

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
44th session of the Committee for the Elimination of Discrimination Against Women
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Republic of Azerbaijan

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. 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. The online database can be accessed at www.internal-displacement.org

I. Background to internal displacement in Azerbaijan

1. Over 570,000 people are currently internally displaced in Azerbaijan due to the conflict between Azerbaijan and Armenia over the territory of Nagorno-Karabakh. The conflict began in 1988, and by the time a ceasefire agreement was signed in 1994, some 30,000 people had died and over 700,000 people had been internally displaced within Azerbaijan. Over half of the internally displaced people (IDPs) are women and children.
2. Before the two parties agreed to a ceasefire in 1994, about 50,000 IDPs were able to return to their homes. Although the ceasefire has continued to hold, there is still no political resolution to the conflict 15 years later. The remaining IDPs continue to be prevented from returning to their homes as Azerbaijan still does not have effective control over Nagorno-Karabakh and seven surrounding districts.

II. Main issues of concern

Discrimination of internally displaced women (Article 2 and 13)

3. The term “forcibly displaced person” is defined in the law *On status of refugees and forcibly displaced (persons displaced within the country) persons* of 21 May 1999. Article 1 of the law states the following:

The term Forcibly Displaced Person (FDP) (person displaced within the country) shall apply to 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 technological disaster.

4. Unlike men with FDP status, women with FDP status are not always entitled to confer FDP status on their children born in displacement. The status of children is determined based on the status of the head of the household. According to an internal regulation of the State Committee for Refugees and IDPs, men are primarily considered the heads of household. Women are only considered head of the household if they are divorced or unmarried, in which case their children may claim IDP benefits.

5. Therefore children of women with FDP status who marry men without FDP status are not entitled to the status and the benefits deriving from it. As a consequence they cannot access government assistance, which includes monthly food allowances. Article 4 of *Instructions regulating the distribution of monthly food allowances to IDPs* 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]

6. There is no equality in the law for men and women with IDP status. Women are discriminated against on the basis of their civil status. This contravenes CEDAW Article 2 and 13, which respectively guarantee non-discrimination of women and equal enjoyment of rights by men and women, in particular the right to family benefits.

Inadequate living conditions (Articles 3 and 14(2)(h))

7. IDPs in Azerbaijan have been living in temporary shelter for over a decade, some for as long as 20 years. They live in urban and rural areas in housing that ranges from railway wagons and mud shacks to schools and new houses. The main categories are collective centres (33 per cent), self-built mud houses (15 per cent), abandoned apartments (12 per cent), new houses (12 per cent) and lodgings with relatives (12 per cent).

8. About 40 per cent of IDPs live in the main cities of Baku and Sumgait. Many live in multi-storey collective centres, which often have leaking roofs and run-down kitchens, bathrooms and plumbing systems. Privacy and space is inadequate as families typically occupy one or two rooms with no separation of the sexes or age groups, and households share a kitchen and bathroom with others on their floor. Some families have managed to leave collective centres after building new homes or finding better affordable housing in the private sector. The remaining residents, which are mainly female-headed households and other IDPs with specific needs, tend to be the most vulnerable. Information on IDPs living in the urban private sector is unavailable.

9. Outside of cities, housing conditions have been significantly improved with the establishment of new settlements. The government resettled some 90,000 IDPs from the worst IDP settlements into 49 new villages since 2001. However, the conditions in new villages raise several concerns. Many are located in isolated and economically depressed areas without adequate social services or public transport service. Some houses were constructed poorly, reportedly because of corruption in the construction process, and the land accompanying them is salty and infertile. There are few opportunities to earn an income and many IDPs have left the settlements to search for jobs elsewhere.

10. IDPs in rural areas outside of the new settlements mainly live in small, crowded and improvised shacks. They are built from materials such as mud bricks, rocks, frail sticks, cardboard and scrap metal all held together with wood and plaster. Inside, the floors are covered with scrap material, but this does not protect against the entry of mice and snakes. With no heating system or proper windows, these shelters fail to provide light, warmth, ventilation, physical security or privacy. Many IDPs living in such shelter must also contend with a lack of sanitation and potable water, interrupted electricity supplies as well as infertile land. Women reportedly wait in line for hours to collect water that is of poor quality.

11. These miserable living conditions compound already existing health problems. Poor sanitary conditions contribute to the spread of infectious disease in densely populated

IDP settlements, as does the shortage and low quality of water and general unhygienic conditions. These conditions also have a negative impact on IDPs' psychological state, and interfere with the normal development of children.

12. The government of Azerbaijan is falling short of its obligation undertaken in CEDAW Article 3, which requires States Parties to take appropriate measures, including in the social and cultural fields to ensure the full development and advancement of women and their human rights, and Article 14(2)(h), which requires States Parties to ensure that rural women enjoy adequate living conditions, particularly with regard to housing, sanitation, electricity, water supply, transport and communications.

Poor health status of internally displaced women (Article 14(2)(b) and General Recommendation 24 Para 6)

13. Conflict and displacement have negatively affected the health of internally displaced women in Azerbaijan. According to a 2005 UNIFEM study on Azerbaijan, internally displaced women fall ill ten times more often than non-displaced women. Many internally displaced women also appear to be in need of psycho-social support. They seem to suffer most from trauma and feelings of insecurity and isolation due to war, miserable living conditions and uncertainty about the future. This prevents them from integrating into their community and the socio-political life of the country.

14. Azerbaijan generally has an insufficient number of hospitals, medical centres and pharmacies, and access to psychosocial support is inadequate. The problem is aggravated in the case of IDPs, who live in settlements not serviced by public transport and who therefore must pay taxis to bring them to the nearest medical centre. While IDPs are legally exempt from paying fees for treatment and most medicines, they are nevertheless often made to pay informal fees for them. This discrepancy between the law and practice unduly burdens IDPs, although it should be noted that all citizens, whether displaced or not, are subject to such fees.

15. 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 women's reproductive health takes a lesser priority and is often neglected.

16. The government of Azerbaijan is falling short of meeting obligations stated in CEDAW General Recommendation 24 Paragraph 6 and CEDAW Article 14(2)(b), which respectively provide for adequate protection and health services for displaced women, and appropriate measures to ensure women in rural areas access adequate health care facilities, including information, counselling and services in family planning.

Lack of income generation opportunities for internally displaced women (Article 3)

17. A survey from 2005 showed that only 13 percent of internally displaced women work, and that many more internally displaced women are unemployed than internally

displaced men. Furthermore, unemployment rates and levels of debt among displaced women are significantly higher than among non-displaced women.

18. CEDAW raised this issue in CEDAW/C/AZE/CO/3 of 2 February 2007 and called on the government to report on the results achieved in this regard. While the State party's fourth periodic report contained information on the initiatives taken to improve women's access to employment, there was no information on the results of these initiatives as they relate to internally displaced women.

19. Internally displaced women reported to UNIFEM in 2005 that their greatest daily struggle is making ends meet financially. There are not enough jobs to match their qualifications and experience, and where there were jobs they qualified for specialists were brought in from outside the IDP community to fill them. Their difficult financial situation coupled with uncertainty and dependency diminishes their self-reliance.

20. 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. IDPs also received land for temporary use, but much of the land is used inefficiently since it is difficult to obtain credit to establish factories, business or micro-projects related to the land.

21. Most internally displaced women do not own property, whereas most non-displaced women do. In the case of internally displaced women this is mainly a result of not having access to a remedy for lost property and not having collateral or funds to purchase property. The government of Azerbaijan insists that a remedy for lost property can only be introduced after a peace settlement has been concluded with Armenia. The lack of land ownership means that internally displaced women are dependent on the state for housing, which deepens their sense of impermanence and instability.

22. The government of Azerbaijan is falling short of its obligation undertaken in CEDAW Article 3, which requires States Parties to take appropriate measures, including in the social and cultural fields to ensure the full development and advancement of women and their human rights.

Limited public participation of internally displaced women (Article 7)

23. 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. Thus there is no equality in the law for displaced and non-displaced women. The current practice limits internally displaced women's rights under Article 7(a) of CEDAW, which guarantees the right of women to be eligible for election.

24. 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 women are not represented at the decision-making level of the process. This contravenes CEDAW Article 7(b), which ensures the right of women to participate in the formulation and implementation of government policy.

Violence against internally displaced women (General Recommendation 19)

25. Internally displaced women in Azerbaijan are extremely reluctant to discuss cases of domestic violence outside of the family since this is generally considered taboo. As a result there remains a general lack of information on the causes and extent of violence against internally displaced women.

26. The government has only partially fulfilled the requirements in CEDAW General Recommendation 19 on violence against women. As outlined in its report fourth periodic report of 13 November 2008, it has taken legislative measures to combat violence against women. However, it has not reported on the impact of measures taken and challenges in their implementation

Early marriage of internally displaced girls (Article 23)

27. The marriageable age for women in Azerbaijan is 17 years. Several cases of early marriage of internally displaced girls were identified during field research of international humanitarian organizations in 2007. Early marriage in Azerbaijan usually happens in impoverished areas where there is a tradition of dowry. Given the poor economic situation of internally displaced families, internally displaced girls are especially vulnerable to early marriage. However, the true extent of such marriages is hard to determine since they are often kept hidden.

28. Early marriage of girls contravenes ICCPR Article 23 which guarantees the right of men and women of marriageable age to marry and states that no marriage shall be entered into without the free and full consent of intending spouses.

Education of internally displaced girls (Article 10)

29. The access of internally displaced children to schools is ensured, but attendance is not effectively free. Internally displaced students benefit from free school bags, uniforms and supplies. However, parents report they do not always receive these items and so must pay for textbooks and clothing for their children. Poverty has caused some students to drop out of school, as has the movement of families and early marriage in the case of girls. This is particularly the case for low-income internally displaced families.

30. The quality of education is also an issue. Internally displaced children may attend separate or mixed schools. While the government is trying to preserve the social fabric of displaced communities through separate schools, this approach may hinder the social integration of children. Schools in areas where IDPs live are in need of repairs, furniture, supplies, playgrounds and additional qualified staff. Current information on whether and how the quality of schools and education for displaced children differs from that for non-displaced children is not available.

31. The government of Azerbaijan could improve on its obligation related to CEDAW Article 10(f) to ensure the reduction of female student drop-out rates. It should also ensure that internally displaced girls access the same curricula, teaching staff with qualifications of the same standard and school premises and equipment of the same quality as non-displaced girls as outlined in CEDAW 10(b).

IV. Recommendations

At the 44th session of the Committee on the Elimination of Discrimination Against Women, IDMC invites the Committee to consider the following recommendations:

To the Government of the Republic of Azerbaijan:

Discrimination

- Amend national legislation to ensure that all children born to people with “forcibly displaced” status are treated the same in the law in accordance with the Constitution of the Republic of Azerbaijan and international obligations, and given equal consideration for the benefits deriving from the status;

Housing

- Collect information on the housing conditions of IDPs living in the private sector;
- Develop a comprehensive strategy for the improvement of living conditions of IDPs residing in sub-standard shelter;

Health

- Increase the number, quality and access to health care facilities and ensure women receive adequate reproductive health information and services, with particular attention to rural areas where IDPs are living;
- Ensure internally displaced people receive medical treatment free of charge in line with legislation;

Income generation

- Develop a comprehensive livelihood strategy promoting self-reliance of IDPs, in particular displaced women, which includes the creation of jobs in areas where IDPs are living;
- Offer IDPs financial credit with more favourable terms than those currently available, such as a lower interest rate and longer repayment schedule, and ensure internally displaced women have equal opportunity to access such credit;

Public participation

- Invite displaced women to participate in the planning of the location, design and equipment of new compact settlements, as well as provide input to the peace negotiations;
- Take measures to ensure internally displaced women are included in all efforts to increase women’s participation in government decision-making;

Violence against women

- Ensure all women who are victims of domestic violence have access to immediate means of redress and protection and that perpetrators of domestic violence have access to rehabilitation programmes;
- Collect data on the extent, causes and effects of violence against women, and assess the impact of displacement on the level of violence against women;

- Report on the effectiveness of measures to prevent and address violence against women, and in particular displaced women;
- Launch a public awareness campaign on violence against women to inform women of their rights and available assistance mechanisms;

Early marriage

- Compile information on the prevalence, trends and legal status of early marriages, in particular among displaced communities;
- Consider revising legislation to increase the minimum age of marriage for females to 18 years;

Education

- Ensure that all internally displaced children attend school in line with legislation;
- Organize programmes for girls and women who have left school prematurely;
- Undertake a study to determine the conditions of IDP schools and develop a programme to improve conditions where needed.