit. This is a very densely populated area where many refugees and internally displaced people from the conflict over Nagorno-Karabakh have found refuge.

31 people died and 600 were injured (UN OCHA, 5 January 2001). The earthquake caused widespread damage and 3,500 people (800 families) were evacuated by local authorities. These families were accommodated in old hotels without running water and heating. Five collective centres housing IDPs were also evacuated with 400 families forced to move (IFRC, 6 December 2000). These families have been accommodated in old factories and administration buildings not designed for use as housing. Information on the current situation of people displaced by this earthquake was unavailable.

According to UNDP, all of Azerbaijan is liable to suffer from earthquakes of a magnitude of 8-9 on the 12 magnitude scale. The most likely to be affected are the Absheron Peninsula and the North Caspian region. The slopes of the Greater Caucasus Mountains and Gandja are also at risk (UNDP, 1996).

Landslides

Landslides were reported in several areas after several days of heavy rain in May 2010 (RFE/RL, 13 May 2010). Landslides typically occur on the North-Eastern and Southern slopes of the Caucasus Mountain range. They are very often caused by earthquakes, and in 1986 there were

landslides in the Ismaili region after an earthquake. Landslides occur in Baku also, which is not always taken into consideration in urban planning policy (UNDP, 1996).

IDP POPULATION FIGURES AND LOCATIONS

Figures of IDPs

Latest figure of IDPs in Azerbaijan proper

Figures for 2010 will be available in the first quarter of 2011. At the end of 2009 the government reported there were 586,013 IDPs on territory under its control (US DOS, 11 March 2010). In November 2009, the government of Azerbaijan reported there were a total of 577,279 internally displaced people on territory under its control (Government of Azerbaijan, 30 November 2009). The table below shows disaggregated figures according to sex and age.

Group	Number of IDPs
Male	277,099
Female	300,180
Children	230,374
Children under 5 years	49,499
Children 5-11 years	63,007
Children 12-17 years	117,868
Adults 18-59 years	288,825
Adults over 60 years	58,080
Total number of IDPs	577,279

The vast majority of IDPs are ethnic Azeri, though there are also ethnic Kurdish, Russian and Turkish IDPs (CoE, 24 May 2007, UN Commission for Human Rights 25 January 1999, para. 31; State Committee on Statistics, January 2004; Greene 1998, p. 254). IDPs were ethnically discriminated against since they were forced to flee based on their ethnic origin and are unable to return home (CoE, 24 May 2007). Most of them are nominally Shia Muslim, but many of those from Lachin and Kelbajar Provinces are Sunni Muslim Kurds.

Previous figures of IDPs in Azerbaijan proper

2009

In July 2009, the government of Azerbaijan reported there were more than 800,000 internally displaced people in Azerbaijan proper (Government of Azerbaijan, 21 July 2009).

2008

In April 2008, the government of Azerbaijan reported there were a total of 572,531 internally displaced people in the country. This is equivalent to 143,526 families.

2006

In November 2006, the government of Azerbaijan reported there were a total of 686,586 internally displaced persons in the country (Government of Azerbaijan, 21 November 2006).

2005

In December 2005, the State Committee on Refugees and IDPs reported there were 558,387 internally displaced people in the country. However, based on information provided by the government on the location of IDPs there were 727,996 IDPs in December 2005.

UNHCR reported that according to official statistics from the Government of Azerbaijan at the end of 2005 there were 686,586 IDPs (578,545 IDPs from Nagorno-Karabakh and seven adjacent occupied districts and 108,041 resettled from areas near border with Armenia) (UNHCR, December 2006).

2004

In December 2004, the government of Azerbaijan reported there were 577,906 internally displaced people in the country. These figures are based on the information given by local government offices in areas where there is a high density of IDP population (Government of Azerbaijan, 2005, p. 45).

Number of originally displaced

Some 724,000 Azerbaijanis (and Kurds) were displaced from Armenia, Nagorno-Karabakh and the surrounding districts as a result of the conflict over Nagorno-Karabakh. These figures are based on calculations carried out by Arif Yunusov (ICG, 11 October 2005).

Figures of IDPs in Nagorno-Karabakh

There are some 30,000 internally displaced persons in Nagorno-Karabakh, mainly of ethnic Armenian origin (ICG, 11 October 2005). Nagorno-Karabakh authorities consider that 10,000 to 15,000 people originally from pre-war Shahumian and Getashen (Azerbaijan), and some 20,000 from Mardakert and Martuni (former parts of the Nagorno-Karabakh Autonomous Oblast) are IDPs. Those from other parts of Azerbaijan are considered refugees (ICG, 14 September 2005).

The population of Nagorno-Karabakh was approximately 185,000 in 1989 and 145,000 in 2002 (EurasiaNet, 12 January 2007). A small number of Azerbaijanis remained in Nagorno-Karabakh after the conflict. They are mainly people who married Armenians. According to the national statistics bureau of Nagorny-Karabakh, Azerbaijanis are classed as one of the ethnic minorities of Karabakh (IWPR, 16 August 2006).

Government officials in Armenia have reported that about 1,000 settler families from Armenia reside in Nagorno-Karabakh and the Lachin Corridor, a strip of land that separates Nagorno-Karabakh from Armenia. According to the government, 875 ethnic Armenian refugees returned to Nagorno-Karabakh in 2001. Most, but not all, of the ethnic Armenian settlers in Nagorno-Karabakh are former refugees from Azerbaijan. Settlers choosing to reside in and around Nagorno-Karabakh reportedly received the equivalent of \$365 and a house from the de facto authorities (USCR, 2002).

An OSCE fact-finding mission found that families were settled voluntarily without any systematic recruitment (OSCE, 28 February 2005). The mission concluded that the overwhelming majority of settlers were displaced persons from various parts of Azerbaijan and most came to the territories after a period living as displaced persons in Armenia and because they could not find permanent housing.

Data collection on IDPs

IDP data is questionable

The Government is the only agency that compiles statistics on all IDPs. Official statistics have frequently remained superficial and unchanged for several years and aid agencies have had to rely on collection of project-specific ad-hoc data, and in some instances have not even been allowed to carry out more extensive household surveys (NRC, 28 February 2008). In 2006, the Council of Europe commented that it is difficult to gauge the number of displaced in Azerbaijan as the descendants of males with IDP status are recognised as “displaced persons”, with the result that the total number of displaced persons never seems to decrease (Council of Europe, Parliamentary Assembly, 13 April 2006).

The official registration data of IDPs do not correspond with the actual places of IDP residence. The relatively rigid system of residence registration, the so-called “propiska” regime that requires IDPs and other residents to register and live in approved areas, coupled with the lack of economic opportunities in many IDP settlements leads to a distorted picture of the number and location of IDPs. The system of registration according to the place of origin does not prevent urbanization, but only distorts the IDP registration data. Registration of IDPs according to where they are currently living would enable the Government and non-governmental agencies to track IDP movements, locations and needs more easily (NRC, 29 February 2008).

The government acknowledges that there is a lack of statistical data on IDPs and it is difficult to monitor their situation as a result. The data available from the State Committee for Refugees and IDPs are not always reliable since IDPs tend to move around informally to find work and/or accommodation. Thus data on, for example, place of residence and employment become outdated very quickly. There are no regular surveys on the living standards of this section of the population, although a series of one-off surveys have been carried out over the past decade (with different sample sizes and different subject matter) (Government of Azerbaijan, 2005, p.45).

Insufficient data on living standards and socio-economic situation of IDPs

There is little data on the general living standards and socio-economic situation of IDPs (NRC, 29 February 2008). There is a need for updated statistics on the actual place of residence of IDPs and their current socio-economic status to adequately inform development programmes (NRC, 29 February 2008). The UN Representative of the Secretary General on the Human Rights of IDPs also noted the need for surveys on the education, nutrition, health issues and maternal and child mortality as they relate to IDPs (UN HRC, 15 April 2008). This information would help to identify the most vulnerable IDPs and better target resources. International organisations and NGOs could offer technical assistance to the government to conduct such studies.

Location of IDPs

General overview

The majority of IDPs - approximately 90 % - originate from seven territories around Nagorno-Karabakh, which Armenia has wholly or partially occupied since the conflict. IDPs now live in all of the 76 administrative districts of Azerbaijan, although the majority has settled in and around the

capital Baku, as well as in Sumgayit. Significant numbers of IDPs also live along the central-southern route of Fuzuli-Aghdam-Agjabedi-Barda-Mingechevir-Ganja, the northern route of Shamakhi-Ismayli-Gabala-Sheki and the southern route of Sabirabad-Saatli-Imishli-Beylagan (UNHCR,30 October 2009).

Locations of IDPs

The following table shows the number of IDPs according to location and year.

City or region	IDPs 2009 (people) (UNHCR, 30 October 2009)	IDPs 2008 (people) (Government, 3 April 2008)	IDPs 2005 (families/people) (Government, December 2005)
Absheron	13,277	14,894	2,507/10,093
Aghdam	38,874	38,690	6,206/25,275
Aghdash		2,851	868/3,367
Aghstafa		183	59/162
Aghsu		1,548	442/1,774
Agjabadi	15,588	14,488	4,317/17,736
Ali-Bayramli		2,552	1,102/4,451
Astara		18	10/50
Baku	176,430	186,909	40,915/169,609
Balakan		219	65/260
Barda	33,842	34,711	10,729/44,802
Beylagan	15,624	12,655	4,190/16,207
Bilasuvar	12,117	19,255	2,843/12,568
Binagadi			6,938/28,479
Calilabad		739	
Dashkesan		1,362	343/1,272
Davachi		204	98/353
Fizuli	65,099	57,292	13,433/54,122
Gadabay		286	97/321
Ganja	15,653	16,494	3,752/15,359
Goranboy		8,085	1,917/7,246
Goychay		1,651	511/1,919
Haciqabul		946	516/1,849
Imishli		6,356	3,356/11,132
Ismayilli		3,099	812/3372
Khachmaz		358	125/462
Khanlar		5,601	1,615/6,021
Khizi		207	110/468
Kurdamir		2,059	768/2,745
Lachin (Taxtakorpu)	17,211	16,672	3,576/14,009
Lenkaran		111	128/504
Masally		749	137/455
Mingachevir	20,021	17,470	4,356/18,004
Naftalan		1,294	605/2,968
Nakhchivan Autonomous Republic		835	264/967
Neftchala		1,307	97/377

Oghuz		2,784	701/2,764
Qabala		1,798	
Qakh		1,147	
Qazakh		6,353	
Qobustan		303	
Quba		190	
Qusar		22	
Saatly		3,934	1,288/4,902
Sabirabad		5,680	2,063/7,749
Salyan		682	330/1,369
Samukh		1,517	402/1,772
Shaki		4,644	1,294/5,131
Shamakhi		1,094	302/1,130
Shamkir		2,110	490/1,923
Siyazan		93	33/141
Sumgait	44,878	46,122	10,752/44,084
Tartar	15,326	11,414	3,107/11,047
Tovuz		11	5/23
Ucar		826	290/1,042
Yevlakh	11,786	8,610	2,812/11,646
Zagatala		304	104/375
Zardab		743	235/950

The following table shows locations of IDPs in 2005 according to the government of Azerbaijan and not listed in the table above.

City or region	IDPs 2005 (families/people)
Azizbayov	3204/13673
Gabala	498/1943
Gakh	264/1083
Garadag	2353/9612
Gazakh	1839/6859
Gobustan	165/470
Guba	66/257
Gusar	14/30
Jalilabad	311/1418
Narimanov	4130/16762
Nasimi	2543/10659
Nizami	3410/13840
Sabail	1901/7585
Sabunchu	4425/18456
Surakhani	3330/14901
Yasamal	4436/18043

Urban and rural divide of IDPs

In urban areas IDPs live side by side with local populations whereas in rural areas IDPs tend to live in isolated settlements, often at long distances from local towns. Relations between IDPs and the local population are generally amicable and there is a high level of tolerance among the local population for the plight of IDPs (UNHCR, 30 October 2009).

Urban areas

Around 190,000 internally displaced people live in Baku, which has 33 per cent of the displaced population (Government of Azerbaijan, 3 April 2008). The remaining major urban areas where IDPs live are listed in the table below.

Urban locations of displaced population

City	Estimated number of people
Baku	186,909
Sumgait	46,122
Mingechevir	17,470
Ganja	16,494
TOTAL	266,995

There has been significant migration to Baku since 2005 as shown by the table below (Government of Azerbaijan, 31 December 2005). The number of IDPs in other urban areas has also grown.

Urban locations of displaced population

City	Estimated number of families/people
Baku	40,915/169,609
Sumgait	10,752/44,084
Mingechevir	4,356/18,004
Ganja	3,752/15,359
TOTAL	247,056

New settlements for IDPs

In 2009, the government resettled IDPs to the following new settlements (Government of Azerbaijan, 30 November 2009). Please see section on housing and settlement elsewhere for additional information.

No	Settlement name	Number of families
1	Ashagi Agjakend (Goranboy)	150
2	Yukhari Agjakend (Goranboy)	120
3	Mesheli (Goranboy)	100
4	Boru (Goranboy)	130
5	Yeni Veyisli (Goranboy)	596
6	Khojavend (Beylagan)	500

7	Pirshagi (Sabunchu, Baku)	31
8	5-floor building in Sabunchi, Baku	70
9	9-floor building in Binagadi, Baku	369
10	Goygol (Goygol)	26
11	Gabala (Gabala)	155
12	Agjabadi (Agjabadi)	58
13	Davachi (Davachi)	70

Total number of IDP families resettled in new settlements in 2009 **2375**

IDP POPULATION MOVEMENTS AND PATTERNS

Patterns of displacement and settlement

Original pattern of displacement and settlement

The initial patterns of displacement followed developments in the hostilities and occurred along ethnic lines.

1988-1991: mainly cross-border displacement

The first phase of displacement was predominantly cross-border in nature and occurred between 1988 and early 1991. Over 300,000 ethnic Armenians fled from Azerbaijan to Armenia and some 185,000 ethnic Azerbaijanis fled from Armenia to Azerbaijan (UN CHR, 25 January 1999).

In the spring of 1991, ethnic Armenians were displaced from several villages on the periphery of Nagorno-Karabakh into the enclave or to Armenia. Some of this latter group of displaced returned to their home areas in late 1991 and in 1992 (UN CHR, 25 January 1999).

1991-1994: mainly internal displacement

In late 1991, as ethnic violence and tensions erupted into internal armed conflict between the Karabakh Armenian forces and those of the Government of Azerbaijan, the displacement crisis also changed character to become predominantly internal in nature. A series of violent attacks resulted in the wholesale displacement of the ethnic Azerbaijani and Kurdish populations, as well as of Meskhetian Turk refugees settled in Khojaly, Shusha and around Lachin (UN CHR, 25 January 1999).

Counter-offensives by Azerbaijani forces beginning in mid-1992 displaced some 40,000 ethnic Armenians. The biggest wave of displacement occurred in 1993, when Karabakh Armenian forces not only reversed earlier losses but also made significant military gains beyond Nagorno-Karabakh, displacing an estimated 450,000 to 500,000 persons. An offensive in April 1994 led to further gains in the northern parts of Nagorno-Karabakh and districts to the north-east, displacing another 50,000 persons (UN CHR, 25 January 1999).

Pattern of initial settlement

In the initial phases of internal displacement, IDPs settled in a spontaneous manner, mostly in urban areas where they found accommodation with relatives or in public buildings such as schools, dormitories, technical institutes and rest houses. Over 40,000 families (totaling 169,609 persons) settled in Baku in former university hostels, factory dormitories, sanatoriums, schools, kindergartens and unfinished buildings (NRC, 30 November 2007). Around 100,000 IDPs were housed in 12 emergency camps that were mostly set up in the south and east of the country (UNHCR, 7 February 2008).

Settlement patterns changed in the summer of 1993, with the establishment of tent camps in the southern and central parts of the country, around the towns of Imishli, Sabirabad and Bilasuvar in the south and Agjabedi and Barda in the central regions. Over 4,300 IDPs also took up accommodation in abandoned railway cars (UN CHR, 25 January 1999).

The general distribution after the conflict was reportedly as follows: 74,000 IDPs were placed in temporary tent camps (13,500 tents), 38,000 in public buildings (sanatoriums, schools, boarding houses, tourist centers), 99,000 in temporary settlements, 156,500 lived in the houses of their relatives or friends, the remaining 200,000 lived in farms, wagons and other places without electricity, sanitation and water supply (WHO, UNHCR, UNFPA and Ministry of Health, August 2009). Some, although few in number, settled in existing settlements where they live together with local residents. Towards the end of 1993, and particularly in 1994 and 1995, settlements of pre-fabricated houses were built with the help of international agencies.

For information on more current construction of housing for IDPs, see [Government efforts to improve housing of IDPs](#).

Subsequent movements of IDPs

In 1998, just over half of the internally displaced were located in urban areas, especially in the capital, Baku, and the nearby city of Sumgait and in the cities of Ganja and Mingchevir north of Nagorno-Karabakh. The trend among the displaced towards urban migration, especially to the capital and its suburbs, began at that time (UN CHR, 25 January 1999).

Insecurity, the lack of employment opportunities, poor health and other issues have sparked further migration of IDPs. Settlements are often located in remote areas with limited opportunities for economic and social development because there are very few jobs and very little farmable land. Young males have reportedly often moved to the cities or emigrated to seek better employment opportunities, though displaced men and women are labour migrants, in Azerbaijan and abroad (UNHCR, December 2006).

Consequences of labour migration of IDPs

The movement of IDPs is limited by the residence registration system. This system and the associated residence registration document also known as the *propiska* dates back to the Soviet era, whereby each individual had to register his or her place of residence. While not designed to discriminate against IDPs, this systematic registration particularly limits the freedom of movement for IDPs.

Firstly, most IDPs did not initially choose the location of their settlement where they have been temporarily registered. Secondly, IDPs may benefit from assistance only at their place of initial registration after displacement. Thirdly, most IDPs and others who have moved to Baku have been unable to register their residence there, which makes it difficult for them to access jobs and services.

IDPs who move away from their place of temporary registration would have to return to that area in order to receive government assistance. The continued dependence of IDPs on assistance has meant families have been obliged to split up. Often one parent moves to an urban area where he or she engages in work to be able to provide additional means for the family, while the remaining family members stay behind in order to maintain their place in accommodation, access to services and benefit from government assistance. The resulting separation violates the right to family life.

Anecdotal evidence suggests that a considerable number of temporary female-headed households exist within internally displaced communities as a consequence of male labour migration (UNHCR, December 2006). As a result, vulnerable groups such as the elderly, female-

headed households, traumatized and mentally ill persons are disproportionately represented among the inhabitants of collective accommodation facilities and new settlements (UN GA, 15 April 2008). Such households are considered to be under particular stress due to the limited remittances from the income earners, and women are often left with total responsibility for the care of dependent children and other family members, including elderly parents or relatives.

Labour migration combined with the residence registration system has led to distorted data on the locations of IDPs. Households are registered at their place of origin and each new birth is registered there, although the family lives somewhere else due to labour migration etc. The official household registers contain officially registered households, but not households that migrated in search for labour from other parts of Azerbaijan (WFP, April 2006).

Further studies required

Additional information on the labour migration of IDPs is required as no detailed assessments have been conducted on the scale of such migration or the effects of migration on the families and communities who have been left behind.

For more information on the freedom of movement of IDPs, see [Residence registration system hinders IDPs' enjoyment of their rights](#).

Current locations of IDPs

IDPs now live in over 1600 settlements in all of the 76 administrative districts of Azerbaijan (State Committee for Refugees and IDPs, 28 February 2007). The majority has settled in and around the capital Baku, as well as in Sumgait. Significant numbers of IDPs also live along the central-southern route of Fuzuli-Aghdam-Agjabedi-Barda-Mingechevir -Ganja, the northern route of Shamakhi-Ismayli-Gabala-Sheki and the southern route of Sabirabad-Saatli-Imishli- Beylagan (UNHCR, 30 October 2009). The districts near the line of contact with Armenia also have a high number of IDPs.

Many internally displaced families fleeing Nagorno-Karabakh settled as close as possible to their original homes. The districts of Azerbaijan adjacent to the conflict line (Aghdam, Fizuli, Hodjavend, and Ter-Ter) therefore have one of the highest densities of IDPs. Other nearby districts with a large number of IDPs are Agjabedi, Barda, Beylagan, Dashkesen, Ganja and Goranboy. About 25 per cent of all IDPs living in Azerbaijan were concentrated in the districts of Aghdam, Agjabedi, Barda, Beylagan, Dashkesen, Fizuli, Ganja and Goranboy in 2007 (DRC, 30 November 2007).

IDPs are more likely to live in urban areas than in rural areas. With few jobs in rural areas, many IDPs migrate to cities to find a job and access assistance (UN ECE, 18 November 2010). About 83 percent of poor IDPs and 86 percent of all IDPs live in urban areas. However, among the minority of IDPs who do live in rural areas, the risk of poverty is greater, at 25.3 percent. Rural IDPs are more impoverished than non-displaced in rural areas: the overall rural poverty rate is less than 22.8 percent (World Bank, 1 March 2010).

For more detailed data, see [Locations of IDPs](#).

Settlement in the occupied areas

The International Crisis Group reported that generally Nagorno-Karabakh authorities have not encouraged Armenians to settle except in Lachin, Kelbajar and a few villages around Agdam (ICG, 11 October 2005). The UN Security Council reported that Armenia was transferring Armenians to occupied areas of Azerbaijan, though the source of information and transfer circumstances were unclear (UN GA, 11 December 2006).

After a fact-finding mission to the occupied territories surrounding Nagorno-Karabakh to determine whether Armenian settlements exist in the area, OSCE concluded that Armenian authorities were not recruiting or resettling people involuntarily to these areas. The overwhelming majority of settlers in these areas were displaced persons from various parts of Azerbaijan, notably from Guranboy, Chaikent, Sumgait and Baku. Most of them, however, had arrived after a period living as displaced persons in Armenia where they did not have permanent housing. They had usually heard about the option of resettlement by word-of-mouth, through the media or from NGOs in Armenia and Nagorno-Karabakh (OSCE, 28 February 2005). Some of the OSCE's observations from the Fact-Finding Mission are detailed below as presented in the OSCE report.

Kelbajar

...The overwhelming majority of houses are destroyed, and throughout the area on average no more than ten percent of the houses and lots have been reconstructed for current use...The FFM [Fact Finding Mission] discovered certain cases where the local administration has offered newcomers houses on a turn-key basis. But, as a general matter residents claim that they have been left to their own devices...

Kelbajar Town

Many said they had come to Kelbajar after a sojourn in temporary shelters in Armenia. Often they had heard about the possibility of settling in Kelbajar by word-of-mouth, and moved there to join neighbours or family. In other cases, they knew about the region because they had lived not far away in Azerbaijan before the conflict, had fought nearby or had heard it advertised for settlement in the Armenian media. One mentioned encouragement by the Karabakh Refugee Committee...Housing conditions were basic and no more than 20 to 30 percent of the ruins were reconstructed, usually in a crude and make-shift manner. No one had paid for his house; rather, people took or were assigned a specific ruin upon arrival and had to make it inhabitable themselves...

Fizuli

Fizuli town is now in total ruins and almost completely empty...In Fizuli town there were, however, traces of scavenging for building materials, parts of the technical infrastructure (pipes, street lamps) and firewood. Approximately 150 to 200 steel water pipes extracted from the ground were stacked along the road. All settlements before and beyond Fizuli town appeared to be totally destroyed, and there were no signs of life apart from a small number of very temporary structures seen from afar...

Jebrail

...The town of Jebrail is totally uninhabited and in complete ruins. There are no other major towns in the district...There was significant evidence of the extraction of construction materials, firewood, metals of all kinds...In the ruins of the village of Quyzhak the FFM interviewed three men extracting scrap metal among the ruins. They were from NK [Nagorno Karabakh] and had come to this region for the day to gather building material for their own use, and not, they reported, for resale...The FFM noted that former irrigation canals (half-pipe concrete canals

above ground) have been systematically removed...Technical infrastructure, such as water pipes, street lamps and wooden power line posts, have been or are being removed from the ground...

Agdam

...The entire city of Agdam is in complete ruins with the exception of the mosque in the center. The town and the area to the south of it are barely populated, but to the north along the road to Mardakert/Agdere, as well as in the Khachinchai river valley, the FFM found several large, well-organized and relatively prosperous settlements with a population intent on staying. In those villages with new houses, relative and the diaspora are said to play a central role in financing improvements...Although the mine problem remains in some areas, some large fields along the main roads both the north and south of Agdam town are being cultivated, seemingly with the help of heavy equipment...

Zangelan

...Most interviewees were internally displaced persons from Azerbaijan, although some were displaced persons from the Gyumri earthquake. All came to Zangelan after years in temporary shelter in Armenia to find a dwelling...

Kubatly

...Most people interviewed in the Kubatly district said they were originally from Baku, Sumgayit, Ganja, Chaikent, Artsvashen and also Leninavan. Most had gotten to know each other in Stepanakert/Khankendi and decided to settle together here, arriving in the region during the period 1994 to 2002. Nearly all of the interviewed inhabitants of Kubatly District complained they received no support at all from authorities. Most said they had no other place to go and no means to leave; they lived on subsistence farming (crops, animals). All said that they neither paid taxes nor participated in elections...The settlers of the approximately 12 houses of the village of Gilidzhan are mostly from Sumgait. The houses are basically rehabilitated, but in bad condition. Only the teachers were said to be employed. The rest live on small-scale farming, cultivating the land without any mechanized tools...

Lachin

The FFM [Fact-Finding Mission] conducted numerous interviews over the entire Lachin District which revealed that private initiative and not government action was the driving force prompting a move to Lachin. The FFM has found no evidence that the authorities, in a planned and organized manner, actually asked or selected people to settle in Lachin town. They have tried, however, to create basic conditions for normal life and are, in this way, actively encouraging settlements...People in both Lachin town as well as in local villages confirmed that they take part in local and NK [Nagorno-Karabakh]-wide elections, with some even voting in Armenian national elections ... Most current residents said they learned about the settlement possibilities by word-of-mouth or through the mass media...

The vast majority said they were refugees originally from various parts of Azerbaijan (Baku, Sumgayit, Ganja, Goranboy District, Khanlar District, Yevlach, Terter, and Mardakert/Agdere District and Nakhichevan). The first arrivals came as early as 1994, but the bulk came later, after periods in NK or Yerevan...Settlement incentives offered by the local authorities include free housing, access to property, social infrastructure, inexpensive or sometimes free electricity, running water, low taxes or limited tax exemptions. According to a number of people interviewed, newcomers to the Lachin District receive 25,000 drams per couple and 5,000 drams per child, plus a cow as a basis for starting anew ...

This assistance was more or less favorably viewed by people interviewed. Nonetheless, a number of residents said that it was still difficult to make a living...Exception from military service does not seem to be one of the benefits offered to new settlers...The overwhelming majority has come to Lachin mostly after years of living in temporary shelters in Armenia...They heard about

Lachin as a settlement option by word-of-mouth, through the media or from NGOs in Armenia and NK. There was no evidence of non-voluntary resettlement or systematic recruitment...On the basis of all its observations in interviews in Lachin District, the FFM has concluded that the authorities pursue a proactive settlement policy.

For more information on settlement in occupied areas of Azerbaijan, see the Organization for Security and Co-Operation in Europe (OSCE) report [OSCE Minsk Group Fact-Finding Mission visits occupied regions of Azerbaijan](#).

For the number of IDPs in Nagorno-Karabakh, see [Figures of IDPs in Nagorno-Karabakh](#).

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical security, dignity, mental and moral integrity

Human rights standards

The right to physical security and integrity relates to the right to life, liberty and security of the person and the right and freedom of movement and residence. It is set forth by the following human rights standards.

[Guiding Principles 12 and 14](#)

[ICCPR Article 9\(1\)](#)

[ECHR Article 5\(1\)](#)

[UDHR Article 3](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Landmines and explosive remnants of war continue to pose threat

Extent of contamination

Azerbaijan is contaminated by landmines and explosive remnants of war (ERW), primarily as a result of armed conflict with Armenia. In 2003, 970 suspected hazardous areas covering 736km² of land were affecting 514,000 people. By 2006, the Azerbaijan National Agency for Mine Action (ANAMA) had reduced the overall estimated contamination to 306km². Additional new suspected hazardous areas have since been identified by ANAMA, and at the end of 2009 there were 280 suspected hazardous areas covering 184km². Aghstafa and Fizuli districts are the most contaminated (ICBL, 19 October 2010; UNDP, 28 October 2010). Landmines and ERW continue to kill and maim, and are preventing a return to normal life (ICRC, 27 December 2006; ANAMA, 31 October 2010).

In areas of Azerbaijan occupied by Armenia, the precise extent of the mine/ERW problem is unknown. Cluster munition remnants have been identified in Nagorno-Karabakh, and the districts of Gubadly, Jabrayil, Kelbajar, Lachin, and Zangilan, as well as parts of Aghdam, Fizuli, and Terter are expected to have extensive mine/ERW contamination. Estimates of the total size of affected areas vary from 350km² to 830km², with between 50,000 to 100,000 mines (ICBL, 19 October 2010; ANAMA, 11 November 2010).

National response

Azerbaijan has not acceded to the Mine Ban Treaty. While it has stopped planting additional mines, it maintains that accession to the Ottawa Convention will be possible only after a political resolution to the conflict with Armenia is negotiated.

The [Azerbaijan National Agency for Mine Action](#) (ANAMA) was established in 1998 as the national entity mandated to oversee all aspects of mine action activities in Azerbaijan. It is the executing agency of the Mine Action Programme, a joint project of the Government of Azerbaijan and UNDP signed in 1999.

There are two strategic plans being pursued by the mine action programme. The first plan is to release 306km² of suspected hazardous areas by the end of 2013. The second plan is to increase ANAMA's operational and management capacity to enable it to address the mine and ERW threat from the occupied areas if and when they are returned to Azerbaijan.

Mine clearance

ANAMA and two national NGOs clear mines in Azerbaijan. The two national NGOs are Dayag ("Relief Azerbaijan") and the International Eurasia Press Fund. ANAMA is actively de-mining areas along the line of contact with the occupied territories and continues clearing mines and visibly marking contaminated areas. ANAMA's mine clearance activities have improved the security situation (UNHCR, October 2009).

In 2009, ANAMA cleared almost 1.67km² of mined areas, destructing only 90 mines in the process. This suggests a low density of contamination. This clearance included a former USSR air defense base, a police station, houses, schools and cultural centres. Clearance of mined areas in Zobjuq in Fizuli region allowed the construction of a village for 2,200 internally displaced families.

In 2010, ANAMA was expecting to clear or reduce approximately 12km² of land and cancel about 14.5km² of land by the end of 2010 (ANAMA, 11 November 2010).

For additional information on clearance, see the [ANAMA monthly reports](#).

Casualties

ANAMA reported that by late 2010, 363 people had been killed and 1,999 injured by landmines and/or unexploded ordnance. Casualties are mostly men, followed by children and then women (ANAMA, 31 October 2010).

In 2009 there were 22 mine/ERW casualties in 16 incidents, and all casualties were male. Four were killed, another 17 were injured, and one child was injured. Four casualties were military personnel (three killed and one injured). This represents an increase from the 11 people injured by mines/ERW in 2008 as reported by ANAMA.

Mine/ERW education and awareness

ANAMA and UNICEF are jointly carrying out mine/ERW education activities in 24 districts, mainly in areas close to the line of contact, including in settlements of internally displaced people. Mine/ERW education was included in the school curriculum in May 2004, and textbooks, teacher manuals, training posters and other materials with safe behavior messages have been distributed. Such activities have raised awareness among internally displaced communities and others of the dangers of mines. They have also led to an active engagement of internally displaced communities in the identification of sites requiring mine clearance (ANAMA, 11 November 2010).

In 2009, mine/ERW education activities were implemented by ANAMA mine/ERW risk education department officers, clearance groups and national NGOs Dayag and IEPF. Mine/ERW education activities were also conducted in schools; 52,000 students in 1,200 schools received information about the dangers of mines/ERW. About 134 risk education committees have also been established in nine districts (ICBL, 19 October 2010).

Safe play areas were built for some 3,500 children living in 42 communities in the districts of Agdam, Gazakh, Tovuz, Aghstafa, Aghjabadi, Fizuli, Goy-Gol, Guranboy, Terter and Gadabey (ICRC, 30 September 2008). Children were involved in designing the play areas and in drawing up safety recommendations (ICRC, 27 December 2006).

For more information on landmines and related issues, see the [Landmine and Cluster Munition Monitor report for Azerbaijan](#).

Regular ceasefire violations continue

Skirmishes between Azerbaijani and Armenian forces along the line of contact break out sporadically with casualties (Reuters, 1 September 2010; RFE/RL, 26 October 2010). The Azerbaijani Defense Ministry has reported that up to 200 people, many of them civilians, are killed each year from cease-fire violations and even more are wounded (EurasiaNet, 26 July 2007). Sniping incidents may occur as an accident or low-level provocation, but both armed forces are under rigid political control and any fire directed at the other side with weapons such as mortars would have political authorization (CR, November 2009).

The most serious violation since 2008 took place in June 2010 the day after leaders met in St. Petersburg: 6 soldiers died (IWPR, 25 June 2010; RFE/RL, 24 June 2010). Both sides suffered more than a dozen confirmed military casualties in the second half of 2010 in skirmishes (RFE/RL, 26 October 2010).

In 2008, an outbreak of military clashes in two regions of the disputed territory of Nagorno-Karabakh led to multiple casualties. The fighting appeared to be the most serious violation in years of the cease-fire agreement between Baku and Yerevan over the territory (RFE/RL, 4 March 2008). Around 30 soldiers lost their lives on the line of contact in 2007 and again in 2008 due to sniping incidents and mine explosions (CR, November 2009; IWPR, 6 December 2007).

The 175-kilometre line of contact is the weakest point in the dispute (CR, November 2009). There are no international peacekeepers and OSCE Ambassador Andrzej Kasprzyk and five field assistants monitor the ceasefire. The two sides therefore cannot blame outside forces for incidents on the line of contact. The OSCE monitors must inform either side of their intention to visit a certain section of the line of contact in advance and cannot arrive unannounced.

The likelihood of more violence on the line of contact is real. There are probably around 30,000 troops on the Armenian side and a slightly larger number on the Azerbaijani side. The trenches have moved physically closer since the 1994 ceasefire agreement was signed. The two sides also have more sophisticated weaponry than they did 10 years ago (CR, November 2009). Azerbaijan has also significantly increased its military budget, which now totals more than the entire Armenian national budget.

For more information on the military budget of Azerbaijan, see [Increased military spending in Azerbaijan](#).

IDPs affected by continuing insecurity

IDPs living near line of contact report insecurity

Some 150,000 IDPs and others living along the 175-kilometre line of contact report regular breaches of the ceasefire and the presence of mines and exploded remnants of war (UNHCR, 30

October 2009; IWPR, 18 September 2009; ICRC, 31 December 2009; BBC, 18 February 2009; EurasiaNet, 26 July 2007; IWPR, 5 July 2007). While return was possible to some villages along the line of contact, many displaced never returned due to significant destruction and continued insecurity (IWPR, 18 September 2009).

Some new government settlements of IDPs in Aghdam and Fizuli have been built close to the line of contact. Some are within three kilometres of the front line (NRC, 30 November 2006). This has raised feelings of insecurity on the part of IDPs living there, while other IDPs were reluctant to move there because of insecurity (UNHCR, 30 October 2009; NRC, 30 November 2006). UNHCR has highlighted that there is a greater need to consider security risks in the planning of new settlements of IDPs, including through the active participation of IDP men and women in the planning process.

Insecurity limits access to farming land

Landmines and explosive remnants of war do not generally hinder access of the IDP population to vital infrastructure or water, although arable land is affected. The village of Mahmudlu-2 in the partially occupied district of Fizuli in the south-western region of Azerbaijan, is one of many villages where the civilian population continues to suffer from the effects of the conflict over Nagorno-Karabakh. People have been killed or injured while working in the fields, collecting firewood or tending to their livestock (IWPR, 5 July 2007; ICRC, 30 September 2008). Their houses have been damaged by hostilities and when working in the field they have been caught in the line of fire, during which they lie on the ground until the situation calms (IWPR, 5 July 2007).

Limited access to economic, social and cultural rights near line of contact

IDPs and others living near the line of contact also report limited access to water, health care services and education, and inadequate housing conditions (ICRC, 31 December 2009).

Increased military spending in Azerbaijan

In 2011, the military budget of Azerbaijan will reach about 20 per cent of national government expenditures, \$3.12 billion (EurasiaNet, 29 October 2010; Azer News, 11 October 2010). In 2009, the Azerbaijan military budget was over \$2 billion, which was already more than the entire national state budget of Armenia (Azer News, 12 November 2008). Azerbaijani President Aliyev also stated in 2010 that defense spending will be further increased. Armenia planned to spend about \$386 million on its defense sector in 2011 (EurasiaNet, 29 October 2010).

According to the International Crisis Group, Azerbaijan wants to create a strong army to regain occupied territory by improving its negotiating leverage with Armenia or going back to war. There are, however, reportedly no concrete signs that Azerbaijan's increase in military budget will lead to a resumption of warfare in the immediate term (ICG, 29 October 2008; PRIF, 12 December 2009). Armenia and Nagorno-Karabakh are also not going to risk a new war, which would increase their dependence on Moscow. If the exponential increase in Azerbaijan's military funding does not produce an accountable, united and transparent armed forces, there is the potential the army could be sent to satisfy internal power struggles.

While President Aliyev has stated that the Azerbaijani army is the strongest and the most battle-worthy in the South Caucasus (EurasiaNet, 29 October 2010), in 2008 it had not gained clear superiority over Armenian forces besides its size and equipment stores (ICG, 29 October 2008; Defence Academy of the United Kingdom, May 2008). The Nagorno-Karabakh army is reportedly well-trained and equipped and made up of 8,500 residents and 10,000 troops from Armenia

(Defence Academy of the United Kingdom, May 2008). According to Armenian experts and specialists from Nagorno-Karabakh, their military capabilities are sufficient to deter Baku from an attack (PRIF, 12 December 2009). A new Russian-Armenian defense agreement signed in 2010 extends Russia's military presence in Armenia until 2044 and commits Moscow to supplying Yerevan with weaponry and military hardware (RFE/RL, 26 October 2010).

IDPs not particularly affected by crime

IDPs generally do not face greater security risks than the rest of the local population. The level of violence and crime is relatively low in IDP settlements in both urban and rural contexts, and IDPs report that they generally feel safe. IDP communities report that they have unhindered access to police and are not discriminated against due to their status. Community leaders generally have good relations with local authorities and cooperate to solve crimes. In general, IDPs in Azerbaijan are well accepted by local communities and report that they feel safe with no threats to physical security over and above those faced by other citizens (UNHCR, 30 October 2009).

Liberty and freedom of movement

Human rights standards

The right to liberty and freedom of movement is set forth by the following human rights standards.

[Guiding Principle 14](#)

[ICCPR Article 12](#)

[ECHR Protocol 4 Article 2](#)

[UDHR Article 13](#)

[CEDAW Article 15](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

Residence registration system hinders IDPs' enjoyment of their rights

Azerbaijan's residence registration system was inherited from Soviet times. Residence registration, or the *propiska*, consisted of a certification in the internal passport of the holder's right to reside in a given location. The system was designed to control internal population movements and prevent unauthorized migration by tying individuals and their access to social services to a fixed abode. The *propiska* fulfilled the role of a residency permit required to access health care, employment, housing and many other basic social services.

During Soviet times an important function of the *propiska* was to restrict migration to large cities; *propiskas* for large cities were historically difficult to obtain. Changing one's *propiska* without the authorities' permission was illegal and the failure to register was punishable by law. While some post-Soviet states have completely abolished the system, others have retained aspects of the system, sometimes unconstitutionally. Although formally abolished from the Azerbaijani

Constitution, the *propiska* system is still referred to in some laws and citizens of Azerbaijan are still required to register their residence.

Many IDPs who move away from where they settled at the beginning of displacement struggle to register their new residence. This is due to bureaucratic processes and corruption, because they lost documents when they became displaced, and because the overall government policy to stem migration to major cities, while not designed to discriminate against IDPs, has a particular impact on them. Re-registration is also made difficult for IDPs as applicants for a *propiska* in a given location must show that they have secured a contract for housing available in their new location. Without homes to sell to secure the necessary capital to purchase housing elsewhere, the internally displaced are less able to secure contracts on new housing.

Without residence registration, IDPs struggle to enjoy some of their rights. They face particular difficulties accessing official jobs, housing, medical services, education, pensions, bank loans and government assistance for IDPs. This includes the monthly IDP allowance and free utilities, which many IDPs are still dependent on. In order to access these services and entitlements, which by law should be free of charge, IDPs and others without residence registration must typically pay a bribe (AI, 28 June 2007). The residence registration system therefore limits IDPs' exercise of economic, social and cultural rights. While not deriving from discriminatory legislation in itself, the result is discrimination and segregation for Azerbaijan's internally displaced population (AI, 28 June 2007). The result is that many internally displaced households are caught in a protection trap: tied to their registered residence in order to receive food aid and other assistance, but unable to move in search of employment opportunities elsewhere (AI, 28 June 2007).

IDPs also face difficulty in changing their place of residence on their IDP certificate. IDP certificates are re-issued with a new place of residence such as Baku or Sumgait in the rare cases that their move to urban centres is approved, or if IDPs can make a convincing case that they will not need government assistance or benefits such as exemptions from the payment of utilities. Only a minority of IDPs meets these criteria (UNHCR, 30 October 2009).

International recommendations

In 2009, the UN Human Rights Committee expressed concern that IDPs continued to face problems in obtaining address registration (*propiska*) and reiterated that the existence of the address registration (*propiska*) system violates the right to freedom of movement and choice of residence under article 12 of the Covenant. (art. 2, 12 and 26). The Committee then called on Azerbaijan to simplify its address registration procedure (HRC, 13 August 2009).

After visiting Azerbaijan in 2007, the UN Representative of the Secretary General on the human rights of IDPs welcomed the revision of legislation on internal registration and hoped it would reduce problems related to access to communal services and bank loans as well as to judicial procedures, particularly concerning property rights (UN GA, 15 April 2008).

The Council of Europe's Commissioner on Human Rights recommended a simplification of the registration procedure since with more flexibility the IDPs could improve their standard of living, including by benefiting from the same employment opportunities as other citizens of Azerbaijan (CoE, 20 February 2008).

National response

The government asserted that registration was needed to keep track of IDPs to provide them with assistance (US DOS, 11 March 2010). The government was reportedly revising legislation on internal registration to improve the right to free movement and to choose residence (UN GA, 15 April 2008).

For more information on movements of IDPs, see [Subsequent movements of IDPs](#).

IDPs have limited settlement options for durable solutions

Return

The government of Azerbaijan has drafted a framework plan on the return of displaced persons and begun mine clearance activities. More than fifteen years after the ceasefire agreement, the governments of Armenia and Azerbaijan have yet to reach a political solution to the conflict. This prevents IDPs from returning to their homes in areas not under Azerbaijani control. In a UNHCR assessment in 2007, the majority of IDPs stated they preferred return of all settlement options (UNHCR, 30 October 2009). Elderly IDPs stated return was their only remaining wish.

For more information on return, see [Durable Solutions: Return](#).

Settlement elsewhere in the country

IDPs are not hindered from spontaneous relocation in other parts of the country, although this can have repercussions for their eligibility for assistance and affect family unity as described above. However, some IDPs face restrictions on their freedom of movement and choice of residence as a result of the government resettlement programme. New villages built for IDPs by the government are segregated from the non-displaced population and often located far from administrative centres without public transport services. It is also not clear to what extent relocation to the new villages has been a result of a conscious, voluntary choice of displaced families, and what information was available to them beforehand on factors such as location, infrastructure and income opportunities (UNHCR, 30 October 2009).

For more information on settlement elsewhere in the country, see [Durable solutions: settlement elsewhere in the country](#).

Local integration

The government of Azerbaijan has clearly stated on numerous occasions that the current situation and settlement locations of IDPs are temporary. This is at odds with the protracted nature of internal displacement. A whole generation of IDPs has been born and raised in other parts of Azerbaijan, and have never seen their parents' place of origin. This generation has naturally started to build their lives and livelihoods outside of occupied Nagorno-Karabakh and its surrounding territories. For these IDPs in particular, and the displaced population in general, facilitating local integration would help to secure improved living standards. Any IDPs who opt to settle at their current residence would still retain the right to return if and when it becomes possible.

A shift in emphasis towards sustainable local integration is unlikely in the foreseeable future since return is the government's preferred settlement option for IDPs. This would require a greater focus by the government and international agencies on the ability of IDPs to become self-reliant, increase employment opportunities and create easier access for IDPs to employment networks, business advisory services and vocational training. Education of IDPs, in particular University education for youth should be prioritized to enable them to raise their standard of living, and more focus should be given to raising the poverty level of IDPs. Some IDPs also stated they could not

yet decide whether all family members would return, as many had built successful lives outside Nagorno-Karabakh (UNHCR, 30 October 2009).

For more information on local integration, see [Durable solutions: local integration](#).

BASIC NECESSITIES OF LIFE

Food and water

Human rights standards

Right to food

The right to adequate food is a precondition to the enjoyment of the right to an adequate standard of living. This right can be found in following human rights standards.

[Guiding Principle 18](#)
[ICESCR Article 11](#)
[CRC Article 24\(2\)c and \(e\)](#)
[UDHR Article 25\(1\)](#)

Right to water

The right to water and sanitation is an intrinsic element to the right to an adequate standard of living and the right to health under the ICESCR. This right can be found in following human rights standards:

[Guiding Principle 18](#)
[ICESCR Article 11\(1\) and 12\(1\)](#)
[CRC Article 24\(2\)\(c\)](#)
[UDHR Article 25\(1\)](#)
[CEDAW Article 14\(2\)\(h\)](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

Food

Information on key food security indicators in Azerbaijan is outdated. The World Food Programme conducted the last food security and nutrition survey in 2004 and at that time, a third of IDP families were relying on food aid. IDPs' diet was mainly based on bread, potatoes and products of animal origin, while the diet of the resident population was more varied. This could be because the non-displaced grow their own food through crop and animal husbandry, whereas IDP households depended more on food and other assistance from outside (WFP, April 2006; Government of Azerbaijan, 2005, p. 47; Balikci, 2004; UN HRC, 15 April 2008). Some IDPs managed to take their livestock with them when they fled, but on average IDPs now tend to have less livestock than their non-displaced neighbours (UNHCR, 30 October 2009).

WFP food aid has ceased and many households have become more vulnerable and dependent on government assistance (UNHCR, 30 October 2009). In UNHCR's 2007 participatory assessment with IDPs, households were still dependent on food assistance, though they met the

minimum food consumption levels: 33 per cent of the IDP families had good food consumption, 61 per cent adequate and 6 per cent poor (UNHCR, 30 October 2009). While IDPs manage to eat on a daily basis, they often compromise on the quality of food and quantity of intake. Many households reported that they often or sometimes skip meals or reduce the size of their meals. IDPs said they could not always afford food because of the increase in food prices, family illnesses and high costs of services.

Facilities should be provided so that IDPs can feed themselves for the remaining period of displacement. This can include access to land and tools to cultivate the land, access to jobs and skills development programmes, and access to credit to establish a small business.

Water and sanitation

Water supply for the general population in Azerbaijan is limited and often unreliable, particularly outside of Baku. However, in the cities where the majority of IDPs live, potable water is available in sufficient quantities. IDPs living in urban areas generally have better access to water supply than those living in rural areas. New purpose-built villages for IDPs in rural areas do not always have access to water and electricity (UNHCR, October 2009).

Since 2006 the government has significantly increased spending to address communal infrastructure problems, ranging from electricity shortages to the absence of water and sanitation facilities. However, data from the 2008 Living Standards Measurement Survey suggest that many poor Azerbaijani households still lack basic access. The poor have limited access to basic utilities and the quality of that access is poorer. They also spend a higher percentage of their consumption on utilities than the rich (World Bank, 1 March 2010).

Access to utilities is worse among IDPs than non-IDPs. They have poor access to utilities such as water, electricity, and heating. The majority do not have 24-hour access to water, electricity, or heating services. Rates of access by IDPs to hot water, sewerage and bathrooms are significantly lower than for non-IDPs. Only about 33 percent of IDPs have access to 24-hour electricity compared to 53 percent for non-IDPs (World Bank, 1 March 2010).

A 2005 Government survey found that the sanitary conditions in the dwellings of 41.2 per cent of IDPs did not meet even the most basic requirements, and that most IDPs with no direct access to water pipes take their drinking water from natural sources. This leads to the spread of infectious diseases, as does the lack of a centralized drainage system for waste water (Government of Azerbaijan, 2005, p. 45). Women usually carry the water and they suggested artesian wells would improve the water situation (Praxis, June 2008). Accessing water springs near the line of contact is dangerous due to violations of the ceasefire agreement (IWPR, 25 September 2008).

In 2009, the International Committee of the Red Cross continued providing clean drinking water in conflict-affected areas through water infrastructure rehabilitation projects (ICRC, 31 December 2009; ICRC, 16 December 2008; ICRC, 1 July 2008). The European Union, World Bank and Asian Development Bank have also funded projects to improve quality and coverage of the water supply and sanitation of the general population and IDPs (ADB, 23 September 2009).

Deficiencies in the supply of water, sewerage and other public services in the rural areas could be a barrier to reducing poverty. The inconvenience of life without regular access to heat, electricity, water and sewerage systems in rural areas discourages both people and businesses from locating there and from carrying out new economic activities (World Bank, 1 March 2010).

Housing and shelter

Human rights standards

The right to shelter and housing is an aspect of the right to an adequate standard of living. Housing is core subsistence right and absolutely essential for survival. It therefore must be accessible to all internally displaced persons without discrimination and regardless of the circumstances.

[Guiding Principle 18\(2\)\(b\)](#)
[ICCPR Article 17](#)
[ICESCR Article 11\(1\)](#)
[CRC Article 27\(3\)](#)
[CEDAW Article 14\(2\)\(h\)](#)
[CERD Article 5\(e\)\(iii\)](#)
[UDHR Article 25\(1\)](#)
[ECHR Article 8\(1\), Protocol 1 Article 1](#)
[ESC Article 31](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Types of housing IDPs live in

The 1999 Law on Social Protection of IDPs stipulates that IDPs are to be provided with temporary housing and privileges with regard to payment of utilities. In comparison to the local population (in particular the urban poor), IDPs are not disproportionately affected by homelessness and are given privileged access to public housing with no restrictions except the temporary nature of their residence (UNHCR, October 2009).

IDPs reside in various types of shelter. At the end of 2010, the website of the State Committee for Refugees and IDPs stated that 87,631 IDPs were living in hostels, 25,550 in camps (though it was not clear what this housing consisted of), 28,000 in self-made (Finnish) houses, and the remainder were living in state buildings, incomplete buildings, sanatoriums, boarding houses and other places which do not meet sanitary norms. The majority of IDPs live in non-residential areas in housing that they do not own (World Bank, 1 March 2010).

A comparison of these figures with those from 2008 and 2005 leads to confusion. This data is shown in the table below. For example, the number of IDPs living in hostels decreased by about 17,000 from 2005 to 2008, and then increased by 19,000 from 2008 to 2010. The data also suggests a decrease in housing standards for IDPs from 2005 to 2008: the number of IDPs living in farms/earth houses more than tripled during the period and the number in occupied apartments nearly tripled.

Number of IDPs according to housing type in 2008

Housing type	Number of IDPs in 2008	Number of IDPs in 2005
Public buildings	81,917	81,917
Hostels	66,336	83,029
Tent camps	0	47,608

Schools	10,999	34,887 (schools and kindergartens)
Kindergartens	19,392	
Sanatoriums	10,244	24,634 (sanatoriums, pensions, recreation areas, tourist bases)
Wagons	2,679	5,263
Finnish houses	25,550	27,734
Relatives' houses	67,365	95,620
Farms/earth houses	88,936	26,757
Occupied apartments	70,151	25,722
Half-built apartments	9,548	9,145
Settlements constructed by the Committee of Refugees and IDPs	69,258	65,984
Apartments constructed by the assistance of international organizations	44,096	30,087
Apartments of military units	6,060	

Sources: Government of Azerbaijan, 3 April 2008; State Committee on Refugees and IDPs, December 2005

Figures on housing types of IDPs from 2004 does not make the situation any more clear. These figures are shown in the table below.

IDP housing types in 2004

Type of housing	Baku	Sumgait	Ganja	Mingachevir
Total (persons)	153901	43655	15319	18386
Public Buildings	10716	26837	1939	0
Dormitories	48766	5203	5837	3036
Educational premises (schools, kinder gardens)	6575	2810	1459	4510
Sanatoriums, holiday places etc.	13471	3987	1672	1138
Camp townships	0	0	0	0
Settlements of self built houses	465	0	0	1000
Trains	163	0	0	550
On the road sides	49	0	0	960
At relatives' place	49584	1301	3432	6430
Occupied flats	17931	2187	980	0
Half constructed buildings	6181	1330	0	172
Farms and diggings out	0	0	0	590
Houses built by the State Committee	0	0	0	0
Houses built by UNHCR and other international orgs*	0	0	0	0

State Committee on Statistics, January 2004

IDPs displaced by floods

In 2010 thousands of houses were destroyed in spring floods. More than 1,300 people from Sabirabad were living at the Shirvan tent camp; some 250 to 300 IDPs from Sabirabad region

were living in a technical college and roughly 150 persons in a high school in Shirvan (Eurasianet, 25 May 2010).

Housing conditions of the majority of IDPs are still poor

Housing conditions in Azerbaijan are generally bad, but the poor endure the worst housing conditions. Since the mid-1990s, the majority of multifamily housing has not been repaired or renovated (UN ECE, 18 November 2010). Conditions are crowded in dilapidated buildings with broken windows and leaking roofs. Poor households spend a larger share of their budget on utilities and appear to have the most outstanding repairs (World Bank, 1 March 2010).

IDPs are exempt from paying utilities, but they have worse access to services than non-IDPs. The majority of IDPs do not have 24-hour access to water, electricity, or heating services, and rates of access by IDPs to hot water, sewerage and bathrooms are significantly lower than for non-IDPs. They also claim they live in housing that is noisier and more crowded than housing where non-IDPs live (World Bank, 1 March 2010).

Inadequate living conditions and infrastructure was the primary issue of concern for IDPs, irrespective of their sex, age, location or vulnerability (UNHCR, October 2009). Disabled IDPs, single internally displaced mothers and internally displaced orphans underlined the limited possibilities of accessing living conditions which take into account their particular needs (UNHCR, October 2009). The physical and mental health of IDPs has deteriorated as a result of poor living conditions (UNHCR, 3 March 2010; Praxis, 31 January 2008). Such conditions should no longer be acceptable to a government that takes its responsibility for the displaced seriously and affirms international standards (UN RSG, 6 April 2007).

Given the protracted nature of displacement, people displaced as children have grown up and established families of their own. Unable to afford additional housing, they often live with the parents of the husband in crowded conditions with a lack of privacy (Balikci, May 2004). Internally displaced children and adolescents highlighted this as a particular obstacle to their personal development (UNHCR, October 2009). Besides crowded conditions, there are other factors contributing to poor housing conditions of IDPs according to the type of accommodation they live in.

Housing conditions in collective centres

Collective centres in Azerbaijan are multi-storey public buildings, including former factory dormitories, university dormitories, sanatoria and schools. There are approximately 360 collective centres in the main cities Baku and Sumgait (UN ECE, 18 November 2010). The remaining residents can be considered some of the most vulnerable IDPs since after more than 15 years, those who have been able to secure better housing have moved out. Emptied rooms are usually given to other IDPs. Some IDPs have sold their rooms to relatives or friends, or have kept them as storage space (NRC, 31 May 2007).

Most of these collective centres were not designed for long-term residence for large families. Families occupy one or two rooms with no separation of the sexes or age groups, and entire floors usually share a single kitchen and bathroom. Problems include poorly functioning sanitation systems, hazardous electric cabling, leaking roofs, lack of adequate ventilation, vermin and limited water and electricity (UN ECE, 18 November 2010; IDMC, 12 December 2007; IDMC, November 2009). Hygiene conditions are also poor as people wash and cook in the kitchen and excessive mold has formed in the bathrooms (IDMC, 12 December 2007; IDMC, November

2009). IDPs living in collective centres in both rural and urban areas reported that they often suffered from illnesses caused by insufficient heating, high humidity and poor sanitary conditions (UNHCR, 30 October 2009).

Conditions in collective centres have worsened despite repair and renovation. Some IDPs have done their own repairs, which have sometimes made conditions worse for other residents. Renovation of common areas by the government and international organisations quickly deteriorated as the exemption of IDPs from utility payments has led to excessive use of water, gas and electricity (NRC, 31 October 2006). This coupled with the lack of regular maintenance of common areas means that after some 20 years of housing IDPs, collective centres are either beyond the state of repair, or in dire need of renovation even if they have been renovated before.

Housing conditions of IDPs in informal settlements

Among the most disadvantaged groups of IDPs are those continuing to live in mudbrick and other self-constructed homes after more than a decade. Their shelters provide inadequate protection against the harsh winters and the stifling heat in summer, and they suffer from unreliable water and electricity supply (UN HRC, 15 April 2008). Their living conditions are worse than those of their non-displaced neighbours and only a minority have property rights for their dwellings, whereas the majority of local families have property rights for their dwellings. Most IDPs in these settings do not have bathrooms, whereas half of the local residents have bathrooms (DRC, 30 November 2007).

In Azerbaijan about 30 per cent of the population lives in illegal developments. There are approximately 800,000 illegal constructions in the country, with 500,000 located in the Baku region. In Baku city, low-rise illegal buildings mainly constructed by IDPs are thought to constitute about 90 per cent of the total number of illegal buildings. Most have no construction permits or relevant documentation; some have not been accepted by state registration bodies (UN ECE, 18 November 2010).

Upon displacement, many internally displaced families built shelter using their own means without any legal documentation. Many such houses were built in dangerous areas, such as near gas pipes and electricity lines. While originally a temporary arrangement, the solution turned out to be more permanent as more people were attracted to the original group. Housing conditions are often rundown and overcrowded with insufficient sanitation facilities, potable water and waste disposal.

IDPs living in these areas still do not have property titles. The weak security of tenure means they are at risk of forced eviction (IDMC, 12 December 2007; IDMC, November 2009). The government has developed some changes and amendments to current legislation allowing the population to legalize these buildings. As part of its Utility Project, the World Bank was acting to legalise illegally occupied land. Even if they gain security of tenure, these residents remain socially, environmentally and politically vulnerable (UN ECE, 18 November 2010).

Housing conditions of IDPs in private accommodation

The World Bank found that the risk of poverty increases significantly for IDPs dispersed in houses and apartments and temporary shelters, suggesting a phenomenon of “hidden” poor among the IDP population (World Bank, 1 March 2010). IDPs in grouped settlements have largely been the targets of government and international housing interventions, leaving those in dispersed

settlements without such assistance. The issue deserves focused attention since information on the living conditions and situation of IDPs in private accommodation is extremely scarce.

Government efforts to improve housing of IDPs

One of the aims of the State Programme on the Improvement of Living Conditions for Refugees and IDPs and Increasing their Employment is to address the poor living conditions of IDPs. The government's response within the framework of this programme as it concerns housing thus far has been to renovate collective centres and resettle those living in the worst conditions (wagons, dug-outs, and other makeshift shelter) to new purpose-built settlements. Since 2000, the government has committed significant resources to improving housing conditions for IDPs.

While the focus has been on resettlement within rural areas, the improvement of living conditions for IDPs living in collective centres is the next priority of the government. However, it was unclear whether this work would address the most vulnerable IDPs first, whether suitable land plots had been identified and what the strategy was for IDPs for whom no new settlements are planned. Given Azerbaijan's rapid economic growth and the increasing pressure it has put on urban property, urban planning should take into account the competing needs of IDPs, the government and the wider community (UN ECE, 18 November 2010).

Settlement to new purpose-built settlements in rural and urban areas

The government has eliminated all tent camps and other severe cases of inadequate housing and resettled IDPs living there to new purpose-built villages (Government of Azerbaijan, 3 April 2008; Government of Azerbaijan, 21 July 2009). Couples receive a single-room house; a four-member family receives a two-room house, while families of six or more receive a three-room house. The state also provides half a hectare of land with each house and a one-off starting up payment equivalent to US\$220 for each household (AI, 28 June 2007). By 2010, a total of 63 new settlements had been built for some 100,000 IDPs. These settlements reportedly have more than 150 schools, 50 medical clinics, tens of communication facilities and cultural centres (Government of Azerbaijan, 17 February 2010).

The government was continuing with resettlement of IDPs in 2010, including in Agdam, Goranboy, Mingachevir, Yevlakh and Terter regions. Land plots had been allocated for construction of new settlements and multi-storey buildings in Imishli, Mingachevir, Shaki, Aghjabedi, Aghdam and Absheron regions, and IDPs living in buildings belonging to the military units of the Ministry of Defence of the Republic of Azerbaijan (Government of Azerbaijan, 19 July 2010; Government of Azerbaijan, 10 April 2010). The Government regards it as expedient to settle displaced communities together in order to preserve their social structures predating displacement, so as to facilitate eventual reintegration in places of origin (UN HRC, 15 April 2008).

Some IDPs living in urban areas have been already resettled in newly constructed settlements (Government of Azerbaijan, 30 November 2009; Trend, 17 November 2009). This includes a multi-storey building in Binagadi district of Baku and in Agdam, Goranboy and Yevlakh regions (Government of Azerbaijan, 19 July 2010). About 1500 internally displaced families who have been living in buildings belonging to the Ministry of Defence were to be resettled to new settlements with multi-storey buildings in Baku, Ganja, Sumgait and the regions of Absheron and Goy-gol (Azerbaijan Business Center, 26 October 2009).

Number of IDPs resettled in new settlements in 2009

No	Name of settlement	Number of families
1	Ashagi Agjakend (Goranboy region)	150
2	Yukhari Agjakend (Goranboy region)	120
3	Mesheli (Goranboy region)	100
4	Boru (Goranboy region)	130
5	Yeni Veyisli (Goranboy region)	596
6	Khojavend (Goranboy region)	500
7	Pirshagi (Sabunchu district of Baku)	31
8	5 floor building (Sabunchu district of Baku)	70
9	9 floor building (Binagadi district of Baku)	369
10	Goygol (Goygol region)	26
11	Gabala (Gabala region)	155
12	Agjabadi (Agjabadi region)	58
13	Davachi (Davachi region)	70
Total		2375

Source: Government of Azerbaijan, 30 November 2009

Number of IDPs moved to new settlements in 2007

Region	Number of settlements	Number of houses	Population
Bilasuvar	5	4456	19747
Fizuli	5	4125	18976
Aghdam	1	4320	19099
Sabirabad	1	161	575
Lachin	1	58	280
Saatly	1	100	448
Sabunchou (Ramani)	2	758	3014
TOTAL	16	13978	62139

Source: Government of Azerbaijan, 3 April 2008

Number of IDP tent camps that were demolished in 2007

Region	Number of families	Number of people
Sabirabad - Galaygin tent camp	1914	8523
Saatly region - Tent camp #1	1072	3816
Saatly region - Tent camp #2	483	1747

Source: Government of Azerbaijan, 3 April 2008

Renovation of collective centres

The government has allocated funding for renovation of collective centres, including roofs, sewage systems, water pipes, power lines and heating systems. In late 2009 the government reported that 117 out of 268 of various types of housing where IDPs had temporarily settled (public buildings, hostels, schools/kindergartens, sanatoriums) in Baku, Sumgait and other densely populated cities had been repaired (Government of Azerbaijan, 30 November 2009). It then reported in 2010 that renovation of 50 collective centres had been completed and renovation of most of the remaining 80 buildings would be led by the Social Development Fund of IDPs with World Bank funds (Government of Azerbaijan, 19 July 2010). Collective centres in Baku will

reportedly be emptied gradually (Government of Azerbaijan, 10 April 2010). International organisations have also renovated collective centres, usually upgrading electricity systems (including transformers and switchboards) and repairing or installing new roofs (rehabilitated only in some buildings) (Praxis, 2009; IDMC, 12 December 2007).

Housing plans for IDPs in towns and cities

Internally displaced people living in cities were relatively ignored in international and national programming for IDPs during the 1990s. The first new centres for the internally displaced in urban settings were constructed in 2004, reportedly for internally displaced persons from the Laçın region. Since that time, the government and international organisations have renovated communal areas in some collective centres as outline above and some IDPs have been moved to better housing.

Government additions to the state programme for improvement of living conditions of refugees and IDPs in 2007 included provisions for IDPs living in cities. In 2008, the government reported that its housing plans for IDPs in urban areas included:

- construction of new settlements or multiple storey buildings and new individual houses for 2768 families consisting of 10 999 individuals temporarily settled in school buildings of different cities and regions
- construction of new settlements with education, health and other necessary socio-technical infrastructure, energy, water supply and of multiple storey buildings in Baku, Ganja, Sumgait as well as in Absheron and Khanlar regions for 1419 IDP families consisting of 6060 individuals settled in the buildings of military units of the Ministry of Defence
- construction of multiple storey buildings for 251 IDP families living in factory named after Sattarkhan
- improvement of housing and living conditions of 31 IDP families temporarily settled in the buildings of the Agricultural Scientific Research Institute of Pirshaghi district of Sabunchu region (Government of Azerbaijan, 3 April 2008)

Land allocation and construction of new multi-storey buildings was ongoing at the end of 2010 for IDPs in Baku, Sumgait and areas of Absheron peninsula. They were to be resettled around Baku, to the Masazyr district of Absheron peninsula and Mushfiq district of Garadagh district (Government of Azerbaijan, 30 November 2009; Government of Azerbaijan, 10 April 2010; Praxis, 23 November 2010).

For more information on government efforts to improve the housing of IDPs, see

[Government of Azerbaijan, 17 February 2010](#)

[Government of Azerbaijan, 8 November 2010](#)

[Government of Azerbaijan, 10 April 2010](#)

[Government of Azerbaijan, 19 July 2010](#)

[UN Economic Commission of Europe, 18 November 2010](#)

Housing conditions in new settlements for IDPs

Some IDPs are content with their new living conditions since they have more space and are physically closer to their original residence (UNHCR, 7 February 2008; AFP, 14 February 2008). Others are not content with the quality of their houses, the lack of jobs and infrastructure such as water and electricity supplies and roads, or the proximity of some settlements to the line of contact (AI, 28 June 2007 IWPR, 12 March 2008; AFP, 14 February 2008). The UN Representative of the Secretary General on the human rights of IDPs suggests revisiting

settlements to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed (UN HRC, 15 April 2008).

Legal security of tenure

IDPs do not own the homes they are given in resettlement areas (Trend, 12 March 2010). It appears that IDPs would be protected against arbitrary forced eviction and expropriation of property, but they cannot gift, inherit, sell or sub-let the settlement houses, which remain the property of the State Committee. They are also not eligible to receive any compensation for the improvements made to the houses at their own cost (AI, 28 June 2007).

According to state officials this situation is necessary because the new settlements are a temporary solution to the problem of displacement. However, this is at odds with the increasing protracted nature of displacement. The official emphasis on return as the preferred long-term settlement choice for the internally displaced consequently results in a discriminatory framework denying their right to security of tenure accorded to other citizens of Azerbaijan and indeed refugees from Armenia (AI, 28 June 2007).

Availability of services, materials, facilities and infrastructure

Houses in the settlements do not feature internal sewerage or plumbing, but this is far from unusual in rural Azerbaijan. In a number of houses visited by Amnesty International, the inhabitants had installed bathrooms and internal plumbing at their own expense (AI, 28 June 2007). It is not clear whether and how this is connected to the greater sanitation system, as well as whether rainwater drainage systems, garbage collection and street lighting were in place.

While the UN Representative of the Secretary General on the human rights of IDPs reported that apart from a virtual absence of economic opportunities, basic services and adequate conditions seemed to be in place, some IDPs reported that they have to buy water and that electricity is limited (UN HRC, 15 April 2008; IWPR, 13 March 2009). Roads are sometimes in poor condition, which makes life difficult in the winter.

Affordability

Housing in the new settlements appears to be affordable for IDPs. Once selected, they are transported and may settle there free of charge. Displaced families who have been granted new houses still retain their IDP status, which continues to entitle them to various privileges and benefits. One expense that IDPs in new settlements have is transportation since many settlements are in remote locations far from neighbouring towns and district centres. However, it does not appear that personal or household financial costs associated with housing interfere with the attainment and satisfaction of other basic needs.

Habitability

Houses in new settlements represent a significant improvement in living conditions for IDPs (AI, 28 June 2007; IWPR, 13 March 2009). However, some houses are not structurally sound which has reportedly led to dangerous incidents (AI, 28 June 2007). The walls and floors of the houses are mostly thin and have cracked or collapsed. Houses were reportedly built rapidly, sometimes with insufficient materials since the government did not pay construction companies and some workers took materials as "compensation" (AI, 28 June 2007). Some IDPs have done repairs independently, but most cannot afford it given the extent of repairs required. The houses do not have heating systems, although winter temperatures may drop as low as -30° C in some areas (AI, 28 June 2007). Houses are also crowded as married sons cannot afford to move out and live

separately (IWPR, 13 March 2009). All combined, these conditions have a negative effect on the health of people living there (IWPR, 13 March 2009).

Accessibility

By enacting the State Programme on Improving Living Conditions of IDPs, the government gave IDPs priority consideration with respect to their housing rights. However, it is not clear whether all IDPs will gain improved housing conditions through this programme, such as those in private accommodation. Therefore it is also necessary to ensure that groups of IDPs not covered by the state programme be accorded full and sustainable access to adequate housing resources.

Location

The new settlements for IDPs are often located in remote parts of Azerbaijan with few opportunities to earn an income. They are far from job opportunities in other areas with poor communication links and only basic health-care services (AI, 28 June 2007). The temporal and financial costs of getting to and from the place of work or hospital may place an excessive demand upon the budgets of these IDPs. Minibuses run in some areas and mostly on the initiative of IDPs, but this has had a limited effect in eliminating such difficulties. In 2008 only a minority had found jobs (UN HRC, 15 April 2008; AFP, 14 February 2008; AI, 28 June 2007).

In a few cases settlements are within a few kilometres of the line of contact, which heightens [physical insecurity](#) and interferes with the ability of IDPs to become self-reliant (UNHCR, October 2009; CIPDD, 2008; ICG, 14 November 2007; NRC, 30 November 2006; UN HRC, 15 April 2008; AFP, 14 February 2008). The construction of settlements which are geographically and economically isolated without opportunities to earn an income that allows them to enjoy an adequate standard of living, in effect deprives such people of conditions for the fulfilment of their rights to integration or permanent resettlement (AI, 28 June 2007).

For more information on the right to adequate housing, see the Council of Europe's Commissioner on Human Rights [Recommendation on the implementation of the right to housing](#), 30 June 2009 and [Guiding Principles on Internal Displacement - Annotations](#).

Challenges of resettlement

IDPs should be more involved in resettlement

While long-awaited government plans to give IDPs new homes were warmly welcomed at first, later resettled IDPs said that they had not been properly consulted about the location and conditions of their new settlements (IWPR, 12 March 2008; UNHCR, October 2009). UNHCR found that IDPs who lived in new settlements had not participated in the process of planning resettlement, and some of them, specifically IDPs from vulnerable groups, felt that this had resulted in housing that did not take their needs adequately into account (UNHCR, October 2009). The resettlement of IDPs within the framework of the "State Programme on the Improvement of Living Conditions and Employment for Refugees and IDPs" should be continued. In order to increase its success, the following recommendations from UNHCR and the UN Representative of the Secretary General on the human rights of IDPs on the involvement of IDPs should be taken into account.

Government authorities should conduct regular information campaigns aiming to increase awareness about the resettlement programme and the conditions awaiting IDPs in cooperation with NGOs and community leaders. The government should also conduct discussions with IDPs

separated according to age and sex in order to better understand the specific needs of various groups. Persons to be resettled, including women, should be invited to participate in the planning of the location, design and equipment of new compact settlements. IDPs should be informed about their rights, duties and responsibilities in this process and there should be a complaint mechanism in place to ensure IDPs indeed secure adequate housing as a result of resettlement. Revisiting settlements already in use may be useful to take stock, in consultation with the residents, of outstanding challenges to be addressed. (UNHCR, 3 March 2010; UN HRC, 15 April 2008).

Expand the number of IDPs benefiting from resettlement

The relocation of IDPs from tented camps to new settlements, whilst a very positive initiative, has provided housing solutions to less than 30 per cent of the IDPs in the country (UNHCR, October 2009). The majority of displaced persons continue to live in substandard shelters. Resettlement of IDPs living in the worst conditions should continue, as should renovations of buildings and homes that are structurally sound and do not present any safety, health or environmental hazard.

Having committed to the full and progressive realization of the right to adequate housing expressed in the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration on Human Rights, the government should continue efforts to improve and secure adequate housing for IDPs with sufficient space and protection from the elements and in locations that allow access to jobs, health care services, schools, child-care centres and other social facilities, and includes legal security of tenure (UN, 11 August 2010).

Solutions for IDPs who do not want to settle elsewhere

Some IDPs have stated that they do not want to settle elsewhere to the areas the government is proposing. They explain that these areas are far from where they now live which will disrupt their livelihoods and the education of their children, thereby worsening their living conditions (IWPR, 8 October 2010; IWPR, 26 October 2007; NRC, 30 November 2006). This is especially the case for IDPs in Baku and other urban areas who are being proposed to move outside of these cities. Solutions should be found for these IDPs to ensure they can also access improved housing conditions.

Housing sector of Azerbaijan

After the mass privatization of state-owned residential dwellings in the 1990s, there was significant underinvestment in housing maintenance. The Government's obligation to maintain privatized dwellings ceased, but most apartment owners have not been able to afford regular maintenance of their units. Moreover, even if a dwelling is privatized, the Government still owns the building itself (roofs, walls and common spaces) and is responsible for the maintenance of common areas (UN ECE, 18 November 2010).

Housing-related issues in Azerbaijan are regulated by a number of normative acts: there is no single document that sets out state housing policy. Official documents elaborating or regulating social housing issues also do not exist. The main document that defines the state housing policy is the Housing Code, adopted in the Soviet era in 1983 and is still in force (UN ECE, 18 November 2010).

There is also no single state institution responsible for national housing policy and relevant activities. There are many actors dealing with different parts of Azerbaijan's housing sector, which undermines their accountability and efficiency. At the same time, there is a significant lack of

adequate human resources both in terms of numbers and individual skills. There is no complete record of buildings, physical infrastructure and housing stock. The result is a lack of access to reliable information and statistics on the housing sector. The Government should establish or designate a single institution or agency to oversee the design and administration of housing and communal services policies. The central body should also coordinate the housing-related activities of the local government (UN ECE, 18 November 2010).

At present, Azerbaijan is experiencing a construction boom, especially in the residential sector. However, the financing available for buying new properties is expensive and limited. Mortgages have extremely high interest rates, while microfinance institutions (MFIs) only provide small loans. The underlying problems relate to underdeveloped capital markets and the lack of appraisal standards, which make proper valuations of properties extremely challenging. Consumers should be educated with respect to available financing (UN ECE, 18 November 2010).

Housing policy should be aimed at the creation of affordable housing finance mechanisms to improve the housing situation for IDPs, forced migrants and other vulnerable groups that currently live in low-quality housing without basic services. Social housing policies should be elaborated for those who cannot participate in the free market and a state subsidy system should be created to improve peoples' access to affordable housing (UN ECE, 18 November 2010).

Medical care

Human rights standards

Medical care is core subsistence right and absolutely essential for survival. It therefore must be provided to all internally displaced persons without discrimination and regardless of the circumstances.

[Guiding Principle 18\(2\)\(d\) and 19](#)
[ICESCR Article 12](#)
[UDHR 25\(1\)](#)
[CEDAW Article 12](#)
[CRC Article 24 \(1\)](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Health system in Azerbaijan

During Soviet times, the Ministry of Health in Azerbaijan administered policies that had been initiated in Moscow, as part of a centrally planned system. Universal access to the health system was a key feature of the system during that time. Following independence in 1991, the health system faced increasingly serious economic challenges in financing the inherited extensive services. Quality and access to services deteriorated and the combination of inherited rigidities and limited managerial capacity made change difficult. The current organizational structure of the health system remains highly centralized and hierarchical. Most services are provided by the state; there has been only very minimal privatisation (WHO, 2010).

The Ministry of Health formally has ultimate responsibility for the management of the health system, but it has limited means to influence health care providers at the local level. District

health authorities are subordinated to the Ministry of Health in matters of health policy, although they are financially dependent on local governments. Local governments own the district hospitals, polyclinics and specialized clinics, and state funding for these providers comes from the local government budget through the district health authority. As such, local health providers are financially dependent on the local district health authorities or the village authorities. Heads of small rural clinics often have no information about the annual budget of the facilities they run and therefore have no control over financial matters or staffing decisions (WHO, 2010).

The government embarked on a health reform plan in 2007-2008 to improve the quality, efficiency and coverage of medical services. In January 2008, the President of Azerbaijan signed the National Concept on Health Financing Reform and the Cabinet of Ministers subsequently approved the corresponding Action Plan to Introduce Health Financing Reforms. The action plan includes activities to introduce mandatory health insurance, improve mental health and increase deployment of qualified medical staff to rural areas. As of early 2009, most activities in the action plan had yet to be fully implemented. Other reform initiatives are being simultaneously pursued, many in the context of the World Bank-funded Health Sector Reform Project (WHO, 2010; UN HCR, 15 April 2008, European Commission, 12 May 2010).

Physical health of IDPs

A 2007 UNHCR assessment found that IDPs, and in particular women and children, suffered from malnutrition, diarrhoea, tuberculosis and a lack of skilled care for pregnant women (UNHCR, 30 October 2009). In 2006 UNHCR found that internally displaced men suffered from diabetes, diarrhoea, food poisoning, heart disease, high blood pressure, kidney stones, malaria, respiratory infections, rheumatism, skin problems, and swellings in glands on the neck) (UNHCR, 31 December 2006). There were also claims that the health situation of resettled IDPs had improved since their movement to new houses.

Other studies have shown that IDPs fall ill more often than their non-displaced neighbours (UNIFEM, 24 July 2006; DRC, 30 November 2007). Yet others have concluded that IDPs suffer disproportionately from malnutrition, infant mortality, tuberculosis, diphtheria, anaemia and mental health problems (AI, 28 June 2007; CRRIC, 31 January 2007). This may be due to their increased levels of stress and trauma as a result of displacement and its aftermath, limited access to primary health services and essential medicines, inadequate housing conditions, with a lack of sanitary facilities and sewage systems, the shortage and low quality of water and exposure to the elements (UN HCR, 15 April 2008; Government of Azerbaijan, 3 February 2005; UNHCR, 30 October 2009).

Mental health of IDPs

Extent of poor mental health among IDPs

A 2009 WHO-led study on the mental health of IDPs found that despite the passage of more than 15 years since the end of active war hostilities, 40 per cent of internally displaced respondents had a mental health disorder. Women suffered from mental health disorders twice as often as men, and the incidence increased with the age of the respondent. People who were exposed to war trauma revealed more mental health problems than those who were not. The lack of adequate housing, income and full education also correlated to worse mental health (WHO, UNHCR, UNFPA, Ministry of Health, August 2009). Time does not heal all wounds as the level of post-traumatic stress did not decrease, but rather became chronic for many IDPs (Akhundov, 2001).

Mental health-related complaints are also common among the children of the IDPs. The most frequent complaints are anxiety, fears, excessive crying, sleep problems and urine continence problems at night. Children whose internally displaced parents abuse them as punishment reported these complaints more frequently. The study concluded that despite not being exposed to war trauma directly, children of the internally displaced are affected by it through the traumatic experience of their parents (WHO, UNHCR, UNFPA, Ministry of Health, August 2009).

UNHCR and UNIFEM have found that elderly internally displaced people, internally displaced female-headed households, and traumatized internally displaced people especially suffer from mental health problems (UNHCR, October 2009; UNIFEM, 2006; UN HRC, 15 April 2008). This shows itself through decreased social activity, feelings of isolation and abandonment, an orientation towards the past and a bleak view of the future, and stands in the way of their social integration and self-reliance. At the same time, women with mental health problems seemed resilient with the strength and the creativity to find constructive solutions to their problems (UNIFEM, 2006).

The mental health of internally displaced veterans from the conflict over Nagorno-Karabakh has also suffered as a result of the conflict. Thousands were left mentally and physically scarred and still regularly suffer from nightmares more than a decade and a half after the war, which psychologists reported was a worryingly common issue (IWPR, 7 May 2010).

Reasons for poor mental health among IDPs

The psychological stress IDPs endure is war-related and also stems from poor living conditions and the limited prospects for their improvement (UN HRC, 15 April 2008). A 2007 UNHCR assessment found that the mental health of displaced adults and children had suffered due to crowded living conditions, trauma from the conflict, poverty, lack of employment, insufficient family and community support and a bleak view of the future (UNHCR, October 2009; UN HRC, 15 April 2008). A UNDP study found that the overwhelming majority of respondents (91 per cent of the male and female respondents) considered the psychological impact of the conflict “very strong” and “strong”... (UNDP, 30 September 2007). Many IDPs lived in the centre of armed conflict and military operations and were witnesses to violence and killings, including sometimes the deaths of their own relatives. Other factors for increased psychological stress of IDPs include domestic violence and dependency on assistance, which has decreased the self-reliance of many IDPs.

There are, however, factors that may contribute to maintaining or improving the mental health of some IDPs. These include the close-knit relations of many internally displaced communities, low substance abuse due to cultural standards, high literacy rate and the view of some psychological conditions such as depression, anxiety, adjustment disorders as normal thus the minimizing stigma associated with mental illness.

Mental health assistance

The mental health system in Azerbaijan is in the process of reform. A mental health law was enacted in 2001, and the Ministry of Health was reviewing a national mental health policy and mental health strategic action plan in 2009. At the moment, state mental health assistance is characterised by over-centralized services and segregation of psychiatric facilities from the general health system. There are no mental health services provided at the community or primary care level, and where services are available they are minimal and difficult to access. Three per cent of the general health budget is allocated to mental health and the system lacks psychologists and social workers (WHO, UNHCR, UNFPA, Ministry of Health, August 2009; UN HRC, 15 April 2008).

Several projects focusing on psychosocial rehabilitation of IDPs have been carried out in Azerbaijan, mostly relating to child mental health. At the end of 2010 there were no government programmes focused on the mental health of IDPs and there was no child mental health facility close to where IDPs live. Though the government had planned to set up psychological support stations and the Ministry of Youth, Sports and Tourism had been working together with UNICEF in the area of psychosocial support for many years (UN HRC, 15 April 2008; UNHCR, 2005).

About 25 per cent of IDPs surveyed in the WHO-led study had applied for mental health care. Most had applied to the psychiatrist in their polyclinic, which was less stigmatizing and less expensive than applying to a private psychiatrist. Most IDPs, including veterans, do not apply because they believe only an improvement of living and economic conditions will relieve them, they fear treatment in psychiatric institutions and they worry that their problems will be disclosed to other people, which can negatively impact their future in terms of marriage, employment, social relations (IWPR, 7 May 2010). Internally displaced families with mentally ill family members reported to UNHCR that a lack of psychological services or funds to pay for treatments led to considerable emotional, practical and economical challenges for the whole family (UNHCR, October 2009).

Recommendations for improvement of mental health of IDPs

The Council of Europe's Commissioner for Human Rights recommended that the authorities increase funding to the medical system to help IDPs overcome their psychological troubles (CoE, 20 February 2008). Participants at a workshop on protection of IDPs in Azerbaijan suggested that improvement in other sectors such as housing, education and legal protection will contribute to the improvement of physical and mental health of IDPs. They also highlighted the need for increased education and public awareness on the elements of a healthy lifestyle including proper diet, regular physical exercise and abstention from alcohol and tobacco (UNHCR, 3 March 2010). The Brookings-Bern Project on Internal Displacement has advocated that addressing the psychosocial problems of IDPs should be part of securing durable solutions for IDPs (Brookings - Bern Project on Internal Displacement, 16 May 2006).

IDPs living with HIV/AIDS

Current data on IDPs living with HIV/AIDS or who are at risk of contracting HIV/AIDS were unavailable (UNHCR, October 2009; UNHCR, December 2006). There were 15 IDPs registered with HIV in 2003 and this represented 2.1 per cent of all people living with HIV at that time, which was lower than the percentage of IDPs in the general population. UNHCR found that awareness about HIV/AIDS was relatively high among IDPs, and most learned about it from the television (UNHCR, October 2009; UNHCR, December 2006).

The government had drafted a National Strategic Plan on HIV/AIDS and UNHCR was involved in a joint UN HIV Surveillance Study. This study was to gather information on HIV/AIDS among the internally displaced population, among others, and use the information to target interventions at the most at-risk segments of the IDP population (UNHCR, October 2009). Further research is required on sexually transmitted diseases among IDP population.

IDPs' access to health care services

IDPs are entitled to primary health care services and some medicines free of charge. IDPs have also benefited from vaccination programmes for their children and construction of health points in

new settlements. Nevertheless, IDPs report their access to health care services is limited (UNHCR, October 2009).

Barriers obstructing access to health care services

The cost of health care services is a barrier for many IDPs. Some IDPs are not informed on how to access health-care services free of charge, or they come upon facilities that do not follow this policy. As a result of this lack of information and inconsistent application of policy, IDPs generally pay the same official and unofficial fees for health care as do other citizens (WHO, 2010; UNHCR, October 2009; AI, 28 June 2007). These payments act as a barrier to accessing health care for many IDPs since they form a high percentage of their household budget (World Bank, 1 March 2010; WHO, 2010; UNHCR, October 2009; IDMC, 12 December 2007; DRC, 30 November 2007).

Another barrier is that health care facilities are not always adequately supplied with equipment, medical supplies and health care professionals. While there is an adequate number of service providers in the country, many posts in rural areas are vacant as a result of high variation in the per capita allocation of state health budget resources between districts but also because the pay is low and living conditions are poor (WHO, 2010; Praxis, 2009). Some health clinics in newly constructed settlements were better equipped than others (UN HRC, 15 April 2008).

As a result of limited scope of health care services at their residence, IDPs and others living in remote areas are made to travel for medical care beyond their basic needs at their own expense (AI, 28 June 2007; UNHCR, October 2009; World Bank, 1 March 2010; Praxis, June 2008). Few IDPs can afford the cost of advanced health services such as operations in addition to funds for transportation. As a result, there is a high level of self-treatment by IDPs (UNHCR, October 2009; UNHCR, December 2006).

Response

The government is addressing the issue of access to health care as part of its substantial health reform project. The development of a mandatory social health insurance scheme is being discussed as is a three-year mandatory placement of medical graduates in rural areas. Plans had already been made to introduce financial incentives for medical workers in rural areas (WHO, 2010; UN, 11 August 2010).

During the first six months of 2009, the Ministry of Health reportedly conducted medical check-ups among over 130,000 IDPs in Baku and rural areas, and all had received the necessary treatment (Government of Azerbaijan, 30 November 2009). In 2008, the government reported that the Ministry of Health had organised mobile doctor brigades for medical examination of refugees and IDPs (Government of Azerbaijan, 13 November 2008).

International partners have been particularly important in providing health care services to IDPs, who otherwise struggled to access health care services. They also assisted the Ministry of Health with developing and piloting different approaches to health care reform (WHO, 2010). As Azerbaijan's economy has grown stronger, NGOs providing health care have increasingly phased out programmes aimed at improving health services for IDPs.

Recommendations

UNHCR recommended creating mobile medical teams to reach isolated rural IDP settlements; establishing outpatient medical rooms in IDP settlements; renovating health points and providing them with necessary equipment; establishing free counselling and resource centers for people who suffer from SGBV and HIV; and train staff on treatment of serious illnesses and

psychological trauma (UNHCR, October 2009). The government should spend more on public health and prioritise preventative health care to improve access to and utilization of services.

Participants at a workshop on the protection of IDPs in Azerbaijan recommended that awareness on available services for both beneficiaries and medical personnel should be increased by disseminating booklets to targeted groups. The material should include information about relevant legislation; clinics with free services available for IDPs; and list of medicines given for free (UNHCR, 3 March 2010).

For additional information on out of pocket payments in Azerbaijan, see World Health Organisation, [Azerbaijan Health System Review](#), 2010.

IDPs' quality of health care

The WHO argues that it is not possible to provide evidence of the quality of services provided by public, private or parallel service providers since regulation of the quality of health care in Azerbaijan is weak (WHO, 2010). The World Bank concluded in 2005 that healthcare in Azerbaijan was of poor quality, with poor physical infrastructure, scarce or obsolete technology and inadequate staff skills (World Bank, June 2005). A limited-scale assessment of the quality of services in rural areas in 2007–2008 concluded that the quality of care was insufficient (Akgun, 2008). The government also acknowledged that some new settlements for IDPs in rural areas were better equipped than others (UN HRC, 15 April 2008). Health care facilities and services are likely to be better resourced in urban areas, but there has been no full-scale assessment (WHO, 2010).

Health care facilities are plagued by deteriorating infrastructure, outdated equipment, limited provider autonomy, and an inadequate mix of skilled health providers. Health clinics often lack experienced and qualified medical personnel to deal with chronic illnesses, as well as specialists able to deal with domestic and gender based violence, rape or psychological counselling (UNHCR, October 2009). Women, and in particular single mothers, are often unable to access gynaecological care due to lack of resources or available specialized facilities and qualified staff. The quality of service provision is also hampered by insufficient upgrading of the skills of health staff through continuous medical education and lack of incentives to provide quality care (WHO, 2010).

Response

The government has constructed or renovated more than 100 health facilities since 2006 (Government of Azerbaijan, 30 November 2009). Some new facilities were built in the new purpose-built settlements for IDPs as well as other areas where IDPs were living (Government of Azerbaijan, 2005). International organisations have also built and renovated health care facilities for IDPs (IRC, 18 September 2007; Reuters, 17 July 2007). The government should spend more on public health to improve equity and quality of services, as well as prioritise preventive primary healthcare and investment in health care professionals.

PROPERTY, LIVELIHOODS, EDUCATION AND OTHER ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Property

Human rights standards

A specific right to property is not uniformly recognized by international and human rights treaties. The right to property is already subject to litigation at the Council of Europe level.

[Guiding Principle 21](#)
[UDHR Article 17](#)
[CEDAW Articles 15\(2\), 16\(1\)\(h\)](#)
[ECHR Protocol 1 Article 1](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Housing, land and property ownership at current residence

Article 48 of Azerbaijan's Land Code specifies that citizens of Azerbaijan can obtain land for ownership, use and rent. Article 56.4 mentions IDPs as a priority group in the allocation of land for use or rent for agricultural purposes. By law, IDPs are also provided cost free temporary housing and land as their place of origin is considered their permanent residence in Azerbaijan. They are also exempted from paying for property transactions.

Home ownership

While IDPs appear to benefit from a privileged status with regard to obtaining living space and land, the majority of IDPs are only able to obtain property rights with great difficulty. Ownership of homes and property among IDPs (15 per cent) is extremely low compared to non-displaced families (83 per cent) (UNHCR, 2009; DRC, 30 November 2007). This is largely due to lack of funds, lack of knowledge on land rights issues, government policy and bureaucratic obstacles such as temporary residence status that hinder IDPs from registering property (UNHCR, 2009; ACF, 19 November 2010). This limits the possibilities for IDPs to gain self-reliance.

Some internally displaced people fear registration of legal title to housing in one's own name at their current residence would result in the loss of IDP status and associated benefits (AI, 28 June 2007). Legally this should not be the case, since according to the Azerbaijani 'Law on the Status of Refugees and Persons Forcibly Displaced inside the Country' internally displaced people lose their status only in the case of return to their original place of residence or provision with other housing in the same region, or, if such relocation is impossible, and they are provided with housing by state decree elsewhere in the country.

The low level of property ownership among IDPs means a lack of collateral for lending institutions; thus, many IDPs who may want to engage in economic activity may be prevented from doing so. A Danish Refugee Council survey showed that 81 per cent of local residents and 74 per cent of IDPs who are not currently involved in private business are interested in

establishing a business of their own, preferably in agriculture and trade (DRC, 30 November 2007).

Non-displaced people also generally have financial difficulty, but some of these women reported to UNIFEM that they were better off than internally displaced women. They explained this was mainly because they owned property whereas usually internally displaced women did not own property (UNIFEM, July 2006). Property ownership is indeed one area where the lives of internally displaced and local women diverge drastically: 80 per cent of the local women interviewed by UNIFEM owned their houses or other property, whereas of the 190 internally displaced women interviewed, only 11.5 per cent owned their own property (UNIFEM, July 2006).

Housing is the most commonly owned type of property for internally displaced women, but their land-use is very different to that of their neighbors. Whether or not they own the land, they rely on it for sustenance, sowing crops, breeding cattle and raising poultry to feed their families and supplement their meager incomes. The close connection of their livelihood to land they do not own deepens the feeling of instability that permeates their lives (UNIFEM, July 2006).

Land ownership

The Danish Refugee Council reported in 2007 that in the areas bordering the occupied territories, 73 per cent of local resident families had land plots as compared to 16 per cent of internally displaced families. Of these, 83 per cent of local resident families and 29 per cent of internally displaced families claim that this land is their property; 16 per cent of local resident families and 19 per cent of IDP families say they use this land without any rights (DRC, 30 November 2007). In the Fizuli district a relatively high number of internally displaced families have a land plot (34 per cent). They are returnees (they came back to their own pre-conflict houses) still holding IDP status and were able to register land plots as their property.

Household land plots are smaller than “land plots” and usually constitute a small plot of land around a house or other type of shelter. 86 per cent of local resident families and 59 per cent of internally displaced families have household land plots. Of these, 93 per cent of local residents and 17 per cent of IDPs have property rights for these household land plots (DRC, 30 November 2007). IDPs are also not consulted with regard to the ongoing privatization process in many rural parts of Azerbaijan, further impacting on their ability to obtain land plots.

Lack of land ownership obstructs self-reliance

IDPs are not able to acquire ownership of housing and land plots allocated for their temporary use. This coupled with the often poor quality of land, lack of water supply and lack of agricultural inputs affects their long-term prospects to achieve self-reliance through agricultural activity. The lack of land ownership among IDPs combined with an undeveloped system of credit plagues the IDP community as a whole and interferes with their self-reliance (UNIFEM, July 2006).

Poor security of tenure

Many IDPs who built their own houses after being displaced are still without formal documents for their homes. IDPs built houses in Sulu tepe, Binagady, Badamdart, Hovsan, Masazir, Khirdalan, Bina, Yasamal, and on the territory of Sumqayit, and still live there. While they bought the land from the municipal authorities, they were not given a title for the land at the time of purchase and still do not have such a document. Current local municipalities and executive authorities will not issue the required documents (Praxis, 30 June 2007). The lack of legal security of tenure for these IDPs means they have no legal protection against forced eviction.

IDPs settled elsewhere do not own houses

IDPs who have been settled elsewhere to new housing built by the government do not have security of tenure of their new houses and land. Houses belong to the state and relatives of IDPs cannot inherit the houses, nor can they be gifted, sold or rented out by current inhabitants. It is also not clear whether residents will be able to remain in the dwellings if and when return to their place of origin becomes possible. According to a local NGO there was no law on the resettlement of internally displaced families (Praxis, 30 June 2007).

Evictions from current residence

The problem

Upon fleeing their homes, many IDPs looked for housing themselves since at that time the government did not have the capacity to provide housing to everyone. Some IDPs found housing in former public buildings such as schools and dormitories, while others took up residence in empty or partially built dwellings upon arrival in their area of displacement. Some of these buildings have been bought by businessmen or restored to their original function. IDPs have been evicted as a result, sometimes without adequate notice, consultation, compensation or alternative accommodation and some subsequently applied to the ombudsman (AI, 28 June 2007; Praxis, 30 June 2007; Government of Azerbaijan, 3 April 2008; NRC, 30 November 2007; NRC, 31 May 2007).

More recently, however, the courts in Azerbaijan have been using a [European Court of Human Rights \(ECtHR\)](#) decision as a precedent to evict IDPs from private property whether they had occupied it illegally or not. In 2007, the ECtHR upheld a claim by the owner of an apartment occupied by an internally displaced family, ruling that the applicant had been denied her right to peaceful enjoyment of her property (ECtHR, 27 December 2007). The applicant recovered possession of her apartment in 2008 (ECtHR, 30 April 2009). In 2010, additional property owners won similar cases (ECtHR, 8 July 2010; ECtHR, 11 May 2010; ECtHR, 22 July 2010). The court stated that the authorities failed to strike a fair balance between the right of IDPs to be provided with temporary housing and the protection of the applicants' right to peaceful enjoyment of their possessions.

In 2010, the government reported that about 6,000 IDPs were occupying apartments illegally, around half in Baku. (Trend, 19 January 2010; IWPR, 10 March 2010). The owners of these properties have been unable to reclaim them as a result of legislation prohibiting the eviction of IDPs living in public or private property, until return was possible or they were offered alternative accommodation of a similar standard. Based on this legislation, local courts have rejected appeals to reclaim the occupied dwellings. Thousands of non-displaced Baku residents have struggled with this problem since the early 1990s. With no measures to ensure that compensation be awarded to the owners of the occupied flats, many have been renting rooms in dilapidated hostels (UNHCR, 30 October 2009; IWPR, 26 October 2007; CoE, 24 May 2007). Tension has arisen between locals and IDPs as a result (UNHCR, 30 October 2009).

Status of cases

At the end of 2010, IDPs had been evicted in only a small number of cases. In most instances decisions were pending or the judgments had not been enforced. Some applicants have appealed to higher instance courts and the European Court of Human Rights to suspend the decisions on their eviction. In the meantime IDPs with decisions for their eviction still continue to live at the contested dwelling and could undergo eviction at any time (Praxis, 23 November 2010).

In the case of Khirdalan six internally displaced families consisting of 35 persons were evicted without provision of alternative housing. With the assistance of local NGO Praxis, this group appealed to various state departments for assistance, but received no favourable reply. They reported to IDMC in 2009 that they had not received adequate notice from the authorities, there was no opportunity for genuine consultation, they had nowhere to go and no means to build or secure housing on their own.

The local NGO [Praxis](#) and UNHCR are trying to improve the involvement of the State Committee for Refugees in the court proceedings concerning the eviction of IDPs and to provide adequate housing for those who will be evicted (Praxis, May 2010; Praxis, 23 November 2010).

Recommendations

After visiting Azerbaijan in 2010, the [UN Representative of the Secretary General on the human rights of IDPs](#) expressed concern about the risk of future evictions in urban centres as a consequence of construction or privatisation. He reiterated that internally displaced persons in such situations must be provided with adequate notice, housing alternatives and assistance (UN, 26 May 2010).

The UN Committee on Economic, Social and Cultural Rights considers that evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights, and where those affected are unable to provide for themselves, the government must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land is available (UN CESCR, 20 May 1997).

The UN Committee also considers that other procedural protections should include genuine consultation, adequate and reasonable notice, information on the proposed evictions, the presence and identification of government officials or their representatives during an eviction, evictions not to take place in particularly bad weather or at night, and provision of legal remedies (UN CESCR, 20 May 1997).

For additional information on cases relating to IDPs at the European Court of Human Rights, see [Property cases at European Court of Human Rights](#).

Property at place of origin

Property in occupied areas

Due to Azerbaijan's lack of effective control over Nagorno-Karabakh and surrounding occupied districts, the government has not been able to conduct an assessment of the state of housing, land and property left behind by IDPs. The scale of housing, land and property to be restituted or compensated has also not been registered. However, after completing a fact-finding mission to those areas, the OSCE reported that there has been substantial destruction and pillage of private and public property in those areas (OSCE, 28 February 2005). Creating the proper conditions for return will apparently take significant time and resources.

Property in liberated areas

Families of internally displaced persons who returned to their original places of residence in Fizuli district found their houses and property destroyed. As property restitution or compensation mechanisms had not been put in place, these returnees were subsequently confronted with legal

problems, including recognition of their property rights. They also had to repair their houses largely at their own cost.

Some returnees chose not to secure property deeds since they were not aware of the advantages of having such documentation, could not afford the fees or were weary of enduring the related bureaucracy (NRC, 29 February 2008). However, IDPs who opted to apply for the document reported that the issuance of property deeds improved the sustainability of their return and reintegration since, for example, it allowed them to use their property as collateral for taking loans and credits (NRC, 29 February 2008).

Lack of remedy for lost property

Still no remedy for lost property

The government has not enacted any law or mechanism to ensure IDPs can exercise their right to property left behind. It argues that this issue can only be solved within a comprehensive peace agreement since Armenian forces are responsible for the destruction of IDP property. The lack of a remedy for lost property limits IDPs' rights and acts as a barrier to gaining self-reliance since they may not use, inhabit, rent or sell the property left behind.

The issue of property restitution and/or compensation of housing, land and property of IDPs from Nagorno-Karabakh and the surrounding territories is an integral part of the negotiations towards a political resolution of the conflict between Azerbaijan and Armenia under the auspices of the OSCE Minsk Group. The issue of property restitution is also included within the framework of a Return Plan being developed by the Government of Azerbaijan in cooperation with UNHCR and other UN agencies in Azerbaijan for use in the event of a settlement of the Nagorno-Karabakh conflict.

In developing a remedy for lost housing, land and property, international experts on property issues in relation to forced displacement and the "Pinheiro principles" should be consulted. These principles are based on existing international human rights law and standards, as well as lessons-learned from other post-conflict situations.

Effect of no property remedy on IDPs

The majority of IDPs interviewed by UNHCR in 2007 believed that they would be able to regain their lost property with the help of the Government after a peaceful settlement of the conflict (UNHCR, October 2009). Many stated they have documentation, keys to houses and that archives exist, in which their former property is registered (UNHCR, 2009). Another report stated that only a small minority of internally displaced persons hold documentation to prove their ownership (UN HRC, 15 April 2008).

It is not clear to IDPs how current property ownership will affect their right to reclaim their lost property. Some fear that owning property now will result in the loss of eligibility to receive a remedy for lost housing, land and property when a political resolution to the conflict is agreed. In one case reported to Amnesty International, an internally displaced man told how he had bought a house outside Baku under a friend's name since he fears that as a homeowner he would lose out on rights to housing, land and property restitution in the event of a peace agreement (AI, 28 June 2007).

Property cases at European Court of Human Rights concerning IDPs

IDPs in Azerbaijan have reportedly sent more than 1000 applications to the European Court of Human Rights against Armenia (APA, 20 February 2009; Trend, 11 December 2008).

In *Jafarov v. Azerbaijan* (17276/07), *Gulmammadova v. Azerbaijan* (application no. 38798/07) and *Hasanov v. Azerbaijan* (no. 50757/07), the applicants were holders of occupancy vouchers for flats in a recently constructed building in Baku currently occupied by internally displaced persons from regions under the control of Armenian military forces. They both complained about the non-enforcement of domestic court judgments which had ordered the occupants' eviction. The failure to ensure the execution of the domestic court judgment for several years, followed by the reliance on the Presidential Order of 1 July 2004 in order to formally postpone the execution, resulted in a situation where the applicants were forced to bear an excessive individual burden.

The Court considered that, in the absence of any compensation for having this excessive individual burden to be borne by the applicants, the authorities failed to strike the requisite fair balance between the general interest of the community in providing the IDPs with temporary housing and the protection of the applicants' right to peaceful enjoyment of his possessions. There had accordingly been a violation of Article 1 of Protocol No. 1 to the European Convention on Human Rights. The ECtHR decided that the government of Azerbaijan must enforce the impugned domestic judgments within three months from the date on which the Court's judgments become final (ECtHR, 22 July 2010; ECtHR, 11 May 2010).

See also *Akimova v. Azerbaijan* (application no. 19853/03).

Domestic law relating to property of IDPs and others

The following compilation of domestic law relating to property in Azerbaijan was taken from European Court of Human Rights judgments (ECtHR, 22 July 2010; ECtHR, 11 May 2010).

Housing Code of 8 July 1982

Azerbaijani citizens are entitled to obtain the right of use of apartments owned by the State or other public bodies under the terms of a tenancy agreement (Articles 10 and 28). A decision to grant an apartment is implemented by way of issuing the citizen with an occupancy voucher from the local executive authority (Article 48). The voucher serves as the sole legal basis for taking possession of the apartment designated therein (Article 48) and for concluding a tenancy agreement between the tenant and the housing maintenance authority (Article 51). The right of use of apartments is granted for an indefinite term (Article 10).

Law on Privatisation of Housing of 26 January 1993

Individuals residing, pursuant to a tenancy agreement, in apartments owned by the State and other public bodies have a right to transfer those apartments into their private ownership (Article 1). Such privatisation is voluntary and free of charge (Article 2). The right to privatise a State-owned apartment free of charge may be exercised only once (Article 7).

Law on Social Protection of Internally Displaced Persons and Equivalent Individuals of 21 May 1999

IDPs are defined as "persons displaced from their places of permanent residence in the territory of the Republic of Azerbaijan to other places within the territory of the country as a result of

foreign military aggression, occupation of certain territories or continuous gunfire” (Article 2). IDPs may be allowed to temporarily settle on their own only if the rights and lawful interests of other persons are not infringed. Otherwise, the relevant executive authority must ensure that the internally displaced persons are resettled in other accommodation (Article 5).

Regulations on Settlement of Internally Displaced Persons in Residential, Administrative and Other Buildings Fit for Residence or Feasible to make to Fit for Residence, adopted by the Cabinet of Ministers, Resolution No. 200 of 24 December 1999 (“the IDP Settlement Regulations”)

Article 4 of the IDP Settlement Regulations provides as follows:

In order to prevent the eviction of internally displaced persons from dwellings in which they settled between 1992 and 1994, the legal force of the occupancy vouchers issued by the relevant authorities to individual citizens in respect of those dwellings shall be temporarily suspended.

Regulations on Resettlement of Internally Displaced Persons in Other Accommodation, adopted by the Cabinet of Ministers Resolution No. 200 of 24 December 1999 (“the IDP Resettlement Regulations”)

Article 4 of the IDP Resettlement Regulations provides as follows:

In cases where the temporary settling of internally displaced persons breaches the housing rights of other individuals, the former must be provided with other suitable accommodation”

Order of the President of the Republic of Azerbaijan of 1 July 2004 on Approval of the State Programme for Improvement of Living Conditions and Increase of Employment of Refugees and Internally Displaced Persons

In the order, *inter alia*, the relevant state organs of the Republic of Azerbaijan are instructed that until the return of the IDPs to their native lands or until their temporary settlement in new houses, IDPs should not be evicted from public apartments, flats, land and other premises, regardless of ownership, they had settled in between 1992 and 1998.

Code of Civil Procedure of 1 September 2000 (“the CCP”)

A judge examining a civil case may, at the request of a party to the case, decide to postpone or suspend the execution of the judgment or change the manner of its execution because of the parties' property situation or other circumstances (Article 231).

Livelihoods

Human rights standards

A livelihood comprises the capabilities, assets and activities required for a means of earning a living. The provision of livelihoods is closely related to a variety of rights, including the right to work, the right to adequate food, the right to education and the right to private property and access to land.

[Guiding Principle 22\(1\)\(b\)](#)
[ICESCR Articles 6 and 7](#)
[UDHR Article 23](#)
[CRC Article 32](#)
[CEDAW Article 11\(1\)\(a\)](#)

[CERD Article 5\(e\)\(i\)](#)
[ESC Article 1, Part II](#)
[ICCPR Article 8\(3\)\(a\)](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Sources of income of IDPs

The World Bank, Danish Refugee Council and World Food Programme reported in 2010, 2007 and 2006 respectively that the sources of income for IDPs in descending order were government allowances for IDPs, social transfers and employment and trade (World Bank, 1 March 2010; DRC, 30 November 2007; WFP, April 2006). The situation was the opposite for the non-displaced, who earn most of their income from wage labour and self-employment (World Bank, 1 March 2010; DRC, 30 November 2007).

Government assistance

Government assistance for IDPs and other types of social transfers are the main source of income for 73 per cent of internally displaced households (World Bank, 1 March 2010). IDPs are entitled to a range of government benefits and services, which include monthly subsistence allowance, income tax deductions and free accommodation, utilities and heating fuel. In addition, about 14,000 IDPs who were employed by the state prior to the war have continued to be paid since displacement (Government of Azerbaijan, 9 April 2009). In late 2010, over 542,000 IDPs were receiving the monthly subsistence allowance and over 76,000 families were to receive heating fuel (Government of Azerbaijan, 8 November 2010). Not all eligible IDPs were able to access benefits due to lack of registration or documents, and this particularly affected vulnerable groups such as poor single headed households, orphans and persons with disabilities (UNHCR, 30 October 2009).

The UN Representative of the Secretary General on the human rights of IDPs remarked after visiting Azerbaijan in 2007 that IDPs were generally not dramatically worse off than the non-displaced population. He attributed this to sustained government support and assistance (UN HRC, 15 April 2008). While on the surface this may be the case, a 2007 Danish Refugee Council study found that the income of IDPs was lower than that of non-IDPs, even with government assistance included. The Representative was at the same time concerned that a significant number of rural internally displaced persons seemed to have grown dependent on government assistance, which interfered with their self-reliance (UN HRC, 15 April 2008). Others have also concluded that assistance has not significantly improved the financial situation of IDPs, and has rather led to a dependency syndrome (UNHCR, 30 October 2009; BBC, 18 February 2008). While the dependence of IDPs on government transfers could be a source of stability to their incomes, it makes IDPs vulnerable to any future changes in policy and also may risk weakening the resolve of IDPs to strive for self-reliance (UNHCR, 30 October 2009; World Bank, 2010). The full economic and social potential of this sector of the population is inhibited and state subsidies continue to pose a large fiscal drain.

Employment and trade

About 15 per cent of IDPs rely on earnings from employment and trade as their main source of income (World Bank, 1 March 2010). IDPs engage in various activities to generate income, even if jobs do not reflect their qualifications (UNHCR, 30 October 2009).

In rural areas only a minority of IDPs work in schools, medical clinics, agriculture, small canteens or small factories constructed by the government (UN HRC, 15 April 2008; IDMC, 12 December 2007). IDPs who were employed reported that they still struggled to cover their costs due to unstable and temporary work, low salaries, and instances of exploitation in the labour market (UNHCR, 30 October 2009). Some IDPs work in the local state administrations where income is higher, but driving a private taxi is one of the most common jobs for males in rural areas (AI, 28 June 2007; Eurasianet, 26 September 2007).

IDPs find jobs more easily in cities, but mainly in the informal sector where no residence permit is required (WFP, April 2006; AI, 28 June 2007; BBC, 18 February 2008). This includes informal daily labour such as trading, construction, cleaning, repair work, gardening or agricultural activity, which all provide low and erratic income (UNHCR, 30 October 2009). Though, income is higher in Baku than in rural areas (Eurasianet, 26 September 2007). Vocational training programmes for youth in cities have led to their steady income (UNHCR, 30 October 2009).

Employed internally displaced women mostly work in the informal sector (UNHCR, 30 October 2009).

Barriers to employment of IDPs

Unemployment was still higher for IDPs according to 2008 data (13 per cent) than the general population (9.8 per cent) (World Bank, 1 March 2010; UN, 11 August 2010; UN ECE, 18 November 2010; DRC, 30 November 2007; AI, 28 June 2007). In late 2010, the website of the State Committee on Refugees and IDPs reported that 11 per cent of able-bodied IDPs were unemployed. More IDPs (over 50 per cent) were not active participants in the labor force, either working or looking for jobs, compared to the general population (36 per cent) (World Bank, 1 March 2010). The livelihoods status of returned IDPs was unknown in late 2010. In 2008 they had been lacking the necessary inputs and investments to reintegrate and re-establish their livelihoods (NRC, 29 February 2008). Many IDPs view high unemployment as one of their main hardships in comparison to the local population (UNHCR, October 2009; WFP, April 2006).

Unemployment is particularly acute among internally displaced women. In a 2008 survey internally displaced and refugee women said unemployment and their low income were their main problems (WARD, 2009). A 2005 UNIFEM survey showed that only 13 percent of internally displaced women work, and that many more internally displaced women were unemployed than internally displaced men and non-displaced women. A government survey in 2005 found only 12.7 per cent of displaced women formally employed compared to 92.8 per cent of rural local women. The World Bank reported in 2010 that there had been a large increase in Azerbaijan's female employment rate, mainly in the informal sector, though it was not clear whether this was also the case for internally displaced women (World Bank, 1 March 2010).

Few jobs

IDPs attribute their unemployment to several reasons. Firstly, there are few jobs, income generation or training opportunities in rural areas (UNHCR, October 2009; UN HRC, 15 April 2008). Some IDPs have therefore left the settlements to search for jobs elsewhere (UNHCR, October 2009; IDMC, November 2009; IDMC, 12 December 2007). IDPs seem to find jobs more easily in urban centres, but they face particular difficulties accessing official employment there without residence registration (UN HRC, 15 April 2008; AI, 28 June 2007). Others feared they would lose their right to housing in rural areas if they moved and so preferred to stay unemployed at their current residence.

Remote location

Secondly, the remote location of some new settlements limits the possibilities of IDPs to become self-reliant. The availability of vocational training, micro-finance and support in establishing small to medium scale businesses in these areas has been limited and where such initiatives have taken place, they have not yet yielded visible results (UN HRC, 15 April 2008). Transportation to and from work opportunities in district centres is a significant expense for these IDPs and is an obstacle to search for and sustain employment (UNHCR, October 2009). Making a living through agriculture is difficult in some settlements because of the lack of irrigation, salty soil unsuitable for agricultural activity, insecurity and the absence of transportation links to relevant markets (AI, 28 June 2007).

Inadequate skills

Thirdly, many IDPs need to upgrade their skills. Qualifications obtained by IDPs before their displacement are recognized, but the skills and work habits of many of the long-term unemployed have eroded which complicates their reintegration into the labor market (UNHCR, October 2009). UNHCR also reported that IDPs can sometimes be at a disadvantage in employment in relation to resident populations due to their rural origins and related specialized skills, as well as their lack of key information and networks (UNHCR, October 2009).

Micro-credit programmes largely unsuccessful

Fourthly, micro-credit has not helped IDPs secure a steady, sufficient income. The government and local and international humanitarian and development organisations have allocated significant funds for micro-credit and income generation projects for IDPs (Government of Azerbaijan, 1 February 2008; UNHCR, October 2009). While there have been some successful cases, these did not yet seem to have been fully carried out nor to have yielded visible results (UN HRC, 15 April 2008). This was in some cases because of high interest rates, lack of collateral and lack of skill training (UNHCR, October 2009; NRC, 29 February 2008).

Nepotism

Fifthly, IDPs have reported that without relatives or informal connections who could expedite the securing of employment in the public sector, jobs could only be obtained through the payment of bribes (AI, 28 June 2007; IDMC, 12 December 2007).

Barriers specific to internally displaced and other women are the lack of childcare, their male relatives do not allow them to work or they are unwilling to work (Praxis, June 2008; UNHCR, October 2009).

Limited participation of IDPs in economic life result in the isolation of IDPs, loss of professional qualifications, and worsening economic and psychological plight of their families (UNHCR, October 2009; UNDP, 30 September 2007; World Bank, 1 March 2010).

IDPs' access to land for livelihood

The government of Azerbaijan allocated some 60,000 hectares of state and municipal land to IDPs. The government also reported that it had created 760 farms providing livelihoods for about 47,000 IDPs (Government of Azerbaijan, 3 April 2008). Internally displaced households resettled to new settlements receive land plots of up to 1,200 square metres and in some cases they may

also receive plots of up to one hectare outside the perimeter of the settlement. They also receive a subsidy for equipment and tools (in the region of US\$220).

In 2007 the Danish Refugee Council reported that a minority of IDPs in rural areas have land plots and property, whereas the majority of the non-displaced in rural areas have land plots and property (DRC, 30 November 2007). Amnesty International also reported in 2007 that 12.4 per cent of the non-displaced population works on their private farm as their main source of income, whereas only 2.8 per cent of the internally displaced do so (AI, 28 June 2007). Similarly, in 2006, the World Food Programme reported that around 10 per cent of all IDP households were involved in farming, in contrast to 39 per cent of the non-displaced population (WFP, April 2006). As the majority of IDPs live in urban settings, the allocation of agricultural land may improve self-employment and reliance prospects of only a small proportion of the displaced population (UNHCR, October 2009).

Not all IDPs have benefited from land allocation. IDPs who were moved to settlements more recently have not benefited from this right (UNHCR, October 2009). In some cases, land has not been available due to lack of fertile land plots next to the settlements or plots processed through land reform are given to municipalities for other purposes. Municipal authorities have been reluctant to give IDPs land since they are seen as temporary residents or they prefer to make an income from renting land (DRC, 30 November 2007). Those who received the subsidy often spent it on other expenses since the amount is insufficient to purchase tractors or other equipment (AI, 28 June 2007; DRC, 30 November 2007).

The allocated land plots have only generally allowed IDPs to feed themselves. This is because land is salty, there is lack of irrigation and IDPs do not have the means to invest in equipment (IWPR, 24 Sep 2010; DRC, 30 November 2007; UNIFEM, July 2006). The result is a poor harvest, usually only sufficient to feed the family and not enough to earn an income with (DRC, 30 November 2007).

Poverty situation of IDPs and their coping strategies

Poverty rate

Data from 2008 show that the incidence of poverty among IDPs was about the same as for the general population. Just over 11 per cent of all IDPs were estimated to be poor (AZN 50 per capita per month). The percentage was around the same in rural areas and towns while it was much higher in cities outside of Baku (18.3 per cent) and for IDPs who were living in private accommodation (29.2 per cent) (World Bank, 1 March 2010).

There was a substantial reduction in poverty during 2000s, mainly in urban areas, due to significant economic growth and policies and programs that improved distribution of wealth (World Bank, 1 March 2010). According to the government of Azerbaijan, the poverty rate of IDPs decreased from 75 per cent to 25 per cent (Government of Azerbaijan, 30 November 2009). World Bank data also show a decrease in poverty as in 2005, over 60 per cent of IDPs were living in poverty in rural settlements, while about 41 per cent of IDPs were living in poverty in urban areas (World Bank, June 2005).

Divorce or abandonment often plunges a woman into poverty in Azerbaijan. The mother usually assumes sole responsibility for the children and if the marriage was not officially registered, she cannot claim alimony for the children and herself. If she married young, is under-educated and has few income-generating skills, her poverty may be acute (UNICEF, 2009; Praxis, 2009).

Vulnerability

The World Bank reported in 2010 that IDPs were more vulnerable than the local population since they depended on sources of livelihood outside of their control. Reliance on state transfers may protect IDPs from extreme poverty and cushion the impact of financial shocks, leaving them vulnerable to abrupt changes in state policy. Women (displaced and not) also faced the most risk to fall below the poverty line. Past studies have shown internally displaced households were slightly better off than the population at large because of the government benefits and subsidies received, including free or low cost housing (UNHCR, October 2005; WFP, 2006).

Result of poverty

Impoverished internally displaced families cope with poverty in a variety of ways. Some IDPs rely heavily on their neighbours, relatives and the elderly to supplement their income by pooling income, pensions and social assistance and taking credits (UNHCR, October 2009; DRC, 30 November 2007; UNIFEM, July 2006; Balikci, June 2004). Some parents may send their children to work rather than to school, though the prevalence of this issue for IDPs has yet to be determined (UNHCR, October 2009; UNICEF, 2009; Praxis, 31 July 2007; IDMC, 12 December 2007). Some families may seek to marry their daughters off as quickly as possible since they cannot support and educate them (UNICEF, 2009). There is no evidence that IDPs resort to survival sex as a result of their vulnerable economic situation, though there were reports of this in the past (UNHCR, October 2009; UNHCR, December 2006).

National response and recommendations to improve access of IDPs to livelihoods

National response

In late 2010, the website of the State Committee for Refugees and IDPs reported that from 2001-2008, 263,000 refugees and IDPs were provided with work, 2,062 had received unemployed status, 932 were involved in paid social work, 710 were involved in vocational training and 5,099 families received unemployment allowance. Additionally, more than 27,814 workplaces were formed in new settlements with more than 5,000 in agriculture. The government had also allocated significant funds for micro-credits for IDPs. In the first half of 2010, 21,000 people, including 13,900 thousand IDPs have benefited from 39 micro projects run by the Social Development Fund of IDPs (Government of Azerbaijan, 19 July 2010).

According to Azerbaijan's legislation, IDPs have privileged access to the labor market. Article 4 and 7 of the law of the Republic of Azerbaijan "[On social protection of internally displaced persons and persons equated to them](#)" state that IDPs shall be provided with employment and lists measures to be taken for such provision. Article 6 states that IDPs will be provided with temporary land plots and preferential loans.

The Presidential Order of 1 July 2004 approved the State programme to improve the living conditions and increase employment of refugees and displaced persons. The programme includes micro-credit and income generation projects, but in 2008 these did not yet seem to have been fully carried out nor to have yielded visible results. The government reportedly created special workplaces for internally displaced women, though it is not clear whether and to what degree they have improved the lives of these women (UN HRC, 15 April 2008).

The National Employment Strategy 2006-2015 and the corresponding state programme on implementation of the strategy adopted by presidential decree in 2007 and the 2007-2012 State

Programme for development of vocational training education may also improve access of IDPs to livelihoods (European Commission, 12 May 2010).

The 2008-2015 State Programme on Poverty Reduction and Sustainable Development envisages the development of the non-oil economic sector as well as the improvement of living conditions of IDPs (Government of Azerbaijan, 13 November 2008).

For more information on national response to livelihoods of IDPs, see the website of the [State Committee for Refugees and IDPs](#).

Recommendations

Assistance to IDPs should be given according to need. Poor IDPs in cities outside Baku and IDPs in private accommodation should be prioritised since their poverty rate is highest amongst IDPs (World Bank, 1 March 2010). The World Bank also highlighted the need to create off-farm employment in rural areas (World Bank, 1 March 2010).

In late 2010 the World Bank was embarking on a project to improve access of IDPs to livelihoods. A nationwide analysis and evaluation of self-reliance and vocational programmes for IDPs could help to determine the factors necessary for success thereby contributing to the improvement of existing activities and the development of new activities (UNHCR, October 2009).

Participants at a workshop on IDP protection in Azerbaijan made several recommendations on improving self-reliance among IDPs. These included additional micro credit projects with better conditions; establishment of businesses in or near to IDP communities such as carpentry shops, seamstress workshops, bakeries, and car repair service centres; increased vocational training programmes, especially for youth in rural areas, and improved possibilities for agricultural work such as greenhouses (UNHCR, 3 March 2010; UNHCR, October 2009). Internally displaced women reported they wanted sewing and weaving courses and kindergartens for their children (Praxis, June 2008).

The UN Representative of the Secretary General on the human rights of IDPs has made multiple recommendations to improve the access of IDPs to livelihoods. These include maintaining exemptions, humanitarian assistance and grant allowances for IDPs while conducting a needs assessment to determine number of IDPs still requiring assistance; ensuring that new settlements for IDPs are suitable for agricultural purposes and that economic opportunities are foreseen in the planning; making efforts to create, improve and expand income-generating activities, skills training and microcredit programmes for internally displaced persons, with particular attention to be paid to women; and ensuring that the needs and concerns of internally displaced persons are adequately reflected in general policies and programmes, including those for poverty reduction (UN A/65/282, 11 August 2010; UN RSG, 26 May 2010; UN HRC, 15 April 2008). UNHCR also recommended more help for IDPs to find work (IWPR, 12 June 2009).

The Norwegian Refugee Council advocated for mainstreaming IDPs into general poverty-reduction programs. They also called for a gradual shift of emphasis in the beneficiary definition from displacement-based to needs-based. Systematic involvement of IDPs themselves in all stages of planning and implementation of activities on their behalf will only prove value added (NRC, 30 April 2008).

The Danish Refugee Council advocated that promoting economic and labour activity of IDPs, increasing their knowledge in the field of entrepreneurship and developing infrastructure in the settlements where they live, rather than making them passive receivers of minimal and inadequate assistance, would result in the improvement of economic conditions of IDP families (DRC, 30 November 2007).

Education

Human rights standards

The right to education is recognized by several human rights treaties and other documents relating to the rights of internally displaced people.

[Guiding Principle 23](#)

[ICESCR Article 13](#)

[UDHR Article 26](#)

[CRC Article 28\(1\)](#)

[CEDAW Article 10](#)

[CERD Article 5\(e\)\(v\)](#)

[ECHR Protocol I Article 2](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Separate education of IDPs

In Azerbaijan, displaced parents can choose to send their children to mixed schools or schools specifically for children with IDP status. Separate schools for IDPs were established at the time of displacement in order to preserve the social fabric of displaced communities. In 2004, 60 per cent of children with IDP status were attending school separate from children without displaced status (World Bank, 2004). Separate education takes place in different school facilities or within separate classes on school premises shared with mixed schools.

IDPs reported that they do not feel separate education to be discriminatory or problematic, as IDP schools generate employment for IDPs and are often perceived as being of higher quality than local schools (UNHCR, October 2009; NRC, 30 November 2007). Furthermore, they want their children to be taught by internally displaced teachers and study with the children of other IDPs. Keeping memories of displaced parents' place of origin alive in their children is also an important mission of IDP schools (EurasiaNet, 22 September 2010; NRC, 30 November 2007). However, adolescent (14-17) girls said that they would prefer to go to the same school as local children if they had the financial resources and were able to choose (UNHCR, October 2009).

Some observers argue that separate education of children with IDP status contributes to the isolation of the internally displaced community from the local population and leads to a lower quality of education (UNHCR, October 2009; EurasiaNet, 22 September 2010; UN HRC, 15 April 2008; Brookings-Bern Project on Internal Displacement, 16 May 2006; UN Committee on the Rights of the Child, 17 March 2006). Some add that separate education can cause tension among IDP and local children as it can appear to highlight the former's privileged status (UNHCR, October 2009). However, the effects of separate education of IDPs and children of IDPs on their integration have not been studied. There is a need for reliable data on the separate education of IDPs and their children in Azerbaijan and conclusions on its effects.

IDPs' access to education

Hostilities during the war destroyed more than a thousand educational institutions and about 131,000 students as well as 20,000 employees of the educational system became IDPs. Most of the refugees from Armenia and IDPs forced to leave the occupied territories have been temporarily housed in the buildings of kindergartens and schools (UNDP, 30 September 2007). After more than 15 years in displacement, the vast majority of people who were physically displaced during the war have completed their education. Their children with IDP status are entitled to exemptions and benefits to access education.

Enrolment

Children with IDP status access primary and secondary education in Azerbaijan on a par with children without IDP status. They may attend all levels of education free of charge. No reliable countrywide enrolment data for children with IDP status is currently available (UNHCR, October 2009). The ratio of the number of children of official school age who are enrolled in primary school to the total population of children of official school age was 85 per cent (UNICEF, December 2008). About 90,000 children are out of school and have never enrolled, and 41 per cent of children that are the age to enroll in the first year of primary school are not enrolled. According to UNICEF, the real challenge in access lies in early childhood and upper secondary education.

Azerbaijan spends few public resources on higher education, leaving a very high burden to be carried by families. Consequently, tertiary education is prohibitively expensive for poorer households. Even among the richest individuals, the World Bank found that enrolment rates in higher education are rather low. Enrolment rates in postsecondary education are also slightly higher among boys than among girls, which was not the case at the primary level. Poor enrolment rates in tertiary education are likely to be explained by high private cost of attending higher education institutions (World Bank, 1 March 2010).

Barriers to access

The main barrier to accessing education for children and youth with IDP status is financial. Students with IDP status at the primary level are to benefit from free school bags, uniforms and supplies. However, displaced parents report they do not always receive these items and so must pay for them. These costs as well as informal payments for electricity, teacher gifts and securing a good place in class are significant for the family budget and interfere with the access of children and youth with IDP status to education (UNHCR, October 2009; IDMC, 12 December 2007; CoE, 24 May 2007; Government of Azerbaijan, 2005, p. 48; US DOS, 11 March 2010; US DOS, 11 March 2008; US DOS, 6 March 2007).

Although youth with IDP status may attend state universities free of charge if they pass entrance examinations, not all are able to afford to move to and live in large urban areas and some boys were expected to work to support their family financially. The Minister of Education suspected that children with IDP status were overall less likely to enroll at university, partly due to financial constraints or a socially induced lack of motivation, but due to the lack of data this could not be verified (UN HRC, 15 April 2008). Poverty has therefore caused some students to drop out of school or not continue their studies, and at the primary and secondary level girls usually drop out before boys (UNHCR, October 2009; Praxis, 31 July 2007; UNIFEM, July 2006; US DOS, 11 March 2010; US DOS, 11 March 2008; US DOS, 6 March 2007; World Bank, 1 March 2010).

Access of girls to education is also affected by early marriage. This particularly affects adolescent girls. Many parents value a daughter's proficiency in performing the household chores higher than

the education they obtain in schools and some believe younger girls are more fertile and should therefore marry young (UNICEF, 2009). A UNICEF study found that in the absolute majority of cases of early marriage studied, women did not continue their education after marriage: only 2 percent of married girls continued their education (UNICEF, 2009).

Children with disabilities in internally displaced communities are not generally hindered from attending schools as a matter of government policy. However, in practice they are often not able to attend school due to the lack of necessary facilities and support responding to their specific needs (UNHCR, October 2009).

IDPs' quality of education

Current information on whether and how the quality of education for children with IDP status differs from that for non-displaced children is not available. However, there are several issues interfering with the quality of education IDPs receive.

Poor living conditions

In a 2007 UNHCR assessment, children, adolescents and youth said they needed more privacy to study and develop (UNHCR, October 2009). Those living in collective centres and makeshift shelter said conditions were crowded and they did not have adequate space to study. These poor living conditions negatively affect the school performance of children with IDP status (UN HRC, 15 April 2008).

Lack of adequate facilities

School facilities were reportedly better in urban than rural areas. However, despite the Government's efforts, many schools for children with IDP status remained in worse shape than local schools, some of which also suffered, for example, from a lack of heating during winter months (UN HRC, 15 April 2008). The 2007 UNHCR assessment also showed that children, adolescents and parents thought the lack of adequate educational facilities was an obstacle to their education. They expressed the wish for school repairs, provision of equipment (furniture, computers, and school supplies) and construction of playgrounds (UNHCR, October 2009; UNIFEM, 2006). Of concern was also the availability of appropriate drinking water in schools (WFP, April 2006).

Poor quality teaching

According to the Minister of Education, teachers working in separate schools for IDPs and their children were often themselves stressed and suffering from psychological problems due to their displacement (UN HRC, 15 April 2008). Some were in need of updating their professional skills towards child-friendly teaching methods in line with the government reform toward active learning (UN HRC, 15 April 2008). Computer training would also be useful, as computers are lying idle in some schools since teachers do not know how to use them (Praxis, November 2009). Others used corporal punishment and threatened some students, which made these children feel unsafe (UNHCR, October 2009). Such an environment clearly reduces the quality of instruction and the opportunities children have to learn. While Azerbaijan has made progress in reducing its teacher/pupil ratio, additional qualified teachers are needed in many schools in particular in rural IDP settlements (World Bank, 1 March 2010; IDMC, 22 November 2009).

Student performance

The literacy rate of IDPs equals that of the general population (UN HRC, 15 April 2008). Data on the school performance of IDPs and children with IDP status compared to non-displaced students were unavailable. However, the World Bank found that there is surprisingly little difference between children from rich and poor households in their performance on standardized tests, especially in mathematics (World Bank, 1 March 2010).

The World Bank reported in 2010 that schools in Azerbaijan were producing mediocre learning outcomes. The school system had a low total percentage of repeaters (0.3%) and a high primary school completion rate (97%). With high completion rates and low performance on measures of learning outcomes, these figures indicate that schools lack minimum standards of learning. Children are being passed from grade to grade whether they have learned the required material or not. The average performance of Azerbaijani students in mathematics equals that of much richer countries, but students' reading scores were low on international tests (World Bank, 1 March 2010).

National response to education of IDPs and recommendations

National response

The government has embarked on reforms to improve the country's education sector. The 2005–2014 educational reform project supported by the World Bank aims to improve the effectiveness of teaching and learning in general education. In 2007, the government increased the Ministry of Education's budget by 57 per cent and adopted an Active Learning approach for the new national curriculum and teacher training programmes (UNICEF, December 2008).

Other reforms to strengthen the education system include construction of more public schools and rehabilitation of existing schools and their provision with modern educational equipment; adoption of the state programme (2008-2012) to upgrade educational system with information technology; adoption of the state programme (2006-2010) targeted at youth with special talents; and programs to revive preschool education (World Bank, 1 March 2010).

The government provides students with IDP status with free school bags, uniforms, textbooks and stationery as well as free tuition for higher education (Trend, 6 September 2007; Government of Azerbaijan, 2005, p. 109). Over 700 schools had been built or renovated to ensure displaced children could go to school and these schools have 90,000 students and 12,000 teachers (UNIFEM, 2006).

Recommendations

Participants at a workshop on IDP protection in Azerbaijan made the following recommendations with respect to education of IDPs: undertake an assessment of the current conditions of separate schools for children with IDP status with a view to prioritising improvement of facilities; organise various trainings and courses for teachers, specifically aiming to improve computer and internet skills; initiate projects focusing on prevention of violence among students, teachers and parents; raise awareness about the negative effects of early marriages; offer support to families who are unable to cover the cost for the uniforms; and restore existing playgrounds in internally displaced communities (UNHCR, 3 March 2010).

The UN Representative of the Secretary General on the human rights of IDPs recommended undertaking an assessment of the quality and educational needs of internally displaced persons with a view to ensuring that they benefit from the same quality of education as other children, and

from the social integration and employment opportunities that schooling should offer (UN RSG, 26 May 2010).

Other recommendations included:

Provide economic incentives for teachers to teach in internally displaced communities, especially in rural areas

Collect data on children who missed substantial parts of their education as a result of displacement and who may today need additional study in certain areas

Closely monitor dropouts by adolescent girls to ensure that those who dropout due to early marriage are aware of documented consequences

Ensure access to all levels of school, especially for the poor since education is a way out of poverty

Match the training provided by the education system with the skills demanded by a dynamic and growing economy by improving coordination between the labor and education ministries

Study the effects of separate education of IDPs and their children on their integration

FAMILY LIFE, PARTICIPATION, ACCESS TO JUSTICE AND OTHER CIVIL AND POLITICAL RIGHTS

Family Life

Human rights standards

The main issues related to IDPs' family life that have important human rights implications include separation of family members, including children, right to privacy and family, the right of the child to be reunited with the family and the fate of missing relatives. The most relevant human rights standard is the right to privacy, family and correspondence.

[Guiding Principles 16 and 17](#)

[UDHR Article 12](#)

[CRC Articles 9 and 16](#)

[ICCPR Articles 17 and 23](#)

[ECHR Article 8](#)

[ICESCR Article 10\(1\)](#)

[ESC Article 16](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

Family life of IDPs

Split families

The retention of the internal registration system coupled with the fact that the internally displaced in rural contexts have been housed in places with little or no access to work have resulted in men leaving for the cities in search of means to make a better living, while women and children remain in the household's registered residence in order to remain eligible for food and other state assistance which they may only receive there (AI, 28 June 2007).

Missing family members

Over 4,500 people are still missing from the conflict (ICRC, 30 Aug 2010). The International Committee of the Red Cross traces family members in Azerbaijan in cooperation with the State Commission on Prisoners of War, Hostages and Missing Persons of Azerbaijan and the Azerbaijan Red Crescent Society (ICRC, 30 Aug 2010; UNHCR, 30 October 2009). This has included conducting a broad survey and visiting the families of missing persons who are willing to discuss the circumstances in which their relatives disappeared and the physical characteristics of those who went missing, and a survey (ICRC, 31 December 2009). Despite these efforts, thousands of people are still without information on the whereabouts and fate of those missing.

Separated children

Accurate data on the number of unaccompanied or separated internally displaced children is difficult to establish. During participatory interviews conducted by UNHCR with IDPs in 2007, no cases of separated or unaccompanied children were reported, although a small number of orphans were identified. Most children, who have lost their parents, live with other relatives and do not report their situation to the government authorities. The government of Azerbaijan provides social assistance to internally displaced orphans on the same basis as to other IDPs. Internally displaced communities show a strong commitment in taking care of orphans through elders and the support system of the community (UNHCR, 30 October 2009).

New families

Given the protracted nature of displacement, displaced families have grown over time. People displaced as children have grown, married and had children of their own. These newly formed families have reportedly been refused registration by local authorities, apparently because they do not want the number of families eligible for benefits to grow. Benefits allocated on the basis of households have consequently decreased relative to the number of heads in the household. The reasons for refusing the registration of new families are reportedly government reluctance to see the number of family units eligible for benefits grow, and in the case of the capital, reluctance to do anything that would further encourage the migration of internally displaced persons from rural areas to Baku (AI, 28 June 2007).

Documentation and citizenship of IDPs

Human rights standards

Personal documentation can represent the means necessary to access certain rights. The main rights related to the issue of documentation are the right to recognition before the law, the right to vote, and the right to access education, work, social benefits and other economic, social and cultural rights.

[Guiding Principles 20](#)
[UDHR Articles 15 and 19](#)
[CRC Articles 7](#)
[ICCPR Articles 16 and 24](#)
[CEDAW Article 9](#)
[ECHR Article 10](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

IDPs face difficulty in securing documents

The documents of many IDPs were left behind or destroyed during the conflict and the archives were also destroyed (Praxis, 30 April 2007). Some IDPs have faced difficulty having their documents reissued and have therefore had problems accessing services and entitlements and faced the threat of eviction, while others have managed to obtain documents with legal

assistance. The lack of documents has prevented IDPs from integrating where they are currently living.

IDPs are generally eligible to obtain the same documentation as nationals, such as passports, marriage, birth and death certificates. However, IDPs often face difficulties obtaining necessary documentation due to the remoteness of rural settlements from relevant authorities and their limited knowledge of complex administrative and judicial procedures. The main documents that IDPs have trouble obtaining are birth certificates, civil status and other documents, as well as IDP certificates and registration. IDPs who fled without essential documents quite often face bureaucratic obstacles and delays in obtaining originals from their place of origin limiting access to IDP documentation and some related assistance (UNHCR, 30 October 2009).

This is particularly true for vulnerable groups, such as single female households, orphans, children above 16 and elderly IDPs as they are usually dependent on others and have insufficient knowledge about legal procedures and necessary documentation (NRC, 29 February 2008; UNHCR, 30 October 2009). The result is, for example, that elderly IDPs do not receive their due pension (Praxis, 22 February 2008; IDMC, 22 November 2009). In the majority of cases, however, IDPs must access the court to establish their identity and legal assistance has helped many IDPs gain the documents they need to access their rights (NRC, 31 May 2007; UNHCR, 30 October 2009).

IDP certificates

IDPs in Azerbaijan must apply to the State Committee for Refugees and IDPs (SCR) in Baku in order to be registered and obtain IDP documentation. IDP certificates are provided to all IDPs above the age of 16 upon the provision of documentation providing evidence of their place of origin. For IDPs aged 16 and below originals and copies of identification documents of their parents have to be submitted. Some IDPs reported there was a long list of required documents, the application process was inefficient and one had to travel to Baku to submit one's application (IDMC, 12 December 2007; NRC, 30 November 2006).

IDP certificates are formally required for IDPs to access entitlements such as free medical care and exemptions from payment of utilities. Less than half of IDPs were in possession of IDP certificates in 2008 (UN HRC, 15 April 2008). However, the UN Representative of the Secretary General on the human rights of IDPs remarked that the provision of such services was handled in a flexible and generous manner by the authorities to the benefit of IDPs without such card.

UNHCR also reported that in practice, IDPs were often treated in local medical clinics without IDP documentation and the State Committee for Refugees and IDPs had made exceptions for IDPs who have extreme difficulty in obtaining original documentation from their place of origin. However, IDP certificates are always required for government assistance or exemptions from payment of utilities and lower taxes (UNHCR, 30 October 2009).

Discrimination in provision of IDP status

Unlike children of men with IDP status, children of women with IDP status are not entitled to the benefits deriving from the status. As a consequence, they cannot access government assistance, which includes monthly food allowances. Article 4 of the Instructions regulating the distribution of monthly food allowances to IDPs approved by the State Committee on IDPs and Refugees of 5 February 2002 states the following:

The following persons acquired status of internally displaced may receive monthly food allowances:

- 4.1 Persons in the territory of Azerbaijan Republic and holding an IDP status;
- 4.2 Children with parent both of whom are IDPs;
- 4.3 Children with father who holds an IDP status. [unofficial translation]

Children of women with IDP status are therefore discriminated against in the law on the basis of the sex of their parent with IDP status.

Labour and old-age pensions of IDPs

IDPs are entitled to old-age and labour pensions as are non-displaced citizens. In the case IDPs do not have the necessary documents, the authorities should issue them a document proving their work experience and salary. A new law on labour pensions has been in effect since 2006. According to a local NGO, many elderly IDPs are not receiving their due pension since they lost or left behind their labour books during displacement (IDMC, 22 November 2009). The extent of the problem is unknown and deserves further study.

Elections and public participation of IDPs

Human rights standards

The right of citizens to participate in public affairs is widely recognised in international human rights law. Affected populations, including IDPs, are entitled to be informed, consulted and to exert influence on public institutions and public policies affecting them.

Some human rights standards considered to be a pre-condition for free elections include the right to freedom of opinion, expression and information, right to freedom of demonstration and right to freedom of association. The right to participate in the conduct of public affairs includes that women should be involved in the development and implementation of public policy.

[Guiding Principles 22\(d\)](#)

[UDHR Article 21](#)

[CRC Article 12](#)

[ICCPR Article 25](#)

[CEDAW Article 7](#)

[ECHR Protocol 1 Article 3](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

IDPs' participation in elections

Voting

While IDPs could vote in the presidential and parliamentary elections in 2008 and 2010 respectively, they could not vote in the municipal election in December 2009 (Government of Azerbaijan, 27 January 2010; UNHCR, 30 October 2009; Trend, 20 January 2008; CEC, 19

October 2010). IDPs voted in municipal elections in 2004, and there was very lower voter turnout among internally displaced women (UNIFEM, 24 July 2006).

At the national level, internally displaced people elect members of parliament for their pre-war districts of residence. There are seven seats for the seven wholly or partially occupied districts and two seats for Nagorny Karabakh itself (AI, 28 June 2007).

There have been reports of the obstruction of opposition candidates seeking access to the internally displaced in collective centres or new settlements. In urban contexts access to the internally displaced is less easily restricted (AI, 28 June 2007; ICG, 14 November 2007).

Running for office

IDPs are not eligible to stand for office in municipal elections at their current place of residence. Article 212 of the [Election Code of Azerbaijan](#) states that a candidate may only be elected as a municipality member at their place of permanent residence. IDPs are still permanently registered at their place of origin, not their current place of residence. As a result, they cannot be elected at their current electoral constituency.

The number of IDPs participating as candidates in elections is low, however there are encouraging signs of increasing activity, including among women. The lack of active political participation on the part of many IDPs can be explained by the limited opportunities IDPs have to develop leadership skills, gender specific obligations such as domestic chores, and more pressing concerns such as the search for employment (UNHCR, 30 October 2009).

For more information on the electoral participation of IDPs, see [Brookings Institute SAIS, The Voting Rights of Internally Displaced Persons, November 2004, pp.14-18](#), and [IOM, Electoral Displacement in the Caucasus: Georgia and Azerbaijan, September 2003](#).

Participation of IDPs in decisions that affect them

Policies on internal displacement are managed at the district level through local executive bodies, headed by internally displaced persons appointed by the president. These are known as the 'ExComs in exile', preserved with the stated aim of maintaining community structures, retaining community coherence and facilitating return in the event of peace (AI, 28 June 2007). Elected representatives are usually male, although a few IDP communities also have women leaders who are actively engaged in their communities. Family interests are represented by the head of household - usually fathers - who do not necessarily take into account the specific vulnerabilities or needs of their dependents. The presence of active community leaders, the existence of community funds and the quality of relations with local authorities and State Committee representatives also has a significant impact on the effectiveness of community participation (UNHCR, October 2009).

Consultation with IDPs

The government has not involved or consulted IDPs while developing, planning or implementing policies and programmes to address their needs. IDPs living in new villages have explained how they would have welcomed the chance to state their opinion on resettlement beforehand. The views of IDPs have also not been sought in negotiations for a peace agreement and they have limited information on the process (UNHCR, October 2009; BBC, 18 February 2009; ICG, 14 November 2007).

Dialogue and consultations with IDPs have tended to be rather ad hoc in nature and have not ensured that all the needs and concerns of IDP men, women, boys and girls - and in particular those with specific needs - are adequately taken into account. Whilst the government is taking gradual steps to include IDPs in solutions relating to accommodation and education, continuous efforts are required to ensure full participation of IDPs in the decisions affecting their lives (UNHCR, October 2009).

Access to information

In the 2007 participatory assessment, IDPs reported having free access to information media such as TV and newspapers and generally felt well informed about political and economic events in Azerbaijan. There is no legal impediment preventing IDPs from establishing or participating in civil society organisations or NGOs and indeed many IDPs have formed such entities and are actively seeking to support IDP communities.

Information exchange and communication between local authorities and IDPs varies from district to district. In some areas the absence of mechanisms allowing the views and concerns of the internally displaced to move upwards results in limited access and input into fundamental decision-making processes affecting the internally displaced (AI, 28 June 2007). The system of sending state committee and executive committee representatives to IDP settlements has contributed to improved information exchange and is a best practice in many districts (UNHCR, October 2009).

Women's participation

Though women's participation in political life remains low in Azerbaijan, the percentage of women elected in 2009 municipal elections increased from 1.2 to 26 per cent (European Commission, 12 May 2010; UN CEDAW, 2 February 2007). The political activity of most internally displaced women is limited to voting. Internally displaced women reported to UNIFEM that political work is incompatible with domestic responsibilities or that they had no faith in their abilities for leadership positions (UNIFEM, 2006). The vast majority (94 per cent) of IDP women interviewed in household surveys also said that they were not members of any public organisation, and nearly two thirds said they do not participate in any community activities. UNIFEM found that women nevertheless do want to be part of local governance, despite their present apathy (UNIFEM, 2006).

Access to Justice

Human rights standards

Central to the concept of access to justice is the right to a remedy for human rights violations. The [Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Law](#) state that victims of gross violations of international human rights law and serious violations of international humanitarian law should be provided with full and effective reparation.

[Guiding Principles 29\(2\)](#)

[UDHR Article 8](#)

[ICCPR Article 2](#)

[CEDAW Article 2\(2\)](#)

[ICERD Article 6](#)

[CAT Article 13](#)
[ECHR Article 13](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

IDPs' access to justice

IDPs have the same access to police and law enforcement bodies as the local population and are not hindered from taking recourse to the authorities. Their cases are followed up in the same manner as for the local population. In UNHCR's 2007 participatory assessment, IDPs stated that they generally felt safe in Azerbaijan and that there was no risk in bringing cases to the police or the justice system. This was also stated in particular by women and single mothers. IDPs are also employed as policemen, especially in rural IDP settlements (UNHCR, 30 October 2009).

Azerbaijan's 1995 Constitution, the 1999 Law on Refugees and IDPs and the Criminal Code of Procedure acknowledge the right of IDPs to access without discrimination effective remedies on the same basis as other nationals. This right includes access to courts and legal assistance. In practice, IDPs generally have equal access to the national justice system, paying the same fees as other nationals. IDPs also consult community leaders, elders and local authorities in legal matters. IDPs benefit from the presence of Legal Aid offices run by international organisations and NGOs (UNHCR, 30 October 2009).

Remedies for displacement-related violations

Life, liberty and security of the person

Azerbaijani and Armenian perpetrators of violence in Sumgait in 1988 were tried and sentenced by the court of law; while those responsible for violence at Khojaly were never brought to justice (RFE/RL, 1 September 2009).

Property

As there is no domestic remedy for the loss of property as a result of displacement during the conflict, IDPs in Azerbaijan have sent over 1,000 complaints against Armenia to the European Court of Human Rights. NGOs, especially the Eurasian Lawyers Association (ELA), played a significant role in the preparation of these complaints (APA, 30 January 2008; Trend, 26 December 2007). They relate to the right to property, the right to respect private and family life and non-discrimination. For more information on the lack of remedy for IDPs who have lost their property, see [Lack of remedy for lost property](#).

The European Court of Human Rights (ECtHR) has upheld the right of property owners to their property that was occupied by IDPs. For more information, see the ECtHR decisions listed below.

Obstacles to access to justice

In UNHCR's 2007 assessment of IDPs, all groups of IDPs above 18 years who lived in rural areas reported that they felt unable to protect themselves against violations of rights (UNHCR, 30 October 2009). All groups of IDPs, regardless of gender, age and vulnerability, felt that they were in need of more knowledge about their rights as displaced persons (UNHCR, 30 October 2009). They also needed more information on eligibility criteria, application procedures and legal

assistance. Other obstacles were the lack of resources as there have been demands for additional payment (UNHCR, 30 October 2009). Some IDPs had complained to the authorities about their situation, but had not received a response. Others had little belief in some authorities and the judicial system due to inaccessible bureaucratic procedures, pervasive corruption and the lack of independence of the judiciary (International Alert, January 2006; UNHCR, 30 October 2009).

National response to improve access to justice and recommendations

National response

The government reported in 2008 that the judicial and legal system had been radically reformed. In cooperation with the Council of Europe, the government had taken measures to ensure more effective administration of justice, safeguard judicial independence and improve selection procedures for judges. The Ministry of Justice and the World Bank launched a joint project to improve the justice sector, including the construction of 17 new court houses, major repairs and technological renovations to existing court houses (Government of Azerbaijan, 4 November 2008).

Recommendations

Participants at a workshop on IDP protection in Azerbaijan made the following recommendations for improved access to justice for IDPs (UNHCR, 3 March 2010).

Support local NGOs in raising awareness in IDP communities

Ensure that free qualified legal assistance is available for IDPs. The Bar Association should also be involved in rendering legal aid services to IDPs for no or small fee

Decentralise the system of registration and provision of documentation, and other measures that will facilitate issuance of documents to displaced persons living in rural regions

Monitor and ensure non-permission of eviction without offering alternative and adequate place of residence for IDPs.

Monitor more closely the bodies responsible for implementing national laws on IDP rights and privileges.

Take measures to secure that registration of property by IDPs does not affect their status or privileges as IDPs.

Simplify procedures for registering marriages for IDPs in rural regions by empowering representatives of local authorities to undertake the registration

International organizations and NGOs should assist IDPs in applying to international protection mechanisms in order to ensure their right to restitution and compensation for lost property and possessions

PROTECTION OF SPECIAL CATEGORIES OF IDPS (AGE, GENDER, DIVERSITY)

Human rights standards

A specific treaty, the Convention on the Rights of the Child, deals with the rights of children. Similarly, the Convention on the Elimination of Discrimination Against Women deals with the rights of women and the Convention on the Rights of People with Disabilities applies to people with disabilities. Older persons have the same rights as everyone under international human rights treaties.

[Guiding Principle 4](#)
[ICESCR Article 3](#)
[ICCPR Article 3](#)
[CEDAW](#)
[CRC](#)
[CRPD](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Sexual and gender-based violence (SGBV)

Culture of silence

Cases of sexual and gender-based violence (SGBV) in Azerbaijan are rarely reported or brought to justice. Discussing such issues outside of the family is taboo. Researchers suggested that survivors, like many others, do not count in-family violence as "gender-based violence" or even as violence, and therefore do not consider it worthy of mention (UNIFEM, 2006). The result is an unwillingness to discuss such issues publicly with trained psychological or medical personnel.

According to Demographic and Health Survey from 2006, 43 per cent of women who have ever experienced physical or sexual violence never told anyone about the fact of abuse while 58 per cent never sought help. Women are uncertain where to go for assistance and the lack of financial opportunities, community reproach and blame, fear of losing children and lack of external support deters them from leaving violent relationships.

Young adult women (18-24) and women over 40 in IDP settlements reported to UNHCR that no one interfered when they witnessed domestic violence and that few mechanisms to follow-up on cases of violence existed. Child abuse is also viewed as a private family matter in Azerbaijan (UNHCR, October 2009).

Prevalence

Despite the culture of silence surrounding the issue, it is believed that SGBV cases often occur within the family and internally displaced women and girls are subject to early marriage, sexual harassment and physical as well as psychological abuse. The majority of surveyed NGO and international organisation representatives working with IDPs believe SGBV is a common problem and usually psychological violence, physical violence, sexual violence and sometimes all types of violence occurs in IDP and refugee families (WARD, 2009). Similarly, UNIFEM found that GBV

undoubtedly exists in IDP communities, as it does in all communities, but it has been moved to the background of IDP's conscience by the psychological trauma of exodus (UNIFEM, 2006). UNHCR reported that internally displaced children are not exposed to more or different types of violence than local children and no cases of child abuse were reported to UNHCR in internally displaced communities during participatory interviews in 2007 (UNHCR, October 2009).

Assistance

In contrast to the countries where victims of domestic violence generally apply to law-enforcement or judicial authorities only 16.3 per cent of respondents in the 2006 Demographic and Health Survey considered contacting police. This indicated their lack of confidence in the ability of law-enforcement authorities to prevent violence against a woman.

In the rare cases when SGBV is reported, there is limited psychosocial, medical and legal support available to survivors and little knowledge of how to deal with and respond to SGBV among police and medical staff (UNHCR, October 2009). In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance to women (US DOS, 11 March 2010). UNHCR developed standard operating procedures in internally displaced communities to respond to SGBV cases. In addition, the agency and its partners have initiated community based activities to raise awareness among IDPs of SGBV, early marriages and trafficking, as well as available support mechanisms.

Awareness

Awareness of SGBV is low in IDP communities as among other communities (UNHCR, October 2009). Previous surveys conducted in Azerbaijan and other CIS countries revealed that only extreme forms of physical violence, such as rape and strong beatings causing severe trauma, are generally referred to as "violence" and domestic violence is commonly accepted by many as a traditional norm (UNIFEM, 2006). Similarly, the 2006 Demographic and Health Survey found that 56.9 per cent of men and 49 per cent of women agreed that physical abuse of one's wife may be justified in specific situations (Government of Azerbaijan, May 2008). While awareness needs to be raised, survivors also need the confidence that when they apply to police and others, they will receive adequate assistance (WARD, 2009).

National response

The government has taken legislative measures to combat violence against women, including by passing a law against domestic violence in 2010, and some local authorities are introducing measures to combat GBV and domestic violence, including reporting mechanisms involving lawyers, psychologists, police and community leaders (UNHCR, October 2009).

However, there remains a general lack of information on the prevalence of violence against internally displaced women, the impact of measures taken and challenges in their implementation. The government should go further to compile statistics and research on the extent, causes and effects of violence against women, take preventive and protective measures to overcome violence against women and report on the effectiveness of such measures.

The State Committee on the Family, Women and Children's Affairs was established in 2006 and is responsible for elaboration of state policies related to family, women and children as well as provision of assistance to families of IDPs and refugees.

Azerbaijan adopted the Law on Gender Equality on 23 October 2006. The law bans gender based discrimination and guarantees women equal rights and opportunities in the political, economic, social, cultural and other spheres. It defines "sexual harassment" and prohibits it.

However, no corresponding changes have yet been made to the relevant Criminal and Civil Codes to specify punishment for this offence.

The State Programme on Alleviation of Poverty and Sustainable Development in Azerbaijan (SPAPSD) 2008-2015 includes measures aimed at combating SGBV. Nevertheless, funds allocated under the State Budget to combat SGBV are insufficient and do not adequately target all state entities involved in combating the phenomenon, including law enforcement (WARD, 2009).

Recommendations

To address SGBV, social, cultural and traditional patterns which perpetuate gender-role stereotypes should be replaced and an enabling environment for the enjoyment of women's rights should be created (WARD, 2009). Prevention of domestic violence should be promoted and awareness of the issue among the general public should be improved. Senior and respected members of IDP communities should be involved in these activities

Rapid medical and psychological assistance should be provided to victims of domestic violence (UNHCR, 3 March 2010). More focus should go on preventative activities, including safety measures for women who need to be removed from high-risk relationships (WARD, 2009)

For more information on domestic violence, see also UNDP, [Gender Attitudes in Azerbaijan: Trends and Challenges](#), 30 September 2007, and Azerbaijan [Demographic and Health Survey 2006](#), May 2008.

Early marriage

The marriageable age for women in Azerbaijan is 17 years. Parliament is discussing raising the minimum age for marriage to 18 on the basis that early marriages risk the health of girls, a mother who is a child herself cannot raise children as she should and a marriage with an educated woman is stronger than if she is a young and inexperienced girl (IWPR, 6 November 2009; The Messenger, 12 November 2009).

Early marriage in Azerbaijan usually happens because of tradition and culture, and social and economic reasons. Parents do not want their daughters to miss an opportunity for their daughters to marry since they believe it could harm the honour of the family and the girl's chastity. Parents also marry off their daughters early to ease their financial burden, since they cannot afford to support her (UNICEF, 2009; UNIFEM, 2006). The most vulnerable and discriminated against groups in this regard are girls from poor families; girls from strict, conservative backgrounds; refugee and IDP girls; and disabled girls (UNDP, 30 September 2007).

Girls consented to early marriage in 42 per cent of cases reviewed by UNICEF, often for lack of other perspective in life (UNICEF, 2009). Marriage and childbearing are also perceived as major accomplishments women can achieve in their lives. Parents do not object, saying it is hard to find a good match. This high degree of acceptance for early marriages both among members of families in which marriages took place and in society as a whole shows there is little knowledge of the negative consequences of early marriages.

Negative consequences include early childbirth, increased infant and maternal complications and mortality, increased number of divorces, curtailed female educational attainment and the potential for SGBV. Divorce or abandonment often plunges these women into poverty, as she usually assumes sole responsibility for dependent children. Married young, she is under-educated and has few income-generating skills. The situation becomes even more difficult when the marriage

was not officially registered and the mother cannot claim alimony for the children and herself when the union does not exist any longer (UNICEF, 2009; UNIFEM, 2006; The Messenger, 12 November 2009).

The true extent of such marriages is hard to determine since they are often kept hidden and officially unregistered (UNICEF, 2009; UNIFEM, 2006). A survey of representatives of NGOs and international organisations found that 63 per cent of respondents indicated that early marriages are common in IDP and refugee communities (WARD, 2009). A UNICEF study found that some informants thought early marriages were rare, while others thought they were widespread. The problem of early marriages is reportedly most pronounced in southern regions bordering Iran (IWPR, 6 November 2009; The Messenger, 12 November 2009; UNIFEM 2006; US DOS 11 March 2010).

Recommendations

The UN Human Rights Committee noted that a large number of under age marriages which cannot be registered occur each year in Azerbaijan, in particular for girls belonging to the families of internally displaced persons, and recommended that unregistered marriages be eradicated and measures taken to ensure marriages do not take place before the legal age (HRC, 13 August 2009). The UN Committee on the Elimination of Discrimination Against Women also raised concern about early and unregistered marriages in Azerbaijan and the lack of related data and recommended awareness-raising campaigns and provision of data on prevalence and trends over time of marriages of girls under 18 (CEDAW, 7 August 2009). UNICEF recommended an intensified awareness campaign to increase the level of knowledge about maternal health and other negative consequences of early marriages (UNICEF, 2009).

Elderly IDPs

Elderly IDPs in rural areas reported they live too far from the city centre and could not travel there to spend their leisure time. They regretted there was no park or place to meet to spend their time, or a place to celebrate events. They wanted more active involvement of citizens in municipality planning and decision making, and access to newspapers and other public info (Praxis, 30 June 2008).

Elderly IDPs seemed to have more and more serious health problems than the non-displaced of the same age group. This was not only because of difficulties adapting, but also because their families may be poorer and their children could not take care of them to the same extent (UN HRC, 15 April 2008).

Internally displaced children

The extremely overcrowded living conditions of internally displaced persons in urban areas have also reportedly led to tensions and negative effects on the psychosocial development of children (UN HRC, 15 April 2008).

Every third child displaced below 5 years of age suffers from nutritional insufficiency, while infant mortality among displaced children is 3-4 times higher than in the rest of the population (Government of Azerbaijan, 3 February 2005).

See also section on [Early marriage](#).

Internally displaced youth

Young women (18-24) found it specifically challenging that several households had to share one apartment or room and considered this as an obstacle to getting married (UNHCR, 2009). Adolescents aged 14 to 17 and children aged 10 to 13 linked the unemployment of their parents and resulting household poverty as an obstacle for their continuing education.

The general lack of access to recreational activities has also been highlighted by IDP children, adolescents and the elderly irrespective of gender and location (urban/rural) as being an obstacle to their psychological wellbeing and development. Drug abuse and alcohol addiction among young people can be the result. The reasons for this are the lack of existence of (or access by IDPs to) sport and recreational facilities, general lack of funds, as well as equipment and skills to organize recreational activity.

Youth reported that they would like to have English courses, computer courses, university preparation lessons, courses in carpet making, sewing and other vocational training. They also reported there are no vocational training courses nearby, education in rural schools weak and so they are not interested to continue education and there is a lack of social clubs and other areas to spend their leisure time. They could use regular sports competitions, more attention to disabled children and access to newspapers (Praxis, 30 June 2008).

Girls thought that their opportunities to attend recreational activities and have a private life were more limited than boys'. All groups of women above the age of 18 also felt that they were in need of facilities or activities where they could meet other women. The lack of recreational activities were described as more prevalent in rural than in urban areas. However, in urban areas, drug abuse and alcohol addiction among young people were more often cited as being one of the results of the lack of activities (UNHCR, 30 October 2009).

Internally displaced disabled people

During participatory interviews conducted by UNHCR, older IDPs (40+) and IDPs with disabilities pointed to insufficient social and psychological support within their communities, often resulting in loneliness and isolation, lack of recreational activity and an overall negative impact on their social and psychological wellbeing. Lack of social assistance and low pensions were seen as obstacles for a higher standard of living (UNHCR, October 2009).

The "Law on the Social Protection of Disabled Persons of Azerbaijan" determines state policy towards persons with disabilities and guarantees them the same economic, political and social rights as other citizens enjoy. The Law also provides for specialized education and vocational training as well as privileged access to the employment market and grants incentives for employers to hire persons with disabilities.

Despite the above legislation, IDPs with disabilities have not seen much improvement in their access to rights, although they do benefit from social assistance. In general, IDPs with disabilities and older members of the community are not discriminated with regard to access to shelter and have been allocated new housing under state programmes, however the Government should consider constructing housing to meet their specific needs, such as the installation of ramps for IDPs in wheelchairs (UNHCR, October 2009).

Implementation of legislation promoting the education of children with disabilities in IDP settlements is virtually non-existent. International and national humanitarian NGOs and organisations include children with disabilities as far as possible within their programmes;

however a systematic approach towards the inclusion of disabled IDPs in the education system has been lacking to date (UNHCR, October 2009).

Internally displaced women

As a consequence of the expense associated with health care, IDPs treat illnesses at home and only consult medical professionals in the case it becomes serious. This makes women's lives more difficult since they are forced to take care of people the system neglects, an extra task added to their already heavy workload around the home. Another consequence is that reproductive health takes a lesser priority and is often neglected. Pregnancy and childbirth problems main health problems for IDP and refugee women, followed by cardio diseases, breast diseases, cancer, psychological problems, stomach problems (WARD, 2009).

IDP women are doubly burdened by poverty and the overall trauma of losing their home, their communities and a way of life. Women, single mothers and youth in particular felt their lack of employment and self-reliance contributed to their marginalization and isolation from economic and social life (UNIFEM, 2006). Reports issued by IOM and national NGOs also indicate that victims of trafficking have included women from IDP settlements. The vulnerability of IDP women to trafficking is linked to their weak socio-economic status within their communities: trafficking victims are usually unemployed, have a low level of education and belong to the poor segments of the population.

The government has made efforts to improve reproductive health care for women, including through the adoption of the national strategy on reproductive and sexual health (2008-2015) and the State programme for the protection of mother and child health (2006-2010). However, the UN Committee on the Elimination of Discrimination Against Women concerned at the insufficient access to adequate general health-care services and reproductive health-care services for women, especially for those living in rural and remote areas, and internally displaced and refugee women. It recommended the improvement of women's access to reproductive health-care services and that family planning and reproductive health education be widely promoted and targeted at girls and boys, with special attention being paid to the prevention of sexually transmitted diseases and HIV/AIDS (UN CEDAW, 7 August 2009).

The Ministry of Health and the UN Population Fund (UNFPA) among others have given training sessions and organized seminars with IDP women to raise their awareness about reproductive health and family planning. Despite these efforts, three times more IDP women than local women are ignorant about methods of contraception (although more than 60% of the women interviewed reported using some form of birth control). And most local and IDP women admitted that they never visit the gynecologist. Some even admitted they do not see the doctor about "women's diseases" even if they know they need to, because it is prohibitively expensive. Moreover, while more than two thirds of the women who took part in household interviews said they and their acquaintances turn to state hospitals for medical care when they are pregnant, 20% of pregnant IDP women will turn to a midwife or to no one at all, and a quarter will deliver their children at home assisted by a midwife or an obstetrician (UNIFEM, 2006).

Women in Azerbaijan are not always aware of their rights. The State Committee for Women's Issues, UNIFEM and a number of NGOs have all undertaken legal education programmes targeting women. Two women's advocacy networks were formed, and continue to be supported by UNIFEM, as a result of such efforts: *Coalition 1325* and *the National Network of IDP Women*. The existence of such networks provides an excellent opportunity for internally displaced women to speak with a united voice and be heard on issues of peace, security and women's rights. In Azerbaijan, the overall participation of women in decision-making remains very low. While IDP

women do vote in elections, this is generally the extent of their political participation (UNIFEM, 2006).

Groups at risk

The special needs of elderly, traumatized and mentally ill displaced persons were insufficiently addressed. These groups are disproportionately represented among the inhabitants of collective accommodation facilities and new settlements. The difficult social and financial situation of these groups, adding to uncertainty about the future, has created feelings of dependency, passivity and depression in many, which in turn has hindered their social integration and self-reliance and led to an increase in mental diseases (UN HRC, 15 April 2008).

The capacity of government authorities to deal with IDP groups that have special needs on a local level is limited due to a lack of qualified staff and funding for projects targeting these particularly vulnerable groups. IDP communities rely on their tight knit social structure to take care of IDPs with specific needs, resorting to the help of relatives, neighbours or schools and day care centres to take care of the disabled, orphans or single family households (UNHCR, 30 October 2009).

DURABLE SOLUTIONS (RETURN, LOCAL INTEGRATION, SETTLEMENT ELSEWHERE IN THE COUNTRY)

Return

Human rights standards

There is no general rule in present human rights law that explicitly affirms the right of internally displaced persons to return to their original place of residence or to move to another safe place of their choice within their own country. However, such a right can be deduced from the right to the liberty of movement and the freedom to choose one's residence.

IDPs have the right to choose between return and integration in the area of displacement or another part of the country. Return shall be voluntary and conducted in safety and with dignity, and reintegration shall be facilitated. IDPs are entitled, according to Guiding Principle 29, to be protected against discrimination and to recover their property and/or to receive compensation in cases of damage or loss.

[Guiding Principles 28 and 29](#)

[UDHR Article 13](#)

[ICCPR Articles 12](#)

[ECHR Article 13](#), [Protocol 1 Article 1](#) and [Protocol 4 Article 2](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

Return to liberated areas

Information on the return of IDPs to areas other than Fizuli district was unavailable. Therefore this section focuses on the return of IDPs to Fizuli district.

Figures and process of return

Fizuli was completely occupied by Armenian forces for four months in 1993-1994. The majority of the population fled, mostly finding refuge in tent camps in Bilasuvar. In 1994, shortly before the ceasefire, 22 out of 76 villages of the district were liberated. The first families returned to their homes in 1995 and by 1998, there were some 49,000 returned IDPs. A new wave of return occurred in 2003, when the government of Azerbaijan dismantled five tent camps in Bilasuvar, which hosted some 32,000 IDPs. By 2008, there were around 54,000 returned IDPs in the district (NRC, 29 February 2008).

IDPs returned to Fizuli on their own initiative; it was not organised by the government or the international community. Some IDPs organised their own "go and see" visits, while others relied on information received from their relatives, friends and neighbours who visited their villages. International agencies such as UNDP, UNHCR, and the EU as well as NGOs have supported

these IDPs after their return. The government has gradually increased its involvement by reconstructing basic infrastructure and institutions, such as medical facilities and schools.

Sustainability of return

Returned IDPs to Fizuli have not achieved a durable solution since their return has not been fully sustainable.

Physical insecurity

The physical security of returnees is at risk as exchanges of fire continue to sporadically occur nearby and the area continues to have one of the highest levels of mine contamination. This presented a particular obstacle in establishing livelihoods as it posed a great threat for those involved in agricultural activities.

The current security situation is however unlikely to prompt the returnees leave their home land again or prevent others from returning. The villagers also find comfort in the fact that the government is building new settlements in the district indicating in this way its confidence with regard to the future security situation (NRC, 29 February 2008).

Unemployment

The government is almost the sole employer providing jobs in local governmental structures, health care and education. Few industries and businesses are operating in the district and agriculture is the main source of income for most returned IDPs. This is supplemented by pensions and the IDP monthly subsistence allowance since returned IDPs may retain their IDP status (NRC, 29 February 2008). The process of revitalisation and cultivation of land has been slow due to incomplete demining in return areas. The creation of employment possibilities and income generating activities is essential to improving the sustainability of return (UNHCR, October 2009).

Inadequate housing

Returned IDPs were slowly repairing their houses mostly at their own cost (UNDP, 30 September 2007). The government reported in 2008 that 3,500 houses had been repaired in liberated areas, and approximately 36 000 IDPs have returned to those houses (CoE, 20 February 2008). Many IDPs face continuing problems relating to property rights, recognition of legal personality and other legal issues (UNHCR, October 2009).

Limited infrastructure

The irrigation infrastructure in the district was entirely destroyed during the war. Water supply for irrigation and drinking water still remains a major problem in the whole area. The lack of water significantly diminishes the land productivity and has a negative effect on the health of returned IDPs. Schools are generally functioning in the district, though renovations and additional qualified teachers are required. Access to medical care is limited (NRC, 29 February 2008). The government and the international community have targeted the rehabilitation of these facilities in their work, but coverage should be expanded to ensure that return is sustainable.

National response

During the return of families to their native villages in Fizuli, the authorities were largely unaware of their responsibilities. With the focus on relocation to newly constructed settlements, they also lacked the necessary capacity to immediately offer public services in the return areas, including

schooling and health care and to reconstruct infrastructure destroyed during the war (NRC, 29 February 2008).

For more information on return, see [Original pattern of displacement and settlement](#).

Most IDPs prefer return

The majority of IDPs stated in interviews with UNHCR that their preferred settlement option was return to their place of origin. However, while all IDPs desired to get their homeland back, some were indecisive about whether they themselves would return to settle there, if and when they got the opportunity. Elderly IDPs were especially intent on return while adolescent girls stated they would prefer to stay at their current residence (UNHCR, October 2009; UNHCR, 3 March 2010).

Other observers also note that while most IDPs prefer to return, some IDPs do not wish to return or are undecided (UN RSG, 6 April 2007; UN HRC, 15 April 2008; CIPDD, 2008; RSQ, Vol. 28. No. 1, 2009; Eurasianet, 22 September 2010; UNIFEM, 2006; ICG, 11 October 2005). Some young people have no desire to return permanently to the villages of their early childhood, while other young people wish to be able to visit their ancestral lands and show their children where they were born. Many IDPs are reportedly preoccupied with return, sometimes passing this strong desire to their children, which interferes with their integration and self-reliance (Eurasianet, 22 September 2010; IWPR, 7 June 2007; UNIFEM, 2006; UN HRC, 15 April 2008).

The UN Representative of the Secretary General on the human rights of IDPs has stated return should remain an individual choice and all IDPs should be entitled to permanently settle where they initially had been placed as a result of the conflict. In accordance with international law, eventual return and local integration are not mutually exclusive, but rather reinforce each other, as productive, active members of society are more likely to muster the strength and possess the skills needed to rebuild their communities of origin (UN HRC, 15 April 2008).

Government prefers return of IDPs

Return is officially considered the only possible settlement option for the vast majority of the Azerbaijani IDPs – by themselves, by the Government of Azerbaijan, and generally by the international community in Azerbaijan (RSQ Vol. 28, 2009; AI, 28 June 2007; UNHCR, 3 March 2010).

By offering only limited and temporary solutions to IDPs, the government is encouraging IDPs to view return as the only permanent settlement option available to them. The lack of property rights for housing and land allocated to them means that IDPs cannot sell, gift or sublet the property, nor do they have the possibility to use their housing or land as collateral when applying for loans. This perpetuates their poor economic situation, restricts IDPs' settlement options and maintains their dependency on assistance. The spirit of return is also kept alive by maintaining the schools and municipalities of the occupied regions in exile under their pre-occupation names (AI, 28 June 2007; NRC, 29 February 2008).

The government focus on return has to a great degree limited the interventions aiding IDPs at their areas of displacement, especially in urban areas. The logic was that integrated IDPs would not want to return and thereby undermine the goal of return (NRC, 30 April 2008). The UN Representative of the Secretary General on the human rights of IDPs has stated repeatedly that return and the improvement of IDPs' living conditions in displacement are not mutually exclusive

(UN RSG, 6 April 2007; UN HCR, 15 April 2008). IDPs are entitled to an adequate standard of living during displacement and this should be fulfilled without prejudice to their right to return.

Impossibility of return stalls durable solutions

Protracted internal displacement situations are those in which:

- the process for finding durable solutions is stalled and/or
- IDPs are marginalized as a consequence of violations or a lack of protection of human rights, including economic, social and cultural rights (Brookings-Bern/UNHCR, 22 June 2007).

The process for finding durable solutions for IDPs in Azerbaijan is stalled because IDPs have limited settlement options. The only settlement option available to most IDPs is to remain at their current residence (local integration). They do not have the financial means or assistance to permanently settle elsewhere and are unable to return to their original places of residence due to the absence of a peace agreement. The continued presence of the occupying forces, landmines and ceasefire violations also prevents their return (UN HRC, 15 April 2008). As durable solutions are contingent on IDPs being able to make an informed and voluntary decision on where to settle, the search for durable solutions for these IDPs is therefore stalled and they remain in protracted displacement until the Nagorno-Karabakh conflict is resolved and return becomes possible.

For more information on durable solutions for IDPs, see the [2010 IASC Framework on Durable Solutions for Internally Displaced Persons](#)

Development of return plan

Status of return plan

The government of Azerbaijan has drafted a plan for the return of IDPs (“The Great Return Programme”) with input from international organisations. The plan aims to establish a common understanding among donors, international organisations and the government on issues such as the voluntary nature of return, conditions for return, sectoral coordination mechanisms and clarity of roles and responsibilities following any settlement of the conflict. While the current iteration of the plan is not publicly available and its status was unclear, the document was reportedly more a set of principles than a plan of activities with specific timelines.

The government of Azerbaijan calculated independently that the total damage in occupied areas caused by the war exceeds USD 60 billion (Praxis, 2009). Towns that previously existed in the occupied districts have been systematically leveled and infrastructure has been removed for sale as scrap. No major agency, with the exception of the International Committee of the Red Cross (ICRC), has been working in Nagorno-Karabakh and the occupied areas. International organisations are thus only partially aware of the needs to establish conditions for return. Collection of this information is important so that IDPs can make an informed decision on whether to return (ICG, 11 October 2005; The Brookings Institution-University of Bern Project, 16 May 2006).

Involvement of IDPs in planning for return

IDPs have thus far not been involved in planning for return, which they raised in interviews with UNHCR as a serious issue of concern. Expectations among all groups of IDPs were that the government would organize their return, rebuild infrastructure and houses and ensure their safety in their place of origin. Adult IDPs also expressed that they wished to be informed and participate in the process of planning return (UNHCR, October 2009).

Recommendations

UNHCR advocates for phased returns subject to the personal preferences of IDPs, some of whom will want to return immediately, while others may consider remaining at their current places of residence while recovering property and re-establishing their household. Other recommendations on the return of IDPs include the following:

Incorporate lessons learned from the return of IDPs to liberated areas into the planning of an eventual return of all IDPs

Form a Special Mission consisting of representatives of government, international organizations, local and international NGOs as well as internally displaced communities and other actors that will conduct a complete assessment of conditions for return of IDPs

Develop a detailed Return Action Plan taking into consideration the assessment conducted by the Special Mission

Analyse and incorporate best return practices from other countries as appropriate

Prioritise security issues before organizing IDPs' return

Establish basic infrastructure in the territories before organizing IDPs' return

Ensure return is based only on a voluntary choice and IDPs who are unwilling to return are provided with the opportunity to integrate locally or to settle elsewhere

Engage in a structured consultation with IDPs to ensure that the views and needs of all age, gender and diversity groups are taken into account in planning, with particular consideration to the most vulnerable

Establish mechanisms for property restitution, reconstruction or compensation at an early stage

Bestow special assistance and protection measures to vulnerable returnees, such as single mothers, the elderly, disabled and similar

Local Integration

Human rights standards

There is no general rule in present human rights law that explicitly affirms the right of internally displaced persons to settle at their area of displacement within their own country. However, such a right can be deduced from the right to the liberty of movement and the freedom to choose one's residence.

Internally displaced persons have the right to choose freely between return, local integration or resettlement, and competent authorities are responsible for creating the conditions that allow displaced persons to rebuild their lives in any one of these locations. Also important in the case of local integration is the principle of non-discrimination.

[Guiding Principles 1, 28 and 29](#)

[UDHR Articles 7 and 13](#)

[ICCPR Articles 12 and 26](#)

[ECHR Article 13, Protocol 1 Article 1 and Protocol 4 Article 2](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Some IDPs prefer local integration over return

Some IDPs in urban areas would consider staying at their current residence even if return became a possibility (UN HRC, 15 April 2008).

All groups of IDPs under 25 years of age in urban areas, and among children (10-13) and adolescents (14-17) in rural areas were uncertain about return and indicated that they may choose local integration or settlement elsewhere. They explained that a decision about where they would stay would be based on the prospect for employment and self-reliance in the different locations, as well as where their family would live. Moreover, urban girls (10-13 and 14-17) generally stated that they wanted to stay in their current place of residence, where they aimed to get an education and employment that would enable them to buy their own houses and become fully independent (UNHCR, October 2009).

It should also be noted that while many IDPs share the Government's view that return is the preferable permanent solution to their plight, a whole generation of IDPs has been born and raised in other parts of Azerbaijan, and have never seen their parents' place of origin. This generation has naturally started to build their lives and livelihoods outside of Nagorno-Karabakh and its surrounding territories (UNHCR, October 2009).

For these IDPs in particular, and the displaced population in general, facilitating more than a de-facto local assimilation would help to secure, on a permanent basis, improved living standards and create a real choice of durable solution. This would require a greater focus by the government and international agencies on promoting IDPs to become self-reliant, including through increased employment and education opportunities (UNHCR, October 2009).

Degree of local integration

In focus groups with internally displaced communities throughout the country, one study found that about 33 per cent of IDPs had assimilated into the population, about 30 per cent of IDPs had relatively integrated, about 36 per cent of IDPs had not integrated and the remainder were marginalized IDPs. The latter had lost their socio-economic function, had limited contacts with people from other groups, their surroundings were still strange to them after more than 15 years, and they have failed to adopt elements of the new culture (CIPDD, 2008).

Other observers stated that many IDPs had seemingly integrated, and mainly those in large cities (UNHCR, October 2009; Eurasianet, 22 September 2010). It was not clear which criteria were used to make this conclusion.

There is little interaction between IDPs and local communities, though there is a high level of tolerance among the local population for the plight of IDPs (UNIFEM, 2006; UNHCR, October 2009). Some internally displaced women believe that local residents feel more ill-will towards them than the local women themselves express (UNIFEM, 2006). Internally displaced communities in rural areas and in new government settlements tend to be isolated from the local population. This is due to the isolated locations of many IDP settlements.

The UN Representative of the Secretary General on the human rights of IDPs observed that, except for the shortage of adequate housing and their lack of property, such as real estate and livestock, internally displaced persons are generally not dramatically worse off than the non-displaced population (UN HRC, 15 April 2008). However, others have noted that IDPs remain affected by their displacement as they generally lack resources that are available to the local population, such as houses, access to garden plots, connections to local markets, and social support networks (AI, 28 June 2007).

Obstacles to durable solutions through local integration

The main obstacles to local integration for IDPs in Azerbaijan are the lack of freedom of movement, inadequate standard of living (including housing, health care and basic education), limited access to jobs and livelihoods, absence of a remedy for lost housing, land and property and other displacement-related violations, problems accessing documentation and barriers to public participation. The government also has a “non-integration policy”, mainly to make the point that the displacement is temporary (ICG, 14 November 2007).

The term integration as it relates to IDPs at their current residence has not been welcome by the government in Azerbaijan. The government has rather insisted on the return of IDPs and emphasized the temporary nature of their displacement (NRC, 31 May 2007; UNHCR, October 2009). This is increasingly at odds with the protracted nature of displacement and does not put the needs, rights and legitimate interests of IDPs first. The policy continues to be one of segregation, albeit in improved housing conditions, which is a barrier to integration of IDPs (Praxis, 2009).

Nevertheless, the government reported to the UN Representative of the Secretary General on the human rights of IDPs that they would ensure that local integration would be an alternative to return for IDPs wishing to opt for such solution (UN HRC, 15 April 2008). In preparation for this, it may prove important to introduce into all relevant legislation of Azerbaijan, including the Law on Social Protection of IDPs and other express legal norms, the right of IDPs to voluntarily settle in any part of the country (ASIL/Brookings-SAIS Project on Internal Displacement, 2003).

For more information on local integration and other settlement options of IDPs, see the [2010 IASC Framework on Durable Solutions for Internally Displaced Persons](#).

Settlement elsewhere in the country

Human rights standards

There is no general rule in present human rights law that explicitly affirms the right of internally displaced persons to settle at their area of displacement within their own country. However, such a right can be deduced from the right to the liberty of movement and the freedom to choose one’s residence.

Internally displaced persons have the right to choose freely between return, local integration or settlement elsewhere in the country, and competent authorities are responsible for creating the conditions that allow displaced persons to rebuild their lives in any one of these locations. Also important in the case of settlement elsewhere is the principle of non-discrimination.

[Guiding Principles 1, 28 and 29](#)
[UDHR Articles 7 and 13](#)
[ICCPR Articles 12 and 26](#)
[ECHR Article 13, Protocol 1 Article 1 and Protocol 4 Article 2](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

Details, conditions and challenges of resettlement

The government of Azerbaijan has been resettling IDPs to improved housing for many years and continues to do so. This has significantly contributed to improvement of the living conditions for thousands of IDPs, but would be more effective if IDPs were consulted on resettlement plans and new settlements were safe and had income generation opportunities. The government could revisit already established settlements to take stock, in consultation with IDPs, of outstanding challenges to be addressed (UN HRC, 15 April 2008). There may also be the need to introduce the right of IDPs to voluntarily resettle in any part of the country in all relevant legislation (ASIL, Brookings-SAIS Project on Internal Displacement, 2003).

The details, conditions and challenges of this resettlement have been provided in this profile under housing in the section entitled Basic Necessities.

For more information on resettlement of IDPs, see
[Government efforts to improve housing of IDPs](#)
[Housing conditions in new settlements for IDPs](#)
[Challenges of resettlement.](#)

NATIONAL AND INTERNATIONAL RESPONSE

National response

Responsibility of national authorities for internal displacement

Providing protection and humanitarian assistance to nationals, including internally displaced persons, is a primary duty and responsibility of the state. This is based on the generally recognized principle of sovereignty which prohibits intervention in matters that are essentially within the domestic jurisdiction of any state. To assume the primary responsibility for protecting and assisting IDPs means respecting, protecting, and fulfilling their civil and political as well as their economic, social, and cultural rights, and taking the legal and administrative measures necessary effectively to address situations of internal displacement. This is covered in the Guiding Principles on Internal Displacement by the following:

[Guiding principles 3, 28, 29 and 30](#)

The Guiding Principles on Internal Displacement have been translated into the [Azeri](#) language.

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#).

Government response to internal displacement

The government response to internal displacement was weak throughout the 1990s. In dealing with the conflict and its aftermath while making the transition from a one-party state with a planned economy to a democratic state with a market economy, resources were scarce to address the issue. Nevertheless, it supplied emergency relief measures, raised national awareness on the displacement situation, allocated resources to the problem, collected data on IDPs, and cooperated with international and regional organisations.

Despite the measures taken, the majority of IDPs were still living in very difficult conditions in tent camps, railway carriages, run-down public buildings and other temporary settlements at the end of the 1990s (Praxis, 2009). In response, the government adopted programmes to improve the living conditions and increase the employment of IDPs in 2002, 2004 and with amendments in 2007. A major component of the 2004 state programme (the amendments for which were still being implemented in 2010) was the closure of substandard shelters and the allocation of adequate alternative housing and land plots for agricultural purposes to IDPs.

Since 2001, the government response has been steadily improving. The development of a substantial national [legal framework](#) for the protection of IDPs, together with the allocation of large proceeds from the State Oil Fund (SOFAR), has been slowly improving the socio-economic conditions of IDPs. In addition to resettlement of IDPs to purpose-built villages, IDPs also enjoy a variety of benefits and services not accessible by the non-displaced population, including housing, monthly cash grants and food distribution, free utilities, fuel and higher education, and income tax deductions.

In 2009, the government built multi-storey buildings and continued constructing settlements for IDPs. Over 1140 internally displaced families were resettled during the year to areas including the

Binagadi district of Baku, Yukhari Aghjakand and Goranboy, Goygol and Absheron regions. The government also reported that it continued to provide IDPs with jobs, humanitarian aid, IDP status and equipment (Government of Azerbaijan, 29 January 2010).

In 2010, the government renovated around 50 living areas for IDPs, including roofs, sewage systems, water pipes, power lines and heating systems. The government provided over 542,000 people with the monthly subsistence allowance and distributed other assistance totaling over \$522,000 as well as distribution of blankets, tents and fuel. Preparations had also been carried out for the relocation of internally displaced families temporarily settled in Finnish type settlements and schools (Government of Azerbaijan, 8 November 2010).

By the end of 2010 the government reported that nearly 100,000 IDPs had been resettled to over 60 new settlements with over 120 new schools and 18,200 houses (Government of Azerbaijan, 8 November 2010; Government of Azerbaijan, 17 February 2010; Government of Azerbaijan, 29 January 2010; Government of Azerbaijan, 10 April 2010). The government also reported that over 216,000 IDPs were still living in difficult conditions (Government of Azerbaijan, 4 March 2010).

Institutional focal point

A number of governmental bodies are involved in addressing the needs of IDPs. The State Committee for Refugees and Internally Displaced Persons is the primary institution dealing with IDPs and is situated under the Cabinet of Ministers. The Committee's main duty is to help formulate and implement state policy resolving matters related to Azerbaijan's refugees and IDPs and does so together with regional Executive Committees. These Executive Committees are headed by internally displaced persons appointed by the president and have representatives in large settlements of IDPs. The Committee has a central apparatus, regional departments and other sections. The Committee is headed by a Chairman who, together with the Deputy Chairman, is appointed by the President (UN ECE, 2010)

The Committee does not, however, have sole decision-making authority on internal displacement issues. It shares this authority with a number of other state agencies, including the Ministries of Labour and Social Security, Health and Education and local bodies of the executive. These institutional focal points have raised awareness on the internal displacement situation, developed a legal framework regulating the rights of IDPs, including the 2007 addition to a 2004 programme for IDPs, trained government officials on the rights of IDPs, ordered the clearance of landmines and unexploded ordnance, and devoted significant financial resources to other efforts aimed to improve the lives of IDPs.

For more information on the State Committee for Refugees and Internally Displaced Persons, see its [website](#).

National legal framework

Azerbaijan has signed and ratified almost all major United Nations human rights treaties. The country has also been a member of the Council of Europe since 2001 and recognizes the jurisdiction of the European Court of Human Rights. Azerbaijan's national legislation contains a multitude of legal provisions aimed at normalizing the status of IDPs as citizens with equal rights, while at the same time affirming their special situation. [The law "on the status of refugees and internally displaced \(persons displaced within the country\) persons"](#) No. 668-1Q was adopted on 21 May 1999. [The law "on social protection of internally displaced persons and people equated to them"](#) No. 669-1Q was also adopted on 21 May 1999.

The 1999 law on the status of refugees and IDPs defines an IDP as “any person who has moved to another place, being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression, natural or man-made disaster” (art. 1). The status of the internally displaced person ceases if the person returns to the place of his/her former residence or is provided with appropriate living space in the same region, or, if such resettlement is impossible, if he/she is provided with a proper apartment elsewhere under a special decree of the State (art. 14).

The government has also adopted numerous [decrees](#) aiming to improve the living conditions of IDPs. In 2010, for example, the president decreed that funds would be allocated for [construction](#) of additional high-rise buildings for IDPs, and that the monthly subsistence allowance for IDPs would be [increased](#) to 15 AZN.

A review of the national legal framework on IDPs by local lawyers revealed that the legal status of IDPs is regulated in a fairly proper manner, legislation does not have any discriminatory provisions and many of the key issues are addressed. In addition, international legal acts related to human rights and rights of citizen enjoy similar direct application in Azerbaijan. However, the lawyers also highlighted that the concept of “forcibly displaced person” used in the legislation is narrower than the notion of IDP in the Guiding Principles since it does not cover those forced to flee generalized violence or violations of human rights, but it also covers refugees. Separate laws on IDPs and refugees are needed. There is also a need to introduce into all relevant legislation of Azerbaijan, including the law on social protection of IDPs, express legal norms specifying the right of IDPs to voluntarily resettle in any part of the country (ASIL/ Brookings-SAIS Project on Internal Displacement, 2003).

A national action plan for the protection of human rights was adopted in December 2006 (CoE, 30 March 2007; European Commission, 3 April 2008). The office of the Human Rights Commissioner took the lead on implementation of the plan. During 2009 the ombudswoman reported that the action plan working group, which included five subcommittees, continued to work on areas identified as priorities in the action plan. All state agencies involved in the action plan submit their annual reports to the ombudsman, who reviews and compiles the reports into one larger report on the progress of implementation of NAP, shortcomings, challenges and the ways of improvement of the situation. As of year's end, implementation of the plan was uneven. (US DOS, 11 March 2010).

The different interpretations of normative acts and regulations by different local authorities results in variations in local implementation practices, which has meant IDPs have not received their full entitlements (NRC, 29 February 2008).

National assistance programmes

In [1998](#), 2002 and 2004, the government adopted programmes for IDPs that comprised a range of measures including the closure of substandard shelters and the allocation of alternative housing and land plots for agricultural purposes. The programmes further encouraged private companies to recruit refugees and internally displaced persons (UN HRC, 15 April 2008). Within the framework of the 2004 state programme, the government demolished the last tent camps in 2007 that were set up during the emergency period in the early 1990s.

A [presidential decree](#) issued on 31 October 2007 instated additions to the 2004 “State Programme on the improvement of living conditions of refugees and internally displaced persons and employment promotion”. The programme will cost \$1 billion and foresees further settlement

of IDPs into new villages, infrastructure construction and the creation of income-generation opportunities, among other activities (Eurasianet, 13 May 2008).

The 2004 State Programme links to the broader “State Programme on Alleviation of Poverty and Sustainable Development in Azerbaijan (SPAPSD) 2008-2015,” which aims to achieve the UN millennium development goals and includes a sector which focuses on IDPs and refugees. The main goals of the SPPRS are to improve living conditions and access to utilities, generate employment opportunities, reduce the poverty level, increase access to health care, reduce infectious disease and to increase access to education for refugees and IDPs.

Allocation of resources

The Government of Azerbaijan has made efforts to direct resources stemming from its rapid economic growth towards the improvement of the wellbeing of both its local and IDP population. At the same time, the government encourages the continued engagement of international organizations on assistance to IDPs (Praxis, 2009).

In early 2010, the government reported that about \$2.9 billion had to date been spent on IDPs. \$1.3 billion had been allocated from the state budget, \$770 million had been allocated from the state oil fund and \$780 million dollars had been spent by international humanitarian and development organisations (Government of Azerbaijan, 4 March 2010). The government also noted that in 2009, about \$720 had been spent on each IDP in the country (Government of Azerbaijan, 10 April 2010).

The \$1 million allocated by the Government for assistance to internally displaced persons in 1995 had risen to \$200 million by 2006, of which \$100 million came from the state oil fund. In 2007, the government spent \$375 million on IDPs, \$154 million of which was from the state oil fund (Government of Azerbaijan, 4 March 2008; CoE, 24 May 2007; UN HRC, 15 April 2008). In 2009, over \$384 million was spent on improving living conditions for IDPs by the state budget, state oil fund and international humanitarian organisations (APA, 26 January 2010; US DOS, 11 March 2010).

Cooperation with international and regional organisations

The government is by far the biggest donor to IDP projects and takes pride in its response to internal displacement, asserting that no other country devotes such a proportion of its national budget to displaced persons.

At the same time, it flaunts the number of international humanitarian organisations working in the country (approximately 70), as if to say that not only is the government responding to the IDP situation, it is also working together with foreigners towards the same goals (Praxis, 2009).

Some argue the government feels a presence of international humanitarian agents increases their chances of advocating their view of the Nagorno-Karabakh conflict to the international community. It is certainly quite clear that politics interfere with the government response. This is particularly obvious when looking at the policy on return of the IDPs to the occupied areas (Praxis, 2009).

The government has accepted international assistance and worked together with international and regional organizations in addressing the protection and assistance needs of the displaced. It

has given safe access, but remains the only collector of comprehensive statistics on IDPs. There has also been no discussion on durable solutions for IDPs except for their return.

The government has invited the [Representative of the UN Secretary-General on the human rights of IDPs](#) to visit the country and view the conditions of IDPs, which the mandate-holder has done three times. The government also accepted a visit from the [Committee on Migration, Refugees and Population](#) of the Council of Europe for the same purpose in 2009. This has allowed a dialogue with the government, improved the quality of information available on IDPs and strengthened cooperation between governments and the international community.

For more information on the activities of international organizations in Azerbaijan related to IDP assistance, see [International response to internal displacement](#).

Data collection

The State Committee for Refugees and IDPs is the custodian of IDP registration data. Local representatives of the State Committee for Refugees and IDPs submit monthly statistics to the State Statistics Committee. No independent verification of registered IDPs has been conducted. The UN country team accepts and publishes government statistics (UNHCR, October 2009).

For the latest statistics on IDPs, see [Latest figures of IDPs in Azerbaijan proper](#).

National human rights commission

The [Human Rights Commission of Azerbaijan](#) was established in 2002. It has accreditation status “A,” which infers compliance with the [Paris Principles](#). The office was undergoing special review in 2011 by the National Human Rights Institution forum, though its administrative status was upgraded in July 2007 (EC, 3 April 2008; NHRI Forum, 3 December 2010). The staff of the Ombudsperson office has participated in trainings both in the country and abroad. There are several regional offices.

The Commissioner considers petitions from IDPs and others on their access to their rights, monitors their situation and advocates on their behalf with governmental institutions. The office received 421 individual complaints from IDPs in 2007 mainly regarding poor housing conditions, problems receiving the monthly food allowance, lack of communal services and evictions (Government of Azerbaijan, 3 April 2008). She also visited areas where IDPs are living were ongoing (Human Rights Commission of Azerbaijan, 2 July 2009; Human Rights Commission of Azerbaijan, 9 June 2009; Human Rights Commission of Azerbaijan, 2009; Human Rights Commission of Azerbaijan, 2009).

The Commissioner has participated in the preparation and implementation of the 2004 “State Programme on improvement of living conditions of refugees and IDPs and increasing employment,” and has had a specialized advisor on the rights of refugees and IDPs since 2009 (Human Rights Commission of Azerbaijan, 2009). (Human Rights Commission of Azerbaijan, 2009).

The Commissioner has advocated for the improvement of living conditions of IDPs, the return of houses occupied by IDPs to the real owners, and an increase in the number of teachers in rural

areas, particularly in IDP settlements (Human Rights Commission of Azerbaijan, 2009; Human Rights Commission of Azerbaijan, 2008). The Commissioner has also appealed for obstacles to be removed so that kindergartens could function and schools could be heated (Human Rights Commission of Azerbaijan, 2008).

Compared with previous years, the ombudswoman was more outspoken in her criticism of government actions, particularly on the imprisonment of journalists. However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the government (US DOS, 11 March 2010). The European Commission also reported in 2008 that further efforts were needed to enhance the independence and legitimacy of the office of the Human Rights Commission (EC, 3 April 2008).

The State Committee for Women, Children and the Family also works to raise public awareness on gender issues, SGBV and early marriages and often advocates on behalf of internally displaced women.

National non-governmental organisations

Administrative context

Government and NGO figures for the number of registered NGOs vary from 2,600 to 3,220. Some 70–80 per cent of registered NGOs are active. A 25 December 2009 presidential decree instructed that NGOs must register grants with the Ministry of Justice before making any transactions with grant funds. However, the NGO registration process remained burdensome with lengthy delays. In some cases officials required NGOs to change their charters, denied registration with limited explanation, and demanded multiple submissions of registration documents. NGO representatives from distant regions have to travel to Baku for registration-related proceedings (USAID, 31 July 2010; EC, 12 May 2010).

Amendments to the NGO law in June 2009 by the Azerbaijan parliament allow the authorities to put NGOs under increased government control (RFE/RL, 2 July 2009; Human Rights House, 30 June 2009). While the most restrictive measures were removed just prior to adoption, the amended law also introduces new financial reporting requirements that may impose a substantial administrative burden on NGOs. The majority of NGOs are dependent on international sources of funding, though the Council on State Support to NGOs allocated a total of \$4 million in grant assistance to 430 NGOs during the first two years of work (USAID, 31 July 2010; EC, 12 May 2010). Some local NGOs said the selection process was unfair.

For more information on NGO regulation in Azerbaijan and related legislation, see [Legislationline](#).

National NGOs working with IDPs

There are several national NGOs working with IDPs in Azerbaijan. They include Women's Association for Rational Development (WARD) (prevention of, and response to sexual and gender based violence), UMID Humanitarian and Social Support Center (vocational training, community mobilization, school rehabilitation, distribution of non-food relief items), HAYAT International (HAYAT) (vocational training and health protection) and Praxis (information, counselling and legal aid) (UNHCR, October 2009).

Through its legal assistance programme, Praxis has solved problems for many IDPs mostly relating to documentation and improvement of living conditions. This assistance has also indirectly improved the health of IDPs (Praxis, January 2008; Praxis, November 2007). Praxis has

also trained IDPs on property rights and ownership issues in order to raise their awareness and remove obstacles in the documentation and registration of land and property by IDPs (Praxis, February 2007). Praxis also translated [Addressing Internal Displacement: A Framework for National Responsibility](#) into Azeri with the Norwegian Refugee Council.

Praxis has made several recommendations to improve the protection of IDPs. They include amendments to legislation to improve the protection of women and children, ensuring respect for IDPs' right to property and ensuring IDPs receive their due pension (Praxis, 30 April 2007; Praxis, 30 June 2007; Praxis, 31 July 2007).

IDP associations

Some IDPs have formed the group "Azeri Community of the Nagorno-Karabakh Region". They claim to represent Karabakh IDPs' interests and are calling for return of IDPs to the places of origin. The government of the Azerbaijan is not officially connected with this group. However, at a congress held in 2009, 200 government officials attended and the group has a \$2.5million budget allocation for renovation of its headquarters (Eurasianet, 25 September 2009).

Among the most radical groups is the Karabakh Liberation Organisation (KLO), which rejects the peace process, criticises the government for failing to take resolute steps to return Karabakh and the international community for not calling Armenia the aggressor. With offices in Baku and key regions, it advocates war as the only acceptable way to regain the lost territories. Its core members are former combatants, families of war victims and IDPs from Karabakh and occupied territories (ICG, 14 November 2007).

Progress towards a peace agreement

Framework for discussion

Since the ceasefire in 1994, Azerbaijan and Armenia have remained in political deadlock over the status of Nagorno-Karabakh. The situation has been one of no war, no peace. The OSCE Minsk Group, co-chaired by France, Russia and the United States, has led closed discussions for a settlement concerning Nagorno-Karabakh since 1992 (PRIF, 2009). Nagorno Karabakh has not been involved in any official negotiations since 1998, though the authorities there have demanded they be included (Reuters, 10 July 2009). Azerbaijan insists Nagorno-Karabakh cannot take part, arguing that Armenia represents their interests. The consultation process is confidential and hardly any details are known (PRIF, 2009; Jamestown Foundation, 9 November 2010). Negotiations within the Minsk Group considerably intensified in 2009 with the presidents holding six bilateral meetings during the year and the foreign ministers meeting a number of times (EC, 12 May 2010).

Progress

The OSCE Minsk Group presented "Basic Principles" to both sides in 2007 upon which a more detailed agreement would be negotiated. These principles include the renunciation of the use of force, gradual Armenian withdrawal from parts of Azerbaijan surrounding Nagorno-Karabakh, interim status for Nagorno-Karabakh with substantial international aid and mutual commitment to internationally supervised population vote on Nagorno-Karabakh's final status after the return of displaced Azeris (ICG, 14 November 2007). The sides have agreed on the immediate return to Azerbaijan of five occupied districts adjacent to Nagorno-Karabakh, together with the deployment of peacekeepers and the separation of forces. The other principles have not been agreed.

The United States, Russia and France have stepped up efforts to broker a peaceful settlement to the conflict. In 2010, they issued a rare joint statement urging Azerbaijan and Armenia to complete work on the basic principles to enable drafting to begin (Jamestown Foundation, 14 July 2010). The Moscow Declaration of 2 November 2008 was the first document signed by both the Armenian and Azerbaijani presidents since the 1994 ceasefire. While it reaffirms their commitment to a negotiated solution, the formulations are vague and it does not signify significant progress (President of Russia, 2 November 2008). The leaders also agreed to exchange prisoners in 2010 after meeting with Russian President Medvedev (Jamestown Foundation, 9 November 2010).

Current plans for settlement of the conflict envision a crucial role for IDPs. The proposal by the OSCE Minsk group is that they be permitted to return before the status of Nagorno-Karabakh is decided and that they participate in a referendum to decide the future status of the contested territory. The referendum should be arranged to increase uncertainty about the outcome rather than gearing it towards one that seeks to confirm and legitimize a solution negotiated by governments (RSQ, 2009).

Main sticking points

Azerbaijan and Armenia still disagree on the most fundamental questions and remain deeply divided on the specifics. The core issue of contention is the final status of Nagorno-Karabakh and the prevailing positions are irreconcilable. Azerbaijan emphasizes its right to national integrity and will only grant Nagorno-Karabakh autonomy, while Armenia and Nagorno-Karabakh stress the right to self-determination and strive for the independence or integration of Nagorno-Karabakh. Because the positions on status seem irreconcilable, the co-chairs have suggested postponing a determination. The other issue of contention is control over Kelbajar and the Lachin district: Armenia insists it will relinquish control over Kelbajar only after a referendum on the status of Nagorno-Karabakh since it is concerned Azerbaijan would not proceed with the referendum if it regained control over Kelbajar (ICG, 14 November 2007).

Other obstacles to a peace agreement

In addition to persistent disagreement over several key issues, there are other obstacles to reaching a political resolution to the conflict. Most significantly there is a lack of political will. Political elites have been perpetuating maximalist expectations within their populations for over 15 years. In doing so, they have made it increasingly harder for themselves to step down from their own nationalist rhetoric and reach a compromise since their own power and positions are based on continued public fears (ICG, 12 April 2010; Carnegie Endowment for International Peace, 6 May 2010; RSQ, 2009).

The basic principles have been largely viewed with suspicion and have increased the sense of insecurity. In Azerbaijan, they are seen as a plot to legitimise Nagorno-Karabakh's secession, while many Armenians believe the principles would lead to Nagorno-Karabakh's reintegration with Azerbaijan against the will of the people who live in the region. Without bridging this gap between the international and domestic perceptions of the peace process, it will be impossible for the Armenian and Azerbaijani governments to sign the basic principles agreement (ICG, 12 April 2010).

None of the parties feels that there is any urgency to settle the conflict and observers of the peace talks have the perception that the Armenian and Azerbaijani presidents actually prefer the narrowly based desultory peace process, which preserves the status quo and produces no results, to a more dynamic process that would force them to take hard decisions and make public compromises to the enemy (Carnegie Endowment for International Peace, 6 May 2010; ICG, 14 November 2007).

There is also almost no simultaneous process involving the two societies. The general public on either side has not been kept informed of the details of the discussions and the government of Azerbaijan has repeatedly discouraged and even targeted activists who promote confidence building with Armenians (Conciliation Resources, 10 July 2009; IWPR, 2 April 2008; IWPR, 7 June 2007). Continued incidents of exchange of fire and casualties on the line of contact also impede confidence building and trust (EC, 12 May 2010; RFE/RL, 9 June 2009).

There are nevertheless a small number of non-governmental organizations working on reconciliation and trying to prepare people for necessary compromises (RSQ, 2009). Head religious figures in both countries also issued a joint statement to support the mediation process for the Nagorno-Karabakh conflict (Reuters, 26 April 2010).

IDPs and other groups directly affected by the conflict claimed that the government has an interest in keeping the conflicts frozen as this allows it to keep large sections of the population disempowered and in a situation of limbo. Such a population is easy to mobilise towards war, but is unlikely to mobilise for its own benefit since it lacks resources (International Alert, 2006).

Missing ingredients

Moving current peace talks out of deadlock requires serious shift in approaches and policies towards the conflict. Nobody involved considers conflict resolution a pressing urgency and there is no incentive to change this (ICG, 14 November 2007; de Waal, November 2009). Ultimately, significant political will on both sides will be necessary to reach an agreement. Many recommendations have been made in this regard. They are as follows:

To the international community:

Increase resources to support the American, French and Russian mediators (de Waal, November 2009)

Reinvigorate efforts to push the parties to agree on the basic principles for a peaceful resolution of the conflict

Refer to the rights of people, including Azerbaijani IDPs from the occupied territories, and what they stand to gain from peace rather than “territorial integrity” and “self-determination” (de Waal, November 2009)

Choreograph a change in language and tone on both sides as neither side can be expected to take the politically risky step of changing tone unilaterally (de Waal, November 2009)

To the governments of Azerbaijan and Armenia

Establish a mechanism for IDPs and refugees to make their voice heard in peace process

Gain public support for the basic principles by explaining this is a first step with no decision on the final status of Nagorno-Karabakh (ICG, 12 April 2010)

Discuss the immense benefits to be derived from even the first phase of the current peace plan, such as the right of return of more than 80 per cent of Azerbaijan’s IDPs to the occupied territories and the opening of Armenia’s borders (de Waal, November 2009)

Mention of regret for the shared tragedy of war, of the deep common culture and history of trade and mixed marriages between Armenians and Azerbaijanis and of the necessity and value of living together as neighbours and partners in the future (de Waal, November 2009)

Engage the populations in a genuine debate about the existing options on the negotiation table (ICG, 12 April 2010)

Both internationally and locally, the language used about the dispute needs to change for progress to be made and for compromises to be sold to both societies. Instead of talking about total victory and the potential for war, the focus should rather be on the immense benefits to be gained by peace (de Waal, November 2009).

Shortcomings of national response

The impressive government efforts notwithstanding, significant challenges remain. Activities in the 2004 State programme appear to have been not fully implemented, or if implemented they have not had the intended effect. While tens of thousands of IDPs enjoy improved housing, most IDPs continue to live in substandard conditions without sufficient access to livelihoods after more than 15 years. The resettlement programme's emphasis on provision of adequate housing should, for example, to a much greater extent move beyond construction of housing units and equally facilitate access to livelihoods. Vulnerable groups among the displaced, such as elderly, traumatized, disabled and mentally ill persons, as well as female-headed households, are in particular need of targeted assistance. While developing policies and programmes to address the needs of IDPs, the government did not consult IDPs, and IDPs have not participated in the planning and implementation of policies and programmes affecting them, including in negotiations for a peace agreement. Ultimately durable solutions for IDPs depend on a political resolution to the conflict over Nagorno-Karabakh (AI, 28 June 2007 NRC, 29 February 2008; UN HRC, 15 April 2008; UNHCR, October 2009).

International Response

Human rights standards

Human rights law does not explicitly address the issue of humanitarian assistance. The national authorities are primarily responsible for providing humanitarian assistance to IDPs. They have an obligation to seek international assistance when their resources are insufficient. At the same time, international humanitarian organisations and other appropriate actors have the right to offer their services in support of the internally displaced.

[Guiding Principle 25](#)

For additional information, see [Guiding Principles on Internal Displacement - Annotations](#)

Overview of international response

In 2009, 60 international and 40 domestic humanitarian organizations implemented 370 projects for refugees and IDPs independent of the government. They spent a total of approximately \$30 million (US DOS, 11 March 2010; Government of Azerbaijan, 10 April 2010). In 2008, the international community allocated \$31m to humanitarian and development programmes focusing on IDPs (UNHCR, October 2009).

United Nations agencies, international humanitarian and development organisations and international finance organisations provide assistance to IDPs in Azerbaijan in addition to the government and local NGOs. Current donors include the EU, the American, Japanese, German and Norwegian and Swiss governments and the Norwegian oil company Statoil, as part of their

corporate social responsibility programme. International and national humanitarian organizations have unimpeded access to IDPs (UNHCR, October 2009).

International response to internal displacement in Azerbaijan can be described in terms of three key phases. In the first phase, lasting until the mid-1990s, the response was one of emergency relief to a humanitarian disaster, providing for minimum essential levels of shelter, food and water. International assistance was at its peak during this phase, with international funding reaching US\$120 million in 1994-5. In the second phase, lasting until the early 2000s, international involvement shifted towards relief assistance, with the construction of more permanent shelter, the rehabilitation of public buildings housing IDPs, health care and income generation. In the third phase, relief goals were replaced by longer-term development goals accompanied by a reduction in the extent of international involvement.

By the early 2000s Azerbaijani government expenditure on aid to the internally displaced was three times that of international agencies and it has grown ever since while international donations have been falling. Among the reasons for this fall in international funding of IDP programmes are the length of displacement, 'donor fatigue' and the greater capacity of the Azerbaijani state to become actively involved in IDP-specific programmes. (Praxis, 2009).

UN response

The [United Nations country team in Azerbaijan](#) is represented by the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the International Office for Migration (IOM), the International Monetary Fund (IMF), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (Unicef), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Health Organization (WHO). The protection of IDPs in Azerbaijan also forms an integral part of United Nations development instruments, such as the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF).

The UN High Commissioner for Refugees (UNHCR) leads UN assistance for IDPs in Azerbaijan. The organisation focuses on advocacy on IDP rights, vocational training programmes and legal assistance together with local and international NGOs (IWPR, 12 June 2009; UNHCR, October 2009). Other UN agencies that assist IDPs include Unicef, UNDP, UNFPA and WHO. UNHCR also acts on behalf of the UN country team in assisting the government of Azerbaijan in the development of a return plan for IDPs in the event of a solution of the Nagorno-Karabakh conflict. Given increasing state capacity in Azerbaijan, UNHCR has integrated its projects into State Programmes and focuses on advocacy and the promotion of the UN Guiding Principles on Internal Displacement, modest rehabilitation and training programmes, and the provision of technical expertise.

UNHCR was among the first international organisations to arrive in Azerbaijan. In 1992, it launched an emergency relief operation at the request of the government to address the needs of IDPs. In 2002, the agency began to scale down its work with IDPs and since then it has repaired residential and school buildings where IDPs live, implemented community-based projects for the benefit of displaced children and the elderly, and conducted vocational training. In 2007, UNHCR introduced the Strengthening Protection Capacity Project in the Southern Caucasus (SPCP-SC) to help improve protection responses to forced displacement in the region. An analysis of gaps in IDP protection was conducted within the framework of this project in order to identify existing

challenges for IDPs. This analysis is being used as the basis for discussion on how to address the challenges in meetings with relevant organisations (UNHCR, 29 February 2008; UNHCR, 3 March 2010).

Other UN agencies also continue to work with IDPs. In 2010, FAO was continuing a project to improve income generation opportunities for IDPs and local farmers in Agdam region (Today.az, 22 June 2010). UNDP manages a trust fund for mine action in Azerbaijan and in 2009 cooperation on this was extended for an additional three years (ICBL, 19 October 2010). Unicef considered internally displaced children in its 2009 research on early marriage in Azerbaijan (UNICEF, 2009). The UN Representative of the Secretary General on the human rights of IDPs has visited Azerbaijan three times since the establishment of the mandate (UN CHR, January 1999; UN HRC, 15 April 2009; UN GA, 11 August 2010).

Response of other international humanitarian organisations

International NGOs have also implemented significant projects focusing on IDPs. While many organisations have discontinued their operations in Azerbaijan, some continue to provide assistance. Below is an alphabetical order list of some international organisations who have provided assistance as well as some of those who continue to do so.

Action contre la faim launched its work in Azerbaijan in 1994. In 2010, it was working in Agjabedi and Beylagan regions on food security, water and sanitation. This includes income-generating activities, loans for agricultural activities and provision of drinking water.

Counterpart International was implementing a children's education project in internally displaced communities through which kindergartens were renovated for the children of internally displaced people in Fizuli district. In addition, Counterpart works on strengthening the capacity of IDP community-based organizations to improve children's education, and create an early childhood development module for pre-school children.

ICRC in Azerbaijan focuses on missing persons and detainees held for conflict-related or security reasons, or who are otherwise vulnerable. The ICRC visits frontline areas regularly, to identify the needs of the people living there and has provided them with clean drinking water and safe playgrounds (ICRC, 31 December 2009). ICRC also conducts activities in Nagorno-Karabakh, improving the access of vulnerable people to health care and humanitarian items (ICRC, 31 December 2009).

IMC started operating in Azerbaijan in 2000 and conducts projects focusing on primary health care services for people living in the southern region of the country. In 2007, IMC received a grant to launch an HIV prevention programme in Azerbaijan. Prior to that IMC repaired health facilities, trained medical professionals and educated the community on health issues. IMC no longer operates in Azerbaijan.

IRC focuses on economic and agricultural development, community and civil society mobilisation, infrastructure repair, health, gender and youth and education.

The Norwegian Refugee Council closed its office in Azerbaijan in 2008. Over 13 years, NRC carried out projects for IDPs and refugees in areas such as shelter, legal assistance, micro-credit, food assistance, gas and heater distribution, school construction, psychosocial rehabilitation and dental assistance.

OXFAM has been present in Azerbaijan since 1992. The organisation continues to implement projects in the country, covering health care, assistance to farmers, government accountability.

UMCOR has assisted IDPs with medicines, medical supplies and non-medicinal goods, and has worked with community health providers since 1996.

World Vision began working in Azerbaijan in 1994 and continues to implement projects for urban and rural IDP communities to improve their economic, education, food security and infrastructure situation. In 2008, they have projects in Sumgait, Garadagh, Agjabedi, Terter and Mingechevir for some 36,000 IDPs including youth, mothers and children and others needing improved food security. World Vision also provides small loans to conflict-affected business owners and is constructing a new settlement for some 400 displaced families.

Response of European institutions

The Council of Europe's Committee on Migration, Refugees and Population visited Azerbaijan in 2009 and in a [report](#) on internal displacement in Europe called on relevant authorities in the region, including Azerbaijan, to support the integration of IDPs; to involve them in the search for durable solutions; to pursue the process of reconciliation more vigorously; and to find adequate solutions for the most vulnerable IDPs. The rapporteur also called on authorities to confer legal security of tenure upon internally displaced households that lack property titles and improve the involvement and participation of IDPs in all stages of the development of policies and programmes affecting them (CoE, 9 June 2009). The Council's Parliamentary Assembly also adopted the related [Recommendation 1877\(2009\)](#).

The EU Special Representative for the South Caucasus and the EU Commissioner for Enlargement met IDPs in Azerbaijan in 2010, and the European Parliament issued a report on the need for an EU strategy for the South Caucasus, to cover areas such as the rule of law, economic cooperation, social development, security and conflict resolution (European Parliament, 23 April 2010). The EU financed the Strengthening Protection Capacity Project for the Southern Caucasus (SPCP-SC), which included an analysis of gaps in the protection of IDPs in countries in the region. The EU is also involved in efforts to improve access to drinking water and health care, clear land of mines and help land-mine victims, and reform the social benefits system, among other activities (European Commission, 3 April 2008).

In 2010, the European Parliament raised concern that IDPs in Azerbaijan have been denied their rights including the right to return, enjoyment of property and the right to personal security. The parliament called on all parties to recognise these rights and demanded the withdrawal of Armenian forces from all occupied territories of Azerbaijan, allowing the return of displaced populations to their homes. The parliament also requested international forces to be organised with respect of the UN Charter in order to provide the necessary security guarantees in a period of transition. The parliament also called on the European Commission to explore the possibility of providing humanitarian aid and assistance to the population in the Nagorno-Karabakh region as well as to the IDPs and refugees who fled the region and other measures aiming to peacefully resolve the conflict (European Parliament, 23 April 2010).

In 2008 the Council of Europe's Commissioner for Human Rights recommended a more flexible registration system, better access to education and jobs for IDPs, and money for health care in IDP settlements (CoE, 20 February 2008). In 2007, the Council of Europe's European Commission against Racism and Intolerance requested the Government of Azerbaijan to improve living conditions of IDPs, assist integration of IDPs and uphold the property rights for owners, whether displaced or not (CoE, 24 May 2008). The EU expressed deep concern about the poor

situation of IDPs and called on ECHO to conduct an assessment of IDPs' needs (EU, 12 September 2007). In 2006, the Council of Europe's Committee of Ministers issued recommendations to all member states on protection of internally displaced persons (CoE, 6 February 2006; CoE, 13 April 2006; CoE, 5 April 2006).

Response of international finance organisations

The World Bank has been one of the key agencies working with and funding the government of Azerbaijan. It has invested more than \$50 million in projects for IDPs improving their living conditions, fostering community participation, provision of micro-credit loans and small-scale grants as well as apprenticeships and business training opportunities (World Bank, 11 March 2008). This included repair and renovation of temporary shelter, water supply networks, power supplies, roads, drainage systems, schools and community centers. The World Bank was also conducting a broader three-year program of analytical work on the situation of IDPs in the South Caucasus and looking into livelihoods of IDPs in an effort to design appropriate assistance programmes. It is also funding reform of the health sector.

The Asian Development Bank has also provided funds for IDPs, including a housing project (UN ECE, 18 November 2010). ADB has contributed \$660 million to Azerbaijan since 1999 and assistance to address the needs of the internally displaced has so far been focused on resettlement and repair of community infrastructure, such as schools. In 2006, ADB announced that support for improvements in the living conditions of IDPs would be integrated into other poverty interventions where possible (ADB, January 2006). In 2010, ADB operations in Azerbaijan were focusing on water supply and sanitation, energy, and transport, which is in line with the government's own development priorities.

The European Bank of Reconstruction and Development was implementing 105 projects in 2009 focusing on the enterprise, financial and infrastructure sectors (EBRD, 31 May 2010). EBRD provided 122 million EUR to Azerbaijan in 2007 for the development of the business, energy and financial sector and infrastructure repair. While it does not seem to finance projects that directly benefit IDPs, IDPs may nevertheless benefit since the EBRD's approach is to support economic diversification and help create conditions conducive to long-term sustainable development and poverty alleviation.

Other donor support

The United States, the European Union, the United Nations and other multi- and bilateral donors provided humanitarian assistance worth millions of US dollars from the mid-1990s to the early 2000s (WHO, 2010). From the mid-2000s, major donors discontinued humanitarian aid to Azerbaijan, instead shifting towards development assistance. This is due to the greater financial capacity of the government of Azerbaijan to support IDPs, but also due to donor fatigue, the protracted nature of the Nagorno-Karabakh conflict and funding constraints in favour of emergencies elsewhere. The government has itself become a donor of aid, but remains keen on keeping international and national humanitarian actors engaged in supporting the displaced (European Parliament, 17 January 2008).

Current donors for programmes benefiting IDPs include the European Union, the American, Japanese, German, Norwegian and Swiss governments and the Norwegian oil company Statoil, as part of their corporate social responsibility programme. The United States government is one of the largest international donors in Azerbaijan (Eurasianet, 16 June 2009). Funds have gone towards humanitarian assistance in Nagorno-Karabakh, including demining, and in Azerbaijan

proper funds have also been used for demining and to build new schools for IDPs and improve their living conditions.

Other donations have come from the governments of Italy, Greece, Turkey and Iran as well as EXXON, British Petroleum and the 2006 Nansen Award winner Dr. Kanai, President of Fuji Optical Ltd. Dr. Kanai financed an artesian well in Beylagan and conducted eye-screening and eyeglass distribution for over 18,700 IDPs, refugees and vulnerable people during 2005-2009 (APA, 26 January 2010).

Donors would reportedly like to see an improvement in the social conditions for IDPs, creation of opportunities for education, sport and work and prevention of sexual and gender-based violence (IWPR, 12 June 2009).

UN recommendations to improve the protection of IDPs

Universal Periodic Review

The compliance of the government of Azerbaijan was reviewed at the UN's Universal Periodic Mechanism (UPR) in 2009. Algeria, Canada and Chile made recommendations to the government relating to IDPs, including for the improvement of the living conditions and economic and social rights of IDPs (UN UPR, 29 May 2009). The government accepted these recommendations (UN UPR, 10 June 2009).

UN Committee for the Elimination of Discrimination Against Women (CEDAW)

The [Committee](#) noted that internally displaced women and girls are vulnerable and marginalized. It recommended that the government continue the implementation of targeted measures for internally displaced women and girls in order to improve their access to education, employment, health and housing and to monitor their implementation; that it fully implement the recommendations made by the Representative of the Secretary-General on the human rights of internally displaced persons requesting the government to ensure the timely consultation of IDPs during the next phase of rehabilitation of urban collective centres, paying particular attention to the full participation of women as a means of empowerment; and that the government continue to implement awareness raising campaigns and work with religious authorities in order to prevent early marriages and to ensure that all marriages are properly registered (UN CEDAW, 7 August 2009).

UN Committee on the Rights of the Child (CRC)

The [Committee](#) recommended that displaced children be educated together with children from local communities and that an effective decentralized system of birth registration be implemented to facilitate birth registration, in particular for children born from displaced persons. The Committee also remained concerned that internally displaced children live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things (UN CRC, 17 March 2006).

UN Committee on the Elimination of Racial Discrimination (CERD)

The [Committee](#) noted discrimination of displaced persons in employment, education, housing and health and that internally displaced women and children remained in a particularly vulnerable and marginalized situation. The Committee urged that opportunities be equally available to displaced persons and enhanced participation in the formulation of state policies and programmes

concerning their interests, in particular with regard to the planning of new settlements, improved access to employment, housing, health care and quality education, and measures to encourage mixed schooling with local children (UN CERD, 7 September 2009).

UN Committee on Economic, Social and Cultural Rights (CESCR)

The [Committee](#) encouraged Azerbaijan to ensure all disadvantaged persons, including IDPs, have access to social assistance and recommended Azerbaijan undertake measures to ensure the right of IDPs to adequate housing, food and water, health services and sanitation. It also recommended that the government take corrective measures to ensure that Armenians and other ethnic minorities whose properties are illegally occupied by internally displaced persons be provided with adequate compensation or offered alternative accommodation, and that it take necessary measures to guarantee the right to housing to all persons residing under its jurisdiction, and to address the problem of the lack of adequate social housing units in the most expedient manner possible, particularly in Baku (UN CESCR, 26 November 2004).

UN Human Rights Committee

The [Committee](#) noted with concern that a large number of under age marriages which cannot be registered occur each year in Azerbaijan, in particular for girls belonging to the families of internally displaced persons. It called on the government to take urgent measures to eradicate the practice of unregistered marriages and to take measures, including awareness-raising campaigns, to ensure that marriages do not take place before the legal age. It was also invited to align the legal age of marriage of girls to that of boys. The Committee also remained concerned that, in IDPs continue to face problems in obtaining address registration (*propiska*), and that the existence of the address registration (*propiska*) system violates the right to freedom of movement and choice of residence. It recommended that the government simplify its address registration procedure (UN HRC, 13 August 2009).

UN Representative of the Secretary General on the human rights of IDPs

Some of the recommendations made by the RSG are as follows.

The international community should continue supporting the government of Azerbaijan with technical assistance in improving the living conditions of internally displaced persons, and the search for durable solutions (UN RSG, 26 May 2010)

The international community should actively renew and strengthen their efforts to facilitate the speedy adoption of a peace agreement, and to ensure that in this process the human rights of internally displaced persons are addressed, in particular their right to voluntary return in safety and dignity (UN RSG, 26 May 2010)

The government, as well as international and nongovernmental organizations, should continue to deliver direct humanitarian assistance, grant allowances in cash and in kind, and exempt them from payments for public services (UN HRC, 15 April 2008)

The government should invite persons to be resettled, including women, to participate in the planning of the location, design and equipment of new compact settlements, and that competent authorities inform IDP communities in advance of the conditions awaiting them (UN HRC, 15 April 2008)

The government should revisit settlements already in use to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed (UN HRC, 15 April 2008)

The government should ensure that new settlements are suitable for agricultural purposes and that economic opportunities are foreseen in the planning and that income-generating activities, skills training and microcredit programmes are expanded for IDPs, with particular attention to be paid to women (UN HRC, 15 April 2008)

The Minister of Education should study the level and quality of education of IDPs with the aim of filling remaining gaps through specific programmes implemented in cooperation with the international community (UN HRC, 15 April 2008)

Specific surveys and needs assessments, meeting international standards, into the situation of elderly and mentally ill IDPs and their access to counseling and appropriate medical care (UN HRC, 15 April 2008)

Recommendations from workshop on the protection of IDPs

The following recommendations were made at a workshop on the protection of IDPs in Baku in 2010. Participants included local and international NGOs, UN agencies and government officials and the basis for the workshop was the UNHCR Analysis of Gaps in IDP Protection.

Working Group I: Adequate Housing

Improvement of living conditions:

The implementation of the “State Programme on the Improvement of Living Conditions and Employment for Refugees and IDPs” should continue with a particular focus on public buildings and construction of new settlements in rural areas

Small scale renovation projects in collective centre buildings should be initiated in order to improve sewage systems, repair roofs, and rehabilitate communal areas

- o Involvement of international community and local NGOs in such project is necessary since these buildings are currently not the first priority of the State Programme

- o Active participation of targeted communities should be secured in both design and implementation of these projects

Reduction of physical and mental health problems caused by inadequate living conditions:

Psychosocial projects (e.g. recreational activities) should be established to decrease the effects of unfavourable living conditions among IDPs. International and national NGOs with experience in working with IDP communities would be the most appropriate implementers of such projects

Prevention of negative effects of evictions of IDPs:

Taking into account the rights of all citizens of Azerbaijan, the authorities should continue their efforts to seek solutions to issues related to property rights, e.g. IDPs at risk of eviction

In order to better understand the volume and specificities of the problem, NGOs could be involved in thorough assessments of all cases concerning evictions throughout Baku and Sumgait

Improvement of participation of IDPs in resettlement programmes:

Regular information campaigns aiming to increase awareness about the resettlement programme should be conducted in IDP communities by relevant government authorities, in cooperation with NGOs, community leaders etc.

Regular discussions should be conducted with IDPs separated in different age and gender groups in order to understand the specific needs of various groups. IDPs should be informed about their rights, duties and responsibilities in this process and there should be a solid mechanism in place to ensure that the views and opinions of the different groups are taken into account in decision making

Working Group II: Livelihoods

Measures to increase self-reliance among IDPs:

Self-reliance among IDPs could be increased by establishment of

- o micro credit projects with more viable conditions such as no demand for collateral and lower or no interest rates

- o small to medium sized businesses in/nearby IDP communities, e.g. carpentry and seamstress workshops; bakeries; and car repair service centres

- o vocational training programmes and courses

o improved possibilities for agricultural work, e.g. by building greenhouses for families or interested groups of people

All projects and programmes established to improve employment and income opportunities for IDPs should take an incentive-based approach and contribute to empowerment of IDPs

The design of all income generating projects should take into consideration the needs IDPs may have after a potential return to their place of origin, e.g. training in specific agricultural skills for those IDPs potentially returning to the mountainous areas

Improvement of coordination among stakeholders:

Cooperation among stakeholders involved in livelihood projects and programmes, such as government institutions, donor organizations, international and local humanitarian organizations, could be improved through establishment of a coordination mechanism

Working Group III: Education and Recreation

Improvement of Educational Facilities:

An assessment of the current conditions of IDP schools should be conducted. On the basis of the assessment NGOs may develop project proposals aiming to improve physical conditions in IDP schools for submission to international donor organisations

Improvement of quality in primary and secondary education:

Assessments could be conducted to determine the level of proficiency among teachers, including their ability to apply modern teaching methods in lessons

Various trainings and courses for teachers, specifically aiming to improve computer and internet skills, could be organised

Parents Teachers Association (PTA) should be established and strengthened in IDP schools. PTA could contribute in the process of employing teachers

Securing safe learning environments:

The pedagogical skills of teachers should be improved through courses and trainings

Projects focusing on prevention of violence among students, teachers and parents, should be developed and implemented

Prevention of dropouts from secondary education:

Awareness raising about negative effects of early marriages should be initiated

Measures aiming to reduce poverty among IDP families should be implemented (cf. Working Group II: Livelihood)

Quality of education should be improved (cf. above)

Improvement of access to higher education:

Repetition courses with low or no cost should be organised

Opportunities for IDPs to access scholarship should be improved

IDP families living in student hostels could be resettled to new buildings or new settlements in order to (among other things) improve possibilities for students to find accommodation

IDP students could be provided with school kits, books and computers

Improvement of contact and integration between IDP pupils and local pupils:

New, identical school uniforms should be provided to both local pupils and IDP pupils. Projects should be established to offer support to families who are unable to cover the cost for the uniforms

Knowledge and sports competitions with children from both IDP schools and local schools could be organised to improve contact between IDPs and host communities

Improvement of access to recreational activities:

Sustainable development programmes should be created and implementation with participation of schools and TPA. The programmes should contribute to meaningful engagement of youths and bring about new and more diverse recreational activities in IDP communities

Existing playgrounds in IDP communities should be restored and new facilities should be constructed

Working Group IV: Access to Justice and Legal Remedies

Increase knowledge of rights among IDPs:

International organizations should support local NGOs in organization of, workshop for the purpose of raising awareness in IDP communities, and seminars with participation of civil society organizations, international and government organizations

Improvement of access to legal remedies and legal aid:

The Government, NGOs and international organizations should ensure that free qualified legal assistance is available for IDPs. The Bar Association should also be involved in rendering legal aid services to IDPs for no or small fee

Improvement of access to personal documentation and related entitlements:

The Government should consider decentralization of the system of registration and provision of documentation, and other measures that will facilitate issuance of documents to displaced persons living in rural regions

The process for obtaining documentation should be adjusted to become smoother and less bureaucratic

Prevention of negative effects of evictions of IDPs:

Relevant governmental bodies should monitor and ensure non-permission of eviction without offering alternative place of residence for IDPs. The alternative places of residence must be of an adequate standard (cf. also Working Group I: Adequate Housing)

Improvement of implementation of national legislation:

To ensure that the rights of all IDPs, regardless of geographical location or vulnerability, are respected, the Government should monitor more closely the bodies responsible for implementing national laws on IDP rights and privileges. In addition, international organizations and NGOs should regularly monitor and report on cases of violation of IDP rights

Improvement of possibilities for registering property among IDPs:

Appropriate Government institutions should take measures to secure that registration of property by IDPs does not affect their status or privileges as IDPs.

Improvement of registration of marriages among IDPs in rural areas:

The Government should simplify procedures for registering marriages for IDPs in rural regions by empowering representatives of local authorities to undertake the registration. IDPs should be exempted from paying fees as this is an issue of legitimate state interest

Improvement of possibilities for restitution and compensation through international protection mechanisms:

International organizations and NGOs should assist IDPs in applying to international protection mechanisms in order to ensure their right to restitution and compensation for lost property and possessions

Working Group V: Health, Healthcare and Psychological support

Improvement of access to basic health services:

Awareness on available services for both beneficiaries and medical personnel should be increased by designing and disseminating booklets/handouts to targeted groups. The material should include information about relevant legislation; clinics with free services available for IDPs; and list of medicines rendered for free

Qualified specialists could be attracted to work in IDP settlements through provision of lodging; fair salaries; and some kind of incentive (e.g. number of years of work in a settlement are doubled and reckoned towards early retirement)

Knowledge of medical personnel should be improved through provision of short-term in-service courses/trainings (mobile training sessions)

Improvement of access to medical care for serious medical conditions:

Health insurance should be introduced all across the country (irrespective of population strata).

Improvement of social and psychological support:

A position of psychologist should be introduced in the manning table in all hospitals and psychological services should be provided to IDPs

Basic psychology should be included in the academic curricula of general practitioners/family doctors.

Community-based services should be organized (social workers trained within the community).

A preferential term for a “social worker” should be introduced as a specialty when admitting to universities. Those IDPs interested in this qualification should be provided with benefits on the condition that they return to their settlement to serve the IDP population after completion of the education

Prevention of physical and mental health problems:

Necessary prerequisites for physical and mental health are created in all spheres of IDPs’ life. Since the main reasons for physical and mental health problems relate to social and economic instability of the IDP population, the issue should be considered in conjunction with the solutions offered by other Working Groups. It is strongly believed that improvement in other sectors such as housing, education and legal protection will result in the improvement of physical and mental health of IDPs

A more healthy style of life should be introduced through healthy nutrition; abstention of alcohol and tobacco; introduction of physical exercise etc.

Improved response to domestic violence:

The drafted law on Prevention of Domestic Violence should be adopted and implemented.

Prevention of domestic violence should be promoted and awareness of the issue among the general public should be improved. Senior and respected members of IDP communities should be involved in these activities

Rapid medical and psychological assistance should be provided to victims of domestic violence

Working Group VI: Durable Solutions and Meaningful Participation

Ensure a real choice of durable solution:

The most appropriate durable solution for most IDPs is return, because:

- o the majority of IDPs wants to return
- o The ownership rights of IDPs that have been violated should be restored

However, IDPs who are unwilling to return should be provided with opportunity to integrate locally or to resettle elsewhere

Return must be based only on a voluntary choice

For the time being there is a need to increase self-reliance of IDPs through various projects regardless of choice of durable solution.

Planning of return:

Following liberation of the occupied territories a Special Mission consisting of Government representatives, international organizations, local and international NGOs as well as members from IDP communities and other actors, should be formed. This Mission should be in charge of conducting a complete assessment of conditions for return of IDPs, including a needs assessment among IDPs. The results of the assessment should be widely distributed among IDPs so that they have a clear and comprehensive picture of the situation in the liberated territories

A detailed Return Action Plan should be developed taking into consideration the assessment conducted by the Special Mission
Best practices of other countries should be analyzed and implemented
Security issues should be prioritized before organizing IDPs' return
Basic infrastructure should be re-established in the territories before organizing IDPs' return

Recommendations on the protection of IDPs were also made at a similar event in 2007 (UNHCR, 31 October 2007).

Recommendations from international NGOs

International NGOs have offered numerous recommendations to the government of Azerbaijan and the international community to improve the protection of IDPs and find durable solutions to their plight. Below is a selection of these recommendations.

by Amnesty International:

Create consultative structures with representatives of the internally displaced population who have the possibility, for example, of influencing decisions on the selection of locations for new settlements and other issues involved in their construction
Elaborate and publish a framework outlining the rights of displaced people in the event of a peace agreement, clearly detailing rights to restitution and compensation
Amend residence registration procedures to ensure that they do not violate human rights, including those of the internally displaced population
Ensure that the internally displaced have an equal right in practice to access to social services and health care as guaranteed in law, including through taking steps to eradicate all direct, indirect and informal charges levied to internally displaced persons to access essential health care
Collect disaggregated data to monitor the realisation of rights by the internally displaced population through the implementation of regular and comprehensive surveys
Comply with the obligation under Article 2(1) of the ICESCR to devote the maximum of available resources to achieving progressively the full realisation of economic, social and cultural rights, without discrimination against internally displaced persons
End the construction of new settlements in remote, infertile or otherwise unsuitable locations
Accept and implement Article 31 of the Revised European Social Charter on the right to housing
Review and monitor construction processes of further settlements constructed for the internally displaced to ensure the material adequacy of the housing provided (AI, 28 June 2007)

by the Norwegian Refugee Council:

Standardize procedures for implementation of IDP-related legislation through training of local governmental representatives
Develop a comprehensive livelihood strategy promoting self-reliance of IDPs alongside with that of other vulnerable segments of the Azerbaijani population
Review running assistance programs with a view to gradually substituting direct assistance with more sustainable solutions for IDPs
Compile and make available detailed information on various aspects of the socio-economic situation of IDPs and most vulnerable non-IDP population and facilitate such activities whenever undertaken by non-governmental agencies
Adjust procedures for IDP registration to reflect actual places of accommodation and to promote free choice of residence throughout the country

Create mechanisms for systematic involvement and participation of different groups of IDPs in all stages of national programs and policies affecting them
Increase efforts to mainstream IDP-related issues into national poverty reduction programs targeting vulnerable populations in general
Develop conditions ensuring IDPs' rights to reintegrate and to access basic rights and services on equal terms with the general population
Improve and increase income-generating and microfinance activities for rural IDPs, especially those living in new settlements
Change practices that may be perceived as segregating, such as in the selection of sites for new settlements or in education;
Expand the IDP-specific legal framework to include different phases of displacement such as return or resettlement and reintegration (NRC, 29 February 2008)

by the Danish Refugee Council:

Promote the economic and labour activity of IDPs and increase their knowledge of entrepreneurship, Conduct an in-depth examination of the health of internally displaced families
Monitor the availability of free medical services for IDPs
Consideration should be given to the non-displaced neighbours of IDPs when providing assistance to IDPs
Activities aimed at increasing dwelling ownership among IDPs should be provided for use as collateral and to increase the self-confidence of IDPs
Improve sanitary conditions in the dwellings where IDPs live
Improve public transportation
Promote agricultural activities among IDPs through special training on new techniques of agricultural production, markets and perspectives
Offer special micro-finance programmes (e.g., loans with low interest rates) to those IDPs who are interested in starting new businesses in agriculture (DRC, 30 November 2007)

by the International Crisis Group:

The international community must impress on Armenia and Azerbaijan the need for progress in peace talks and stop ignoring the conflict in its aid packages
The EU special representative for the South Caucasus, who does not have a seat at the table, should be an observer in the negotiations
European Neighbourhood Policy funding should be linked to progress in the negotiations, and promote confidence-building, as well as institution-building and respect for human rights and the rule of law (ICG, 31 January 2008)
The Minsk Group co-chairs should make public more information on the substance of negotiations and avoid artificially fuelling expectations by overly optimistic statements
All parties to the conflict should respect the 1994 ceasefire, refrain from the use of force, halt the rise of defence budgets and cease belligerent and provocative rhetoric directed at the other.
Azerbaijan should make a concerted effort to increase transparency and reduce corruption so that oil revenues are used to benefit all citizens, particularly internally displaced persons (IDPs) (ICG, 14 November 2007)

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