

## AZERBAIJAN:

# IDPs still trapped in poverty and dependence

A profile of the internal displacement situation

14 July, 2008

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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.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

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## CONTENTS

<b>CONTENTS</b>	<b>3</b>
<b>OVERVIEW</b>	<b>8</b>
IDPs STILL TRAPPED IN POVERTY AND DEPENDENCE	8
<b>CAUSES AND BACKGROUND</b>	<b>16</b>
<b>CAUSES OF DISPLACEMENT</b>	<b>16</b>
INTERNAL DISPLACEMENT IS A RESULT OF THE CONFLICT WITH ARMENIA OVER NAGORNO-KARABAKH (1988 TO 1994)	16
<b>BACKGROUND</b>	<b>17</b>
CONFLICT WITH ARMENIA OVER NAGORNO-KARABAKH HAS ORIGINS IN HISTORY, POLITICS AND LAW (2005)	17
PEACE TALKS: STILL NO CLOSER TO AN AGREEMENT (2008)	20
SEVERAL FACTORS THREATEN PEACE PROCESS (2008)	25
CITIZENRY NOT PREPARED FOR COMPROMISE (2008)	32
TENSE RELATIONS WITH ARMENIANS (2008)	33
POOR LIVING CONDITIONS IN NAGORNO-KARABAKH (2008)	35
POLITICAL DEVELOPMENTS IN NAGORNO-KARABAKH (2007)	37
<b>OTHER CAUSES OF DISPLACEMENT</b>	<b>38</b>
RISKS OF DISPLACEMENT AS A RESULT OF NATURAL DISASTERS (2003)	39
<b>POPULATION FIGURES AND PROFILE</b>	<b>41</b>
<b>GLOBAL FIGURES</b>	<b>41</b>
TOTAL INTERNALLY DISPLACED PEOPLE IN THE GOVERNMENT-CONTROLLED TERRITORY: 572,531 PEOPLE (APRIL 2008)	41
INTERNAL DISPLACEMENT IN NAGORNO-KARABAKH AND SURROUNDING AREAS (2007)	44
<b>DISAGGREGATED DATA</b>	<b>45</b>
NEED FOR REGULAR MONITORING AND DATA COLLECTION USING INTERNATIONAL STANDARDS (2008)	45
UPDATED STATISTICS ON IDPS ACCORDING TO SEX AND AGE ARE NEEDED (2007)	48
ETHNIC AZERIS CONSTITUTE MAJORITY OF THE DISPLACED POPULATION (2007)	48
URBAN LOCATIONS OF DISPLACED PEOPLE (2008)	49
MOST IDPS STILL LIVE IN TEMPORARY ACCOMMODATION (2008)	50
<b>PATTERNS OF DISPLACEMENT</b>	<b>52</b>
<b>GENERAL</b>	<b>52</b>

IDPs LIVE THROUGHOUT THE COUNTRY (2008)	52
SETTLEMENT IN OCCUPIED TERRITORIES (2006)	54
THE DISPLACED ARE MOVING TO FIND EMPLOYMENT (2008)	57
IDPs OFTEN LIVE IN AREAS GEOGRAPHICALLY DIFFERENT FROM THEIR FORMER VILLAGES (2005)	58

## **PHYSICAL SECURITY & FREEDOM OF MOVEMENT** **60**

<b>PHYSICAL SECURITY</b>	<b>60</b>
SURVEYS INDICATE VIOLENCE AGAINST WOMEN AND CHILDREN PREVALENT (2008)	60
LANDMINES STILL POSE A THREAT TO PHYSICAL SECURITY (2008)	61
CEASEFIRE VIOLATIONS HAMPER SECURITY OF VILLAGERS LIVING ALONG FRONT LINE (2008)	64
<b>FREEDOM OF MOVEMENT</b>	<b>67</b>
RESIDENCE REGISTRATION SYSTEM RESTRICTS CITIZENS TO ONE LEGAL RESIDENCE (2008)	67
<b>DISCRIMINATION</b>	<b>70</b>
DISPLACED WOMEN AND CHILDREN ARE MARGINALISED (2008)	70
DISPLACED PEOPLE ARE DISADVANTAGED RELATIVE TO THEIR NON-DISPLACED NEIGHBOURS (2007)	71

## **SUBSISTENCE NEEDS** **74**

<b>FOOD</b>	<b>74</b>
NUTRITIONAL STATUS OF THE DISPLACED POPULATION IS POOR (2006)	74
IDPs STILL RELY ON FOOD ASSISTANCE (2008)	75
GOVERNMENT TO FEED IDPs AFTER WFP LEAVES AZERBAIJAN IN 2008 (2008)	76
<b>WATER AND SANITATION</b>	<b>77</b>
IDPs HAVE INADEQUATE ACCESS TO WATER AND SANITATION (2008)	78
<b>SHELTER AND NON-FOOD ITEMS</b>	<b>79</b>
GOVERNMENT CLOSES ALL TENT CAMPS AND RESETTLES IDPs (2008)	79
MANY IDPs STILL LIVE IN SUBSTANDARD SHELTER (2008)	80
POOR HOUSING CONDITIONS OF IDPs IN CITIES SET TO IMPROVE (2008)	83
DISPLACED CHILDREN HAVE GROWN AND MARRIED, AND CONTINUE TO LIVE WITH FAMILY (2008)	86
HOUSING AND LIVING CONDITIONS OF IDPs IN AREAS NEAR LINE OF CONTACT WORSE THAN FOR LOCALS (2007)	88
A DISPLACED MAN TAKES INITIATIVE TO GET A NEW HOUSE (2007)	88
PROBLEMS WITH LOCATION OF NEW VILLAGES UNDERSCORES NEED FOR PROPER CONSULTATION WITH IDPs (2008)	89
GOVERNMENT EXEMPTS IDPs FROM PAYING FOR CERTAIN BENEFITS AND SERVICES (2007)	90
<b>HEALTH</b>	<b>91</b>
HEALTH OF IDPs IS WORSE THAN THAT OF THE NON-DISPLACED (2007)	91
IDPs IN POOR HEALTH BECAUSE OF TRAUMA, POOR LIVING CONDITIONS AND REDUCED ACCESS TO MEDICAL CARE (2008)	93
MORE RESEARCH NEEDED ON SEXUALLY TRANSMITTED DISEASES AND HIV AMONG IDPs (2006)	94
IDPs PAY FOR MEDICAL CARE DESPITE GUARANTEES THAT IT SHOULD BE FREE (2008)	96
MENTAL HEALTH OF IDPs IS STILL SUFFERING (2008)	98
DISPLACED WOMEN AND CHILDREN FACE PARTICULAR HEALTH ISSUES (2007)	99

HEALTHCARE FACILITIES NEED STRENGTHENING (2008) 103

**ACCESS TO EDUCATION** 107

**GENERAL** 107

QUALITY OF EDUCATION FOR DISPLACED CHILDREN NEEDS ATTENTION (2008) 107

SOME DISPLACED CHILDREN DO NOT ATTEND SCHOOL (2008) 109

IDPs RECEIVE SCHOOL SUPPLIES FREE OF CHARGE AND ARE EXEMPTED FROM PAYING TUITION (2008) 111

SEPARATE SCHOOLING IS AN OBSTACLE TO LOCAL INTEGRATION (2008) 112

SCHOOLS IN NAGORNO KARABAKH NEED SUPPORT (2007) 113

**ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION** 116

**SELF-RELIANCE** 116

POVERTY AND UNEMPLOYMENT ARE COMMON AMONG IDPs (2008) 116

UNEMPLOYMENT IS ALSO AN ISSUE IN NEW VILLAGES (2008) 119

RESIDENCE REGISTRATION IS A BARRIER TO OFFICIAL EMPLOYMENT FOR IDPs WHO MOVE (2008) 121

IDPs FACE DIFFICULTIES ACCESSING LAND AND USING IT AS A LIVELIHOOD (2008) 123

GOVERNMENT ALLOWANCES ARE MAIN SOURCE OF INCOME FOR MOST DISPLACED FAMILIES (2008) 125

IDPs DEAL WITH POOR FINANCIAL SITUATION IN VARIOUS WAYS (2008) 127

BETTER PROSPECTS FOR WORK IN BAKU (2008) 129

MICRO-CREDIT IS AVAILABLE FOR IDPs, BUT PROGRAMMES ARE NOT ALWAYS ACCESSIBLE OR ADVANTAGEOUS (2008) 131

SEVERAL BARRIERS TO LOCAL INTEGRATION STILL EXIST FOR IDPs (2008) 132

VULNERABILITY OF IDPs AS COMPARED TO THE NON-DISPLACED POPULATION STILL UNCLEAR (2008) 134

**PUBLIC PARTICIPATION** 138

THE RIGHT OF IDPs TO VOTE (2008) 138

IDPs VOTE ACCORDING TO THEIR FORMER PLACE OF RESIDENCE (2007) 140

INTERNALLY DISPLACED ARE NOT POLITICALLY ACTIVE (2007) 141

**ACCESS TO COURTS** 144

IDPs APPEAL TO EUROPEAN COURT TO RECOGNIZE THEIR RIGHTS (2007) 144

**DOCUMENTATION NEEDS AND CITIZENSHIP** 147

**GENERAL** 147

IDPs FACE DIFFICULTY IN SECURING DOCUMENTS (2008) 147

INHERITANCE OF IDP STATUS ONLY FOR CHILDREN WITH DISPLACED FATHERS (2008) 150

GOVERNMENT ENABLES IDPs TO RECEIVE LABOUR PENSIONS (2007) 150

**ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE** 153

**GENERAL** 153

SOME DISPLACED FAMILIES HAVE BEEN SEPARATED (2007) 153

MISSING PERSONS: FAMILY MEMBERS STILL UNCERTAIN OF THEIR WHEREABOUTS (2008)	154
IDPS HAVE A GROUP IDENTITY (2004)	156
GENDER ROLES IN THE FAMILY HAVE CHANGED SINCE DISPLACEMENT (2007)	157

## **PROPERTY ISSUES** **161**

---

<b>GENERAL</b>	<b>161</b>
IDPS HAVE LIMITED ACCESS TO LAND AND OWNERSHIP OF PROPERTY (2007)	161
SOME IDPS ARE ILLEGALLY OCCUPYING APARTMENTS (2008)	163
SOME IDPS WHO BUILT THEIR OWN HOUSES LIVE WITHOUT SECURITY OF TENURE (2008)	166
SOME IDPS IN PUBLIC BUILDINGS AND OTHER DWELLINGS FACE EVICTION (2007)	167
RESETTLERS DO NOT OWN THEIR NEW HOUSES AND LAND (2007)	168
PROPERTY RESTITUTION MECHANISM STILL DOES NOT EXIST (2008)	169
RETURNEES ALSO FACE PROPERTY ISSUES (2008)	170

## **PATTERNS OF RETURN AND RESETTLEMENT** **172**

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<b>RETURN</b>	<b>172</b>
IDPS ARE STILL UNABLE TO RETURN TO THEIR HOMES (2008)	172
MANY IDPS WANT TO RETURN TO THEIR ORIGINAL PLACE OF RESIDENCE (2008)	173
LIVING CONDITIONS FOR IDPS WHO RETURNED TO FIZULI (2008)	174
GOVERNMENT IS PREPARING A PLAN OF RETURN FOR IDPS (2008)	177
EMPHASIS ON RETURN PREVENTS REALIZATION OF OTHER DURABLE SOLUTIONS (2008)	180
<b>RESETTLEMENT</b>	<b>181</b>
IDPS CONTINUE TO MOVE TO NEW SETTLEMENTS (2008)	181
LIVING CONDITIONS INADEQUATE IN NEW SETTLEMENTS (2008)	183
RESETTLED IDPS HAVE VARYING OPINIONS ON NEW CONDITIONS (2008)	186
IDPS WERE NOT CONSULTED ON RESETTLEMENT PLANS (2008)	191
<b>OBSTACLES TO RETURN AND RESETTLEMENT</b>	<b>192</b>
MANY FACTORS STAND IN THE WAY OF RETURN (2008)	192

## **HUMANITARIAN ACCESS** **194**

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<b>GENERAL</b>	<b>194</b>
NGO ACTIVITIES ARE CONSTRAINED BY DOMESTIC REGISTRATION AND TAXATION SYSTEM (2008)	194
NGOS COMPLAIN ABOUT NEW LEGAL REGIME REGARDING GRANTS AND SOCIAL CONTRIBUTIONS (2003)	195

## **NATIONAL AND INTERNATIONAL RESPONSES** **197**

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<b>NATIONAL RESPONSE</b>	<b>197</b>
OVERVIEW: NATIONAL AUTHORITIES CONTINUE TO ASSIST IDPS, BUT ISSUES REMAIN (2008)	197
NATIONAL NGOS IMPROVE THE SITUATION OF IDPS (2008)	199
GOVERNMENT USES OIL MONEY TO FUND ASSISTANCE TO THE DISPLACED (2008)	200
MEASURES TAKEN TO GUARANTEE RESPECT FOR HUMAN RIGHTS (2008)	201

<b>INTERNATIONAL RESPONSE</b>	<b>203</b>
SELECTED INTERNATIONAL, REGIONAL AND NON-GOVERNMENTAL INITIATIVES TO ASSIST IDPs (2008)	203
DONORS ARE DISENGAGING WHILE HUMANITARIAN NEEDS STILL EXIST (2008)	206
<b>LEGAL FRAMEWORK AND NATIONAL POLICY</b>	<b>209</b>
LEGAL FRAMEWORK PROTECTING IDPs AND DEFINING THEIR SOCIAL BENEFITS (1992-2008)	209
IMPLEMENTATION OF LEGISLATION SHOULD BE STANDARDIZED (2008)	211
<b>RECOMMENDATIONS FROM INTERNATIONAL INSTITUTIONS</b>	<b>212</b>
RECOMMENDATIONS FROM COUNCIL OF EUROPE AND EU (2007)	212
UN TREATY BODIES: CONCLUSIONS AND RECOMMENDATIONS REGARDING IDPs (2004-2008)	219
RECOMMENDATIONS FROM INTERNATIONAL NGOs (2008)	222
NORWEGIAN REFUGEE COUNCIL RECOMMENDATIONS UPON EXITING AZERBAIJAN (2008)	224
RECOMMENDATIONS FROM LOCAL AND INTERNATIONAL ORGANIZATIONS OPERATING IN AZERBAIJAN (2007)	226
RECOMMENDATIONS OF THE UN RSG ON THE HUMAN RIGHTS OF IDPs (2008)	230
<b>REFERENCES TO THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT</b>	<b>233</b>
REFERENCES TO THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT (AS OF JULY 2008)	233
<b><u>LIST OF SOURCES USED</u></b>	<b>235</b>

## OVERVIEW

### IDPs still trapped in poverty and dependence

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*Almost 15 years after signing a ceasefire agreement, Azerbaijan and Armenia have yet to resolve the conflict over Nagorno-Karabakh. In the absence of a peace agreement, some 570,000 internally displaced people (IDPs) are still prevented from returning to their homes in Azerbaijan. The Azerbaijani government has resettled more than 90,000 IDPs in new villages since 2001 and while this group lives in better houses, the land surrounding their homes is often infertile, there are few employment opportunities and some villages are located within kilometres of the line of contact with Nagorno-Karabakh far from other communities. The lack of consultation with IDPs prior to their resettlement and the fact that they have no secure legal tenure over housing in new settlements are also causes for concern.*

*IDPs who have not been resettled continue to live in accommodation varying from collective centres and mud shacks to abandoned apartments and the homes of relatives. Some live under the threat of eviction in informal settlements. In collective centres and mud houses, housing conditions are poor and plumbing and electricity infrastructure is lacking. The physical security of some IDPs is at risk since they live near the line of contact where there are frequent exchanges of fire. With few jobs in rural areas, many IDPs are dependent on government assistance and are migrating to the cities in the hope of finding work. Due to government policies aimed at preventing migration to cities or because their documents have been lost, some IDPs are unable to register their residence in the capital Baku, which prevents them from accessing jobs, services and entitlements such as medical care and pensions.*

*The resettlement process is ongoing, and the government in 2007 approved a programme to resettle some 75,000 further IDPs and to create new infrastructure and income-generation opportunities by 2011. While resettlement will improve the situation of these IDPs, a further 405,000 IDPs have yet to benefit from government resettlement programmes. International organisations are slowly leaving Azerbaijan, but despite waning donor support some continue to carry out projects to improve the living conditions of IDPs and offer suggestions on how the government can do the same. Further international support could be directed towards providing expertise on conducting comprehensive needs assessment surveys on themes such as health, livelihoods and education.*

### Background

The origins of the territorial dispute over Nagorno-Karabakh go back centuries. But the current conflict is based on the 1923 Soviet decision to allocate Armenian-majority Karabakh to Azerbaijan instead of defining it as an exclave of neighbouring Armenia. In 1988 armed conflict over the territory broke out between Armenia and Azerbaijan – the former historically Christian, the latter Moslem –and people started fleeing their homes. By the time the period of intense fighting ended with the signing of a ceasefire agreement in 1994, Armenia controlled Nagorno-Karabakh and adjacent parts of Azerbaijan, some 30,000 people had been killed and approximately 700,000 were internally displaced within Azerbaijan, most of them ethnic Azerbaijanis (NRC 30 April 2008; TOL, 16 October 2007). About 54,000 displaced people were later able to return to their homes as the Armenian army withdrew from some territory it had occupied, but Armenian forces still control most areas and displaced inhabitants continue to be



prevented from going back (NRC, 29 February 2008). As of April 2008 more than 572,000 people remained internally displaced in Azerbaijan (Government of Azerbaijan, 3 April 2008).

A sustainable negotiated solution to the conflict appears distant in 2008. A 120-kilometre line of contact divides Armenian and Azerbaijani forces and skirmishes causing casualties continue to be reported. Negotiations within the framework of the OSCE Minsk Group continue, though there has been no significant progress towards a peaceful settlement of the conflict. Azerbaijan insists on territorial integrity within its Soviet-era borders, while Armenia refuses to relinquish control over the areas it occupies until mechanisms for determining Nagorno-Karabakh's future status are put in place. Meanwhile, both countries are significantly increasing their military budgets (ICG, 31 January 2008; RFE/RL, 4 March 2008; Government of Azerbaijan, 4 May 2007; EU, 17 January 2008), and some analysts have warned that they are edging towards a renewal of the conflict (ICG, 31 January 2008).

### **Living conditions of IDPs**

IDPs in Azerbaijan live in various types of housing or other shelter in urban and rural areas, which 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) (Government of Azerbaijan, 3 April 2008). A 2007 UNHCR assessment based on group discussions with 860 IDPs in 47 areas found that poor living conditions and lack of infrastructure were the main outstanding problems of respondents, irrespective of their location, gender or age. Children and adolescents felt they needed more privacy, while disabled people, single mothers and orphans had little hope they would achieve living conditions that met their needs (UNHCR, 1 November 2007).

About 40 per cent of IDPs live in the main cities of Baku and Sumgait (Government of Azerbaijan, 3 April 2008). Most of this group live in multi-storey collective centres, many of which have leaking roofs and run-down kitchens, bathrooms and plumbing systems. Individual households are separated but share a kitchen and bathroom with others on their floor. Families typically occupy one or two rooms with no separation of the sexes or age groups. Gas and electricity are supplied free of charge. Some families have managed to leave collective centres after building new homes or finding better affordable housing in the private sector. The remaining occupants therefore tend to be the most vulnerable (NRC, 30 November 2007). The government's 2007 programme proposed, among other activities, the further renovation of communal areas in collective centres and the resettlement in new housing of some IDPs in cities (Government of Azerbaijan, 31 October 2007).

About 70,000 IDPs have been squatting in private apartments, mainly left by ethnic Armenians during the conflict (Government of Azerbaijan, 3 April 2008). The Azerbaijani government has supported them and other IDPs with a resolution and decree recommending that the courts prevent the eviction of IDPs from their residences. Court judgements have mostly rejected applications concerning the right to reclaim occupied residences, confirming that this right will be suspended as long as the conflict over Nagorno-Karabakh remains unresolved. However, in 2007 the European Court of Human Rights (ECHR) upheld the claim of one owner of an apartment occupied by a displaced family, finding that the applicant had been denied peaceful enjoyment of her possessions (ECHR, 27 December 2007). The Supreme Court of Azerbaijan must now review this case, though the government has stated that the European Court's decision cannot supersede earlier decisions of local courts.

Government protection against eviction has not helped all IDPs. Businessmen have bought collective centres in Baku and reportedly evicted residents without adequate notice, consultation,

compensation or alternative accommodation (AI, 28 June 2007). Other IDPs who fled to the Sumgait area fear they may be evicted at any time. After arriving during the conflict, they bought land from the municipal authorities and have since built houses and installed their own plumbing, communication and electricity infrastructure, but have still not been granted a formal title for the land. A local legal aid centre has brought this issue to the attention of the local authorities, who contend that they cannot issue land titles since the settlements are not in a residential zone (IDMC, 12 December 2007).

Outside of cities, IDPs live mainly in the central and western parts of the country near Nagorno-Karabakh. While the government has closed the worst settlements, some IDPs continue to live in improvised shelters of poor structural quality. They are built from materials such as mud bricks, rocks, frail sticks, cardboard and scrap metal all held together with wood and plaster. Houses are usually small and the roofs regularly fly off since they are not attached securely. 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 warmth, ventilation, physical security or privacy. Many of these IDPs must also contend with a lack of potable water and gas, infertile land, and marginalisation as the isolated settlements often lack public transport links.

Displaced families who returned to their homes in Fizuli, near the line of contact, are also living in poor conditions. Upon return, they found their houses and property destroyed, the water infrastructure destroyed and agricultural land mined. Fizuli has the highest contamination of land mines and unexploded ordnance in the areas under the control of Azerbaijan; frequent exchanges of fire on the line of contact also put the physical security of returnees there at risk (ANAMA, 30 April 2008). Communal infrastructure has slowly been repaired as the government focus on these villages has increased. Only a minority of those who returned managed to obtain property deeds because property restitution or compensation mechanisms had not been put in place, procedures were too bureaucratic and fees were high. However, in some cases new property deeds were issued in a less complicated procedure. The 2007 government programme includes the repair of 1,500 houses in Fizuli district for returnees, and the government maintains the IDP status of returnees since they continue to live in a displacement-like situation.

### **Conditions in new settlements**

To date, government programmes to improve shelter have mainly targeted IDPs in rural areas. Within the framework of the 2004 state programme for displaced persons, the government has resettled nearly 90,000 IDPs from the worst IDP settlements, offering them houses and small plots of land in 49 new villages which it has built since 2001 (Government of Azerbaijan, n.d.; NRC, 29 February 2008). In 2007, IDPs were moved to 16 new settlements in Bilasuvar, Fizuli, Aghdam, Sabirabad, Saatly and Sabunchou districts, and three tent camps were demolished in Sabirabad and Saatly (Government of Azerbaijan, 3 April 2008). Displaced communities have been settled and resettled together to facilitate eventual reintegration in places of origin. Resettled IDPs also maintain their IDP status.

Despite these impressive efforts and improved housing conditions for most resettled IDPs, the new settlements raise several concerns. Many are located in economically depressed regions without public transport links and are often distant from other communities and administrative centres. A few are within kilometres of the line of contact and residents regularly hear fighting between Armenian and Azerbaijani forces (NRC, 29 February 2008; ICG, 14 November 2007; AFP 14 February 2008; IWPR, 12 March 2008; EurasiaNet, 26 July 2007). Some houses were constructed poorly and the land accompanying them is salty and infertile. There are few opportunities to earn an income and some IDPs are forced to leave the settlements and search for employment elsewhere. IDPs living in the new settlements explained how they would have

welcomed the chance to state their opinion on the new villages beforehand (NRC, 29 February 2008; UNHCR, 1 November 2007; IDMC, 12 December 2007).

Another concern is that IDPs in new settlements have no secure legal tenure over their housing in new settlements. They were granted the right to use the houses and land until return to their original homes becomes possible, at which point they must return the houses and land to the government in the same condition in which they received them. They cannot sell, sub-let or exchange the land and houses with another party, nor pass them on to their children, and they are not protected against eviction. There is also no written law on resettlement to clarify the legal basis for IDPs' residence in the houses (AI, 28 June 2007; Praxis 30 June 2007).

### **Further migration due to lack of livelihood opportunities**

Acknowledging that the lack of livelihood opportunities is the most significant problem for IDPs, and especially those in the new settlements, the government has introduced IDP employment quotas, financial credit schemes and income generation projects for IDPs (Government of Azerbaijan, 5 September 2007). However, these initiatives have not significantly raised the employment level of IDPs. The United Nation's Representative of the Secretary-General on the Human Rights of IDPs (the UN RSG) agreed after his visit in 2007 that the main challenge related to internal displacement was the creation of livelihoods for IDPs, particularly in rural areas (UN HRC, 15 April 2008). Recent data on the employment level of IDPs is not available, but a 2003 government study showed 30 per cent of IDPs were officially employed (Government of Azerbaijan 2005, p. 47). Many IDPs included in this figure, such as administrative officials and their staff, teachers and other school staff and medical personnel, worked for the government before they were displaced and still earn an income from those positions (WB, 2004).

IDPs and returnees who were not public servants before they were displaced still struggle to find jobs or earn an adequate wage. In rural areas, few IDPs are employed other than a small number working as factory workers, taxi drivers and small retailers. The majority of IDPs who returned to their homes live below the official poverty level and struggle to earn a decent income in agriculture. While they have better access to arable land than other IDPs, cultivation of this land is minimal because land mine clearance has been slow (NRC, 29 February 2008). Only a minority of IDPs own their homes and land and have been able to use their property as collateral for loan applications to start a business (DRC, 30 November 2007; WB, 2004, p. 71; AI, 28 June 2007). Unemployment rates among displaced women are generally higher than among displaced men, which has led to their social isolation and loss of professional qualifications (UNDP, 30 September 2007; UNHCR, 1 November 2007; UN HRC 15 April 2008). All of these factors combined have pushed many IDPs to migrate to cities.

IDPs seem to find jobs more easily in cities, but mainly in the low-paying informal market (UN HRC, 15 April 2008). Upon arrival, many struggle to register their new residence due to bureaucratic processes and corruption, because they lost documents when they became displaced and the overall government policy to prevent urban migration, which, while not designed to discriminate against IDPs, has a particular impact on them (UNHCR, 1 November 2007). Without residence registration, IDPs are prevented from accessing employment in the formal sector as well as government assistance, medical services, education and pensions. The government is reportedly revising legislation on the registration system to improve the rights of IDPs to freedom of movement and choice of residence (UN HRC, 15 April 2008).

### **Continuing dependency on government assistance**

Many IDPs have become increasingly dependent on direct government assistance. The government pays a monthly allowance of about \$11 to 530,000 IDPs, and provides regular food assistance to 270,000, distributes fuel and other non-food items and offers IDPs free communal services and higher education (Government of Azerbaijan, 3 April 2008; CoE, 20 February 2008). The displaced express their continued need for government allowances and pensions, even though they do not satisfy their basic needs or transform their overall financial situation, and highlighted that it was difficult to include newborns and newly married couples on government assistance lists (UNHCR, 1 November 2007; DRC, 30 November 2007; CoE, 24 May 2007). The UN RSG concluded after his 2007 visit that many rural IDPs “seemed to suffer from a dependency syndrome”. At the same time, however, he advocated that IDPs continue to receive assistance while they work to increase their self-sufficiency, since withdrawing it would put IDPs in a situation significantly worse than the resident population.

Sources differ on how the well-being of IDPs compares to the non-displaced population. DRC and the UN RSG agree that IDPs own less land, housing and livestock and live in worse housing than their non-displaced neighbours (DRC, 30 November 2007; UN HRC, 15 April 2008). While the UN RSG believed IDPs face unemployment on a similar level to the general population, DRC highlighted that IDPs living near the line of contact are more often unemployed, access less land with less fertile soil and bring in less income than their non-displaced neighbours (DRC, 30 November 2007). Furthermore, while IDPs near the line of contact accessed electricity, heating and water on a level similar to the local population, fewer IDPs had land line telephones, sewage systems or gas supplies (DRC, 30 November 2007). The DRC view is consistent with a 2002 World Bank study, which found that IDPs were twice as likely to be unemployed as non-displaced people, and twice as likely to not have livestock (WB, 2004). However, this is in contrast to a 2003 government survey that found IDPs were less impoverished than non-displaced people, mainly due to direct government assistance (Government of Azerbaijan 2005, p. 47).

### **Education of displaced children**

Displaced children can go to separate schools or integrated schools. The World Bank study found that in an attempt to preserve the social fabric of displaced communities, 60 per cent of the displaced were being taught in special classes segregated from the general population, but with the same curriculum and under the same educational system (WB, 2004, p. 100). Displaced parents can now choose to send their children to integrated schools or schools for displaced children. The UN RSG applauded this policy and supported a suggestion by the Minister of Education to study the level and quality of education of IDPs (UN HRC, 15 April 2008).

There are schools in most areas where displaced and returned children live, but attendance is not effectively free. Internally displaced students benefit from free school bags, uniforms, books and stationery, as well as free access to higher education (UN HRC, 15 April 2008). However, displaced parents report they do not always receive these items and so must pay for textbooks and clothing for their children (CoE, 24 May 2007; IDMC, 12 December 2007). A 2005 government survey showed that 58 per cent of displaced parents could not afford to send their children to school. There are isolated reports of students dropping out of school because of poverty, movement of families and early marriage in the case of girls (UNHCR, 1 November 2007; IDMC, 12 December 2007).

The quality of education is also a problem. Teachers are often displaced themselves and some suffer from psychological problems related to their displacement. They also reportedly need to update their professional skills (UNHCR, 31 October 2007). Schools in areas where IDPs live are in need of repairs, furniture, computers, supplies, playgrounds and additional qualified staff. While some schools received computers as part of the state programme, some teachers were in 2007

waiting to be trained on them before unpacking the equipment (IDMC, 12 December 2007). Despite these challenges, the literacy rate among IDPs is equal to that of the general population.

### **Health of IDPs and accessibility of health care**

IDPs' health appears to still be affected by their displacement, though comprehensive reliable information is scarce. The UN RSG noted in 2007 that the displaced suffered most from psychological stress, including trauma and feelings of insecurity and isolation due to war, poor living conditions and uncertainty about the future (UN HRC, 15 April 2008). Elderly displaced people seemed to have additional and more serious health problems than elderly people who had not been displaced, because of difficulties adapting, lower family income and less care from their children (UN HRC, 15 April 2008). Returnees in Fizuli faced a lack of medical facilities, personnel, equipment and supplies (NRC, 29 February 2008). The government reported in 2007 that it had established a working group on the health of IDPs, though information on the work of the group was unavailable (Government of Azerbaijan, 1 November 2007).

Even though they are legally exempt from paying for medical treatment and most medicines, IDPs report that they are made to pay, and like all citizens they are subject to informal fees (UNHCR, 1 November 2007; DRC, 30 November 2007; IDMC, 12 December 2007; CoE, 20 February 2008). IDPs living near the line of contact spend more on basic medicine and medical services than their non-displaced neighbours, perhaps suggesting their health is worse than local residents (DRC, 30 November 2007). Few IDPs can afford advanced health services such as operations, and so more serious medical cases often go untreated.

### **National response and focus**

The government has made considerable efforts to improve the situation of IDPs in recent years. In addition to the initiatives mentioned, it has established an institutional focal point for IDPs, and devoted significant financial resources to continuing a resettlement programme, raising awareness of the internal displacement situation, developing a legal framework regulating the rights of IDPs, training government officials to implement the framework, and clearing land of mines and unexploded ordnance. The 2007-2011 programme for IDPs will cost \$1 billion and foresees further settlement of IDPs into new villages, the construction of more new infrastructure and the creation of work opportunities, among other activities. With \$12 billion revenue expected from oil and gas in 2008 alone, financial resources to implement this programme should be sufficient (Eurasianet, 13 May 2008).

Return to their areas of origin in and around Nagorno-Karabakh seems to be the desire of the majority of internally displaced people and the overriding aim of the government, in the case of a resolution to the conflict. The government acknowledges that return would only be possible after the comprehensive rebuilding of homes, infrastructure and the economy, as towns have been destroyed and infrastructure removed for sale as scrap (ICG, 11 October 2005). Any property compensation plan would need to take into account reports that only a minority of IDPs have documents to prove ownership of their previous houses and land. The government is in the process of preparing a Framework Plan on the Return of Displaced Persons, for which it has secured the support of some UN agencies and donors. However, with prospects for peace still faint, this plan will probably not be implemented in the near future.

### **International response and focus**

In addition to the work of the government, UN agencies and international and local NGOs have worked to improve the situation of IDPs. In recent years, international assistance has largely focused on micro-credit programmes, skills training, food distribution and housing and infrastructure construction and repair. While many organisations have gradually reduced their activities in Azerbaijan with decreasing donor support, some continue to implement projects for the benefit of IDPs. In 2008, the World Bank committed an additional \$15 million for the IDP Economic Development Support Project. This will assist an additional 150,000 IDPs with infrastructure reconstruction and shelter repair. As part of a project aimed at strengthening the IDP protection capacities of governments in the south Caucasus, UNHCR has identified the main problems facing IDPs in Azerbaijan and proposed projects that could address them (UNHCR, 28 February 2008).

International organisations have also made recommendations to the government on the internal displacement situation. After his 2007 visit, the UN RSG encouraged the government of Azerbaijan to prioritise the creation of livelihoods for newly resettled IDPs, address the poor living conditions of IDPs in cities, and take action to end discriminatory practices in education. He also highlighted the need for reliable data to design an adequate response to the current conditions of IDPs, and recommended that people to be resettled are involved in the planning of the new settlements and receive information on the conditions awaiting them. Amnesty International also encouraged the government to consult IDPs on issues that directly affect them, take steps to eliminate discrimination of IDPs, ensure the access of IDPs to health care and make sure that new settlements respect the right to adequate housing (AI, 28 June 2007). On leaving Azerbaijan in 2008, the Norwegian Refugee Council (NRC) suggested that IDPs be included in general needs-based poverty reduction programmes. NRC also highlighted the need for a comprehensive policy for IDPs living in cities and called for consultation with IDPs when programmes are developed and implemented on their behalf. Following a survey of IDPs and host populations in border areas, DRC recommended a health survey of IDPs, increased housing ownership among IDPs, improved sanitary conditions in dwellings where IDPs live, better public transportation infrastructure and promotion of agricultural activities.

The conflict over Nagorno-Karabakh and IDPs have been the subject of recommendations from the Council of Europe and the European Union. The Council of Europe continues to call on Azerbaijan and Armenia to peacefully resolve the conflict and recommended that the Azerbaijani authorities intensify their efforts to ensure that IDPs have decent living conditions and are helped to integrate where they are currently living. The Council also recommended that the Azerbaijani authorities look into any allegations of illegal occupation of private properties by IDPs and ensure that the owners recover their property or that adequate alternative accommodation and/or satisfactory compensation be granted to them. The Council also called for the residence registration system to be made more flexible to ensure that IDPs have equal access to jobs and education, and that sufficient funds be allocated to medical care in IDP settlements (CoE, 20 February 2008). The European Union urged its Humanitarian Aid Office (ECHO) to conduct a needs assessment mission to Azerbaijan (EU, 12 September 2007), reminded the government that IDPs should not be used for political means in conflict situations, called for an improvement in the living conditions and social situation of IDPs, and urged the European Commission and EU Member States to continue to give financial aid to support Azerbaijan to improve the lives of IDPs and their non-displaced neighbours (EU, 17 January 2008). The International Crisis Group suggested the EU Special Representative for the South Caucasus visit IDPs and assess conflict-related funding needs (ICG, 14 November 2007).

The government has clearly stated that it still requires and welcomes international support to develop institutional and technical capacity. Such support could include carrying out needs assessment surveys regarding livelihoods, health, education and economic opportunities for the displaced. Surveys on health would be especially important given the living conditions most IDPs continue to endure in collective centres. Support could also be directed towards collecting more

information on labour migration of IDPs, obtaining data on areas of eventual return and developing programmes to improve living conditions and the integration of IDPs living in cities.

(Updated July 2008)

# CAUSES AND BACKGROUND

## Causes of displacement

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### **Internal displacement is a result of the conflict with Armenia over Nagorno-Karabakh (1988 to 1994)**

- Long simmering tensions between Armenians and Azerbaijanis escalated to war over the territory of Nagorno-Karabakh
- Armenia maintains the mostly Armenian population living in Nagorno Karabakh has a right to self determination
- Azerbaijan insists on territorial integrity as Nagorno Karabakh is within its internationally recongized borders
- Hundreds of thousands were internally displaced during the war and the biggest wave of displacement occurred in 1993 when Karabakh Armenian forces displaced 450,000 to 500,000 persons
- Nagorno Karabakh is under the control of separatist forces, while some of the areas surrounding it are under the control of Armenian forces
- People were displaced based on their ethnicity and can be considered victims of racial discrimination

### **UN Commission on Human Rights, 25 January 1999, paras. 29-30:**

"As internal displacement in Azerbaijan is a direct consequence of the conflict, the patterns of displacement followed developments in the hostilities and, like the conflict itself, occurred along ethnic lines. The first phase of displacement, which was predominantly cross-border in nature, occurred between 1988 and early 1991 when ethnic tensions resulted in what essentially was a wholesale exchange of populations on the basis of ethnicity between Azerbaijan and Armenia, with over 300,000 ethnic Armenians fleeing from Azerbaijan to Armenia and some 185,000 ethnic Azeris fleeing from Armenia to Azerbaijan. In the spring of 1991, and with the aid of Soviet forces, the Government of the then Azerbaijani Soviet Republic conducted an exercise known as "Operation Ring", ostensibly for the purposes of internal passport control, which resulted in the forced displacement of ethnic Armenians 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."

Beginning in the autumn of 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, by which Karabakh forces gained control of the cities of Khojaly and Shusha in Nagorno-Karabakh in the spring of 1992 and of a land corridor between Nagorno-Karabakh and Armenia in the area around Lachin in June 1992, resulted in the wholesale displacement of the ethnic Azerbaijani and Kurdish populations, as well as of Meskhetian Turk refugees settled in these areas. Counter-offensives by Azerbaijani forces beginning in late June 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, including the entire Lachin district connecting the enclave to Armenia and the whole or large parts of the predominantly Azeri-populated provinces surrounding 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."

**ICG, 14 November 2007:**

"Conflict over Nagorno-Karabakh has existed since the end of the First World War but it was only after the collapse of the Soviet Union in 1991 that the antagonism between Armenians and Azerbaijanis developed into an all-out war— causing some 22,000 to 25,000 deaths and more than one million refugees and IDPs in both countries. Azerbaijan insists that the region is part of its territory; Armenia argues that the Armenian majority living there has the right to self-determination and independence.

The war resulted in occupation of most of Nagorno-Karabakh, as well as considerable adjacent Azerbaijani territory, by ethnic Armenian forces. Yerevan claims that the conflict began between Nagorno-Karabakh and Azerbaijan, that its own intervention was to protect ethnic Armenians' security and right of self-determination and that the occupation of additional territory was necessary to ensure a lifeline and "security belt" for the region. Baku counters that Armenia seized Nagorno-Karabakh and the seven adjacent districts to satisfy territorial ambitions and has failed to implement four UN Security Council resolutions condemning the occupation in 1993."

**CoE, 24 May 2007:**

"...Another consequence of this conflict is the presence of hundreds of thousands of refugees and internally displaced persons (IDPs) on the territory of Azerbaijan under the control of the Azerbaijani authorities. These include refugees from Armenia and persons displaced from Nagorno-Karabakh and the adjacent regions. Although other ethnic origins are represented among these persons, the vast majority of the refugees and displaced persons are ethnic Azerbaijani. These persons are victims of racial discrimination, because they have been expelled or forced to flee by the Armenian side on the grounds of their ethnic origin and are as yet unable to return to their homes."

## **Background**

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### **Conflict with Armenia over Nagorno-Karabakh has origins in history, politics and law (2005)**

- Divergent national narratives, a disputed territorial boundary, an unstable security arrangement and lack of dialogue between Armenia and Azerbaijan are at the root of the conflict
- Demarcation of borders during Soviet rule left Armenians discontent as Nagorno-Karabakh was declared an autonomous region in Azerbaijan
- Long simmering tensions between Armenians and Azerbaijanis over Nagorno-Karabakh intensified towards the end of the Soviet era
- Ethnic conflict erupted in February 1988 when Armenia consented to Nagorno-Karabakh's incorporation into Armenia, with demonstrations, strikes, displacement and political battles
- Nagorno-Karabakh declared its own independence in 1992, leading to civil war between Karabakh Armenian forces and Azerbaijan
- The independence claim of Nagorno-Karabakh has not been recognized by Azerbaijan, Armenia or any other state
- Active hostilities ended with a ceasefire in 1994, but with no resolution to the conflict most of Nagorno-Karabakh and the surrounding territory is under effective Armenian control

**Guardian, 7 June 2008:**

"After a bitter war during the breakup of the Soviet Union, Armenian forces occupied the mountainous region within Azerbaijan with the intention of protecting ethnic Armenians in the area. The simmering stalemate pits Armenian Christians against Azerbaijani Muslims, with several lives lost on either side every year...Nagorno-Karabakh is a so-called "frozen conflict", meaning that large-scale fighting has not occurred for years, but no progress has been made towards any resolution of the always tense and often violent situation. Armenian forces and their local militia allies control seven "buffer" territories around the disputed region. Karabakh itself claims to be an independent state, but could never survive without Armenian protection and economic aid. All eight areas are internationally recognised parts of Azerbaijan."

**ICG, 11 October 2005, p.3:**

"Armenians consider Nagorno-Karabakh vital to their national existence; Azerbaijanis see it as essential to their modern statehood. They have mutually exclusive views of the region's pre-Soviet and Soviet-era history...The root causes of the 1988-1994 war have not been addressed...

Competing historical narratives shape perceptions of the origins of the conflict. Both sides depict themselves as victims of violence and generous hosts who have been savagely betrayed. Both sustain the notion of ethnic continuity in Nagorno-Karabakh to justify their right to sovereignty today, while describing the other as "non-indigenous" and denigrating their historical presence.

The dispute began when the Soviet-era borders of Armenia and Azerbaijan were being defined. On 5 July 1921 the Caucasus Bureau of the Communist Party declared Nagorno-Karabakh part of Soviet Azerbaijan, and in 1923 the Nagorno-Karabakh Autonomous Oblast (NKAO) was established, providing the region with broad autonomy inside Azerbaijan. However, on several occasions Armenians petitioned Moscow for the oblast's transfer. In January 1988 a petition signed by 80,000 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 SSR. Azerbaijan formally rejected this on 13 June but two days later Armenia consented to Nagorno-Karabakh's incorporation

...On 2 September 1991 the regional council in Stepanakert declared the Nagorno-Karabakh Republic independent. Azerbaijan declared its own independence on 30 August and on 26 November revoked Nagorno-Karabakh's autonomous status. But Nagorno-Karabakh Armenians continued with their efforts to split, organising a referendum on 10 December in which some 108,615 people voted for independence....On 6 January 1992, Stepanakert formally declared independence based on the referendum, but no state, not even Armenia, has recognised Nagorno-Karabakh's statehood."

**UN Commission for Human Rights 25 January 1999, paras. 20-24:**

"Internal displacement in Azerbaijan is a direct consequence of the conflict over the territory of Nagorno-Karabakh, a mountainous and fertile region (the literal translation of its name being "Mountainous Black Garden") covering some 1,700 square miles in western Azerbaijan. The territory is close to - in some parts by only a few kilometres - but not contiguous with Armenia. Ethnic Armenians constituted the majority of its pre-war population of 180,000, although there also was a significant presence of some 40,000 ethnic Azeris.

Nagorno-Karabakh is a region to which both Azerbaijan and Armenia claim historical ties stretching back centuries. However, the roots of the present conflict can be traced to the early twentieth century. After the Russian revolution, Azerbaijan and Armenia fought as newly independent States over Nagorno-Karabakh. The Paris Peace Conference of 1919 recognized Azerbaijan's claim to the territory. After Azerbaijan and Armenia were incorporated in the Soviet Union, this territorial arrangement for Nagorno-Karabakh was retained, while Armenia was

awarded the district of Zangezur which had connected Azerbaijan to its westernmost region of Nakhichevan. Thus, on the resulting map of the region, Nagorno-Karabakh and Nakhichevan were enclaves whose inhabitants were separated from their ethnic kin in the titular republics of Armenia and Azerbaijan respectively. The Soviet handling of the nationalities issue, as reflected in the manner in which borders were drawn, formed part of a wider strategy aimed at safeguarding the centralization of power in Moscow by keeping nationalities in the peripheral regions divided and interdependent so that none would be able to break away from the Union. [...] However, rather than resolving nationalist disputes, this strategy had the reverse effect of reinforcing them, by raising grievances about the treatment of ethnic minorities outside of their titular republics.

Towards the end of the Soviet era, nationalist aspirations in Nagorno-Karabakh resurfaced with renewed force. Beginning in 1988, 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. Following the collapse of the Soviet Union in autumn 1991, both Armenia and Azerbaijan became independent States. On 6 January 1992, the ethnic Armenian leadership of Nagorno-Karabakh proclaimed the "Republic of Nagorno-Karabakh" - a claim which neither Azerbaijan nor the international community recognizes - and the dispute entered a new phase of civil war.

While the conflict concerns and is concentrated on territory falling within the internationally-recognized borders of Azerbaijan, it also has an unmistakable external dimension which has the effect of 'internationalizing' it. 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 "Armenian forces", the latter, deliberately ambiguous, 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 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, and urging 'States to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory'.

Another manifestation of the international dimension of the conflict is found in the economic blockade imposed against Armenia by Azerbaijan. In this connection, the Security Council has expressed, by means of a statement by its President, 'deep concern at the devastating effect of interruptions in the supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan' and called on Governments in the region 'to allow humanitarian supplies to flow freely, in particular fuel'. / Statement by the President of the Security Council on 29 January 1993 (S/25199), in connection with interruptions in supply of goods and materials, in particular energy supplies, to Armenia and to the Nakhichevan region of Azerbaijan./ The continued imposition of this blockade is a reflection of the fact that while the ceasefire has put an end to active hostilities, serious tensions remain.

At the time that the Russian-brokered ceasefire came into force on 12 May 1994, '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. The war thus affected a much larger area and population than that of the territory of Nagorno-Karabakh centrally at issue, uprooting approximately 1 million people from and within Azerbaijan and from Armenia, resulting in the deaths of an estimated 20,000 to 25,000 persons,

injuring countless more and leaving an unknown but not insignificant number missing or taken hostage. [...] The war also exacted severe material damage, because hostilities often took on a pattern of looting and systematic burning of captured areas."

#### **Conciliation Resources, 31 December 2005:**

"All conflicts have a pre-history. Few have as clear a beginning as the Nagorny Karabakh conflict. 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 as if out of the blue in the form of demonstrations, strikes, political quarrels, flights of refugees and pogroms. That full-scale Armenian-Azerbaijani fighting only broke out at the end of 1991 is more a matter of weaponry than of intention.

The events of February 1988 were dramatic, sudden, and almost universally unanticipated in a Europe that had all but forgotten the power of nationalism as a political force. In that sense, by being the first serious nationalist quarrel of the late Communist era, the Karabakh conflict can be called both the most unexpected and the most predetermined of all these disputes. More than any others in Yugoslavia or the Soviet Union, the conflict was all but inevitable because its causes lay in the 'deep structure' of the relationship between its two parties in late Communist times. Four elements – divergent national narratives, a disputed territorial boundary, an unstable security arrangement and lack of dialogue between the two parties – had made fissures that would break Armenia and Azerbaijan apart, as soon as trouble began. Yet because the problem was both so new and so profound, no mechanism was found – or has yet been found – to repair the damage."

#### **Peace talks: Still no closer to an agreement (2008)**

- The OSCE has facilitated negotiations between Azerbaijan and Armenia on the conflict over Nagorno-Karabakh since 1992
- Negotiations between Azerbaijan and Armenia are ongoing, though progress is at a standstill due to lack of political will
- Main stumbling blocks are withdrawal of Armenian forces and status of Nagorno-Karabakh, Lachin corridor and Kelbajar
- Some analysts predict open war between Azerbaijan and Armenia over Nagorno Karabakh in 2012

#### ***Peace negotiations continue without progress***

#### **ICG, 14 November 2007:**

"Armenia and Azerbaijan have failed to resolve the Nagorno-Karabakh conflict, even though the framework for a fair settlement has been on the table since 2005. A comprehensive peace agreement before presidential elections in both countries in 2008 is now unlikely but the two sides still can and should agree before the polls to a document on basic principles, which if necessary clearly indicates the points that are still in dispute. Without at least such an agreement and while they engage in a dangerous arms race and belligerent rhetoric, there is a risk of increasing ceasefire violations in the next few years. By about 2012, after which its oil revenue is expected to begin to decline, Azerbaijan may be tempted to seek a military solution. The international community needs to lose its complacency and do more to encourage the leaderships to prepare their societies for compromise and peace.

In 2006 the co-chairs of the Minsk Group (France, Russia, the U.S.), authorised by the Organisation for Security and Cooperation in Europe (OSCE) to facilitate negotiations, proposed principles for settlement: renunciation of the use of force; Armenian withdrawal from parts of

Azerbaijan surrounding Nagorno-Karabakh; an interim status for Nagorno-Karabakh, with substantial international aid, including peacekeepers; and mutual commitment to a vote on Nagorno-Karabakh's final status after the return of displaced Azeris. These principles, which were essentially identical to those proposed by Crisis Group a year earlier, still offer the best framework for a deal. Indeed, the sides have publicly said they generally agree with the concept but lack of political will to resolve the remaining key issues, especially the Lachin corridor, has undermined the process and turned stakeholder optimism into cynicism. None of the parties feels that there is any urgency to settle the conflict."

New negotiations – the Prague process – have been facilitated since April 2004 by the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), led by France, Russia and the U.S. These follow ten years which produced at least three rejected peace plans. In 2004-2006 there was optimistic talk of a window of opportunity between election cycles, and in 2005 mediators proposed core principles to advance a comprehensive settlement. But the mood soured after meetings in 2006 between Presidents Robert Kocharian of Armenia and Ilham Aliyev of Azerbaijan – in Rambouillet in February, Bucharest in June and Minsk in November – failed to reach agreement. In 2007 the two foreign ministers have met four times but not since the presidents talked unproductively at the Commonwealth of Independent States (CIS) summit in St. Petersburg in June.

Nevertheless, this plan proposed by the Minsk Group (and recommended by Crisis Group) remains the best option. It is based on a compromise foreseeing withdrawal of Armenian forces from the occupied territories surrounding Nagorno-Karabakh and interim international security arrangements for the former Soviet oblast until a vote on status is held. That withdrawal, the status of the Lachin corridor and the modalities of the referendum/plebiscite are the main stumbling blocks. The plan addresses all matters in dispute but leaves open the most controversial issues, including the core: Nagorno-Karabakh's status. The principles would outline the overall logic of a peace deal. Once settled, a more detailed agreement would be negotiated on their basis. They could also start a process on the ground which would help create confidence and build a favourable climate in which to negotiate the more sensitive postponed issues.

Mutual insecurity and lack of political will hamper progress. Mediators were candid in 2006 about their limited influence but their subsequent false optimism hurt the credibility of all involved when talks again came to nought. Today few in Azerbaijan or Armenia believe in a breakthrough. The most crucial ingredient is missing: nobody involved considers conflict resolution a pressing urgency...

#### Azerbaijan

The government has repeatedly discouraged and even targeted activists who promote confidence building with Armenians. It argues that dialogue resembles "normalising relations with the occupiers of Azeri lands" and is possible only after Armenian withdrawal and IDP return. There is a prevailing sense that Azerbaijan has been treated unjustly, also by the international community, which has failed to uphold its rights. Except for a thin layer of Baku-based civil society, very few are bold enough to voice an alternative opinion. A progovernment parliamentarian recently sought to introduce criminal responsibility for those who travel to or in any way deal with Armenia.

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. Some regard it as a "governmental" non-governmental organisation (GONGO), and it actively participates in harassment of civil society actors who have Armenian partners.

## Armenia

The most powerful hardline force is the Karabakh lobby, which holds the posts of president, prime minister, army chief of staff, chairman of the parliamentary defence commission and many others. Karabakh Armenians have strong feeling of cohesion and well-developed patronage networks.

The hardline positions of President Kocharian and Prime Minister Sarkisian are strengthened by two nationalist parties, the Republican, with 66 of the 131 parliament seats, and the Armenian Revolutionary Federation (Dashnaksutyun) with sixteen. Both oppose concessions; the Dashnaks have called for further resettlement of occupied territories by ethnic Armenians. The army has political weight in both Armenia and Nagorno-Karabakh and is revered as one of the most trustworthy institutions. It has strong affiliations with several Karabakh veterans associations...

Securing Nagorno-Karabakh's consent to a peace plan is likely to be the biggest challenge. War memories dampen any willingness to consider concessions. Recalling the blockade by Azerbaijan in 1991, bombardment of the Lachin lifeline in 1992 and indiscriminate shelling of settlements in 1992 from heights in the occupied territories, Karabakh Armenians argue they cannot accept any plan which does not give them control over the Lachin district and preserve a security belt"

### **CoE, 23 April 2008:**

"34. Although, unfortunately, no significant progress appears to have been made towards a peaceful settlement of the conflict, the negotiation process is still under way. As pointed out by the delegation, it is in the interests of both sides to bring this conflict to an end as quickly as possible, while renouncing the use of force, as they promised to do on joining the Council of Europe. The closure of the Committee of Ministers procedure for monitoring the two countries' compliance with their undertakings will depend on their ability to reach an agreement on this issue."

### **IWPR, 2 April 2008:**

"The peace process over Nagorny Karabakh is in danger of unravelling, as Azerbaijanis cast doubt over the usefulness of the way the negotiations have been conducted by the Organisation for Security and Cooperation in Europe. Since 1997, the talks have been mediated by the American, French and Russian co-chairmen of the OSCE's "Minsk Group." At the end of last year, the Minsk Group tried to persuade the two sides to accept a statement of basic principles, as a first step towards breaking the deadlock over Nagorny Karabakh's future - but no agreement was reached. There is now a widespread perception that the peace process is exhausted.

On March 12, Azerbaijan's ambassador to the OSCE sent secretary general Marc Perrin de Brichambaut a letter asking him to "clarify existing or possible procedures" for replacing or terminating the Minsk Group co-chairmanship. Two days later, the United Nations General Assembly passed an Azerbaijan-sponsored resolution, which expressed support for the Minsk Group, but whose first two points reaffirmed Azerbaijan's territorial integrity – taken to include Armenian-held Nagorny Karabakh – and demanded "the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan"...

Armenian officials angrily accused Azerbaijan of undermining the negotiation process. Foreign ministry spokesman Tigran Balayan also criticised Baku for not agreeing to a meeting between President Ilham Aliiev and Armenian president-elect Serzh Sarkisian at the current NATO summit in Bucharest...In response, Azerbaijani deputy foreign minister Araz Azimov told journalists that his country was not shunning the current negotiating framework. He said that an affirmation of the territorial integrity of Azerbaijan lies at the heart of the so-called Prague Process, which has been the basis of negotiations over the past three years. Outside government, a fierce debate has begun in Azerbaijan about whether the Minsk Group should now be changed. By contrast, the Armenians basically supports the current US-Russian-French arrangement."

**EurasiaNet, 7 December 2007:**

"Mediators seeking to break the deadlock surrounding the Nagorno-Karabakh peace talks believe they have developed "just and constructive solutions" to existing negotiating dilemmas. However, the initial responses from Armenia and Azerbaijan indicate that a peace deal is not imminent.

In Madrid prior to an OSCE ministerial council meeting on November 29, the foreign ministers of Armenia and Azerbaijan were presented with a set of basic principles for a Karabakh peace settlement. The basic principles, which were first made public last year, envisage the progressive liberation of the seven Azerbaijani administrative districts bordering on Nagorno-Karabakh that Armenian forces have been occupying since 1992-93. They also provide for the demilitarization of the conflict zone, the deployment of an international peacekeeping force, the repatriation of Armenian settlers, and the return of Azerbaijani internally displaced persons. The future status of the unrecognized republic of Nagorno-Karabakh would be determined later...

Addressing the OSCE's Permanent Council -- the organization's regular decision-making body -- in early November, France's Bernard Fassier and Russia's Yuri Merzlyakov said that despite the absence of breakthrough in the negotiation process, they intended to finalize their proposals and transmit them shortly to Armenia and Azerbaijan. The two diplomats also said that although they believed no agreement on the basic principles could be reached soon, they would nevertheless continue their efforts to have both regional leaders endorse them during the run-up to the Armenian presidential ballot."

**EurasiaNet, 11 June 2007:**

"It has become a familiar routine: the international community launches into a figurative drum roll of anticipation ahead of a meeting between the presidents of Azerbaijani and Armenia over the future of Nagorno-Karabakh. Expectations continue to build over the possibility of a breakthrough in stalemated negotiations. Then, following the talks, there is nothing to celebrate.

On June 9, Azerbaijani President Ilham Aliyev and his Armenian counterpart Robert Kocharian met in St. Petersburg on the sidelines of a Commonwealth of Independent States (CIS) summit; the pair met first with their foreign ministers and the four chairmen of the Organization for Security and Cooperation in Europe's Minsk Group, which oversees the negotiations, and then *tete-à-tete* -- reportedly for over three hours.

At a press briefing following the meeting, Azerbaijani Foreign Minister Elmar Mammadyarov stated only that the presidents had come across details that require closer analysis, with participation by the OSCE Minsk Group. Meanwhile, Armenian Foreign Minister Vartan Oskanian told reporters that the talks were "serious," while admitting that it was "difficult to say" whether or not Kocharian and Aliyev would meet again this year, according to a report broadcast on Armenian public radio. The meeting was the two presidents' first encounter since November 2006."

Isolated reports of progress in negotiations

**CoE, 30 March 2007:**

"27. Welcome developments occurred in November 2006 with respect to the resolution of the Nagorno-Karabakh conflict, which remains the top priority of Azerbaijan's foreign policy as well as a major humanitarian issue involving some 760 000 displaced persons and more than four thousand missing persons. Following the last meeting of the two Presidents in Minsk on 28 November 2006, it seems that the two sides have now come closer to an agreement on the basic principles for the resolution of the conflict...

221. Most recently, the last meeting between the Presidents of Azerbaijan and Armenia in Minsk on 28 November 2006 on the fringes of the CIS Summit, raised hopes that progress was finally being achieved towards an agreement on the basic principles of the settlement.

222. President Aliyev said upon his return to Baku that he had approached with his Armenian homologue "the final stage of the negotiations". He also stated that the territorial unity of Azerbaijan should be restored while Nagorno-Karabakh would gain "the highest level of autonomy inside Azerbaijan's borders". President Aliyev said that the sides had drawn their final versions and the future of negotiations much depended on their future steps. According to him, the negotiations passed in a constructive environment. Some days later, during an OSCE Ministerial Conference, a statement was issued recognising progress towards an agreement on the basic principles."

**OSCE, 29 November 2007:**

"...It was noted that over the last three years of talks the two sides had significantly narrowed their differences through the mediation of the Co-Chair countries and that only a few differences remained to be settled. As noted by the representatives of the three Co-Chair countries, the joint proposal that was transmitted today to the parties offered just and constructive solutions to these last remaining differences."

**OSCE, 17 April 2007:**

"The Nagorno-Karabakh conflict could be very close to a resolution, and Armenia is committed to working with the peace plan negotiated by the OSCE Minsk Group dealing with the conflict, Armenian Foreign Minister Vartan Oskanian told the OSCE Permanent Council today.

"We could be close to a resolution. I have been Minister for nine years now. Five years before being appointed Minister I was the chief negotiator on the Karabakh issue. I have seen all the proposals that have ever been produced by the mediators. I can assure you we have never been this close," Minister Oskanian said. He told the Permanent Council, the 56-country Organization's main decision-making body, that the proposal now under consideration was well-balanced."

**UN Human Rights Council, 19 February 2008:**

"61. The unsettled conflict with Armenian forces over the Nagorny Karabakh region in the 1990s is still a burden for Azerbaijan and its people. The existence of almost a million internally displaced persons and significant material losses, including a large part of territory, are an open wound that may, at times, be used for political ends. Unfortunately, despite some recent efforts, conditions to achieve a peaceful solution of this conflict are still far from being achieved."

***Several sticking points remain in negotiations***

**EurasiaNet, 11 June 2007:**

"The chief sticking point in negotiations appears to be a mechanism for determining Karabakh's future status. In 2006, Aliyev and Kocharian reportedly agreed to a referendum in Karabakh that would determine the territory's status. Since then, the referendum idea has stalled amid discord over its scope and timing. It has now reached a point where Azerbaijan's foreign minister, Mammadyarov, maintains that such a vote is "unacceptable" to Baku."

**ICG, 14 November 2007:**

**"KEY STICKING POINTS**

Only a limited number of outstanding differences remain. The inability to bridge these is due more to lack of political will than an inability to devise compromise formulas.

**1. Referendum, right of return, interim status**

The final status of Nagorno-Karabakh, the main cause of the conflict, remains the biggest disagreement. While the entity seeks international recognition of its secession that Armenia



formally endorsed in 1998, Azerbaijan rejects any solution that would undermine its territorial integrity. The farthest it considers going is to grant Nagorno-Karabakh the "highest degree of autonomy existing in the world". Because the positions on status seem irreconcilable, the co-chairs have suggested postponing a determination...

## 2. Kelbajar and Lachin

The sides have agreed during the Prague process 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. However, Armenia has resisted withdrawal from the Western-most districts, Kelbajar and Lachin, without the prospect of final status determination. Withdrawal from Kelbajar was the main stumbling block in Rambouillet. Control over it is a high-priority security issue, and Armenia has insisted that it can be relinquished only after the status referendum. Yerevan's main concern is that once Azerbaijan regains control over Kelbajar, it might not proceed with the referendum. A crucial bargaining chip would thus be lost, and Nagorno-Karabakh would be militarily disadvantaged."

Lack of resolution coupled with Azerbaijan's increasing oil revenues may lead to war

### **ICG, 31 January 2008:**

"Two states wedged between Europe and Iran are locked in an arms race and preparing for war. The international community, particularly the EU, might be able to slow down Armenia and Azerbaijan's slide toward another devastating conflict. But it will have to shake off its indifference first..."

True, open war will not start tomorrow and it may be as far off as 2012, when Azerbaijan's oil revenues should peak, making the country's leadership see it as the optimum moment to recover the occupied areas.

Still, such huge preparations ought to ring serious alarms, because the result of another all-out conflict would be almost certainly worse than the 1991-94 war. It would probably affect new oil and gas pipelines, and put a wedge between Russia and Turkey, which have strong allegiances to Armenia and Azerbaijan respectively."

### **Several factors threaten peace process (2008)**

- Azerbaijan continues to increase its military budget and rhetoric
- Peace process excludes Nagorno-Karabakh leaders and general public of Armenia and Azerbaijan
- Internal public debate on conflict resolution is absent as is political opposition calling for compromise
- Hostilities occur frequently on ceasefire line that is not continuously monitored by a peacekeeping force
- Fires near the ceasefire line have increased mistrust between Azerbaijan and Armenia

### ***Increase in Azerbaijan's defence budget***

#### **RFE/RL, 27 May 2008:**

"...Baku is spending more than \$2 billion on defense this year -- more than Armenia's entire national budget -- and is displaying much of its new military hardware for the country's Armed Forces Day on June 26."

**ICG, 14 November 2007:**

"Baku's military expenses increased in 2004-2005 by a record 51 per cent and rose a further 82 per cent in 2006. In December 2005 a presidential decree created a ministry for the defence industry responsible for military production, and in 2007 the military budget rose to \$1.1 billion as President Aliyev pledged to make it equal to Armenia's entire budget. While the occupied areas remain under ethnic Armenian control, Azerbaijan's military expenditure is likely to keep rising until oil revenues peak. Still, capacity building takes time, and given the corruption, there is not necessarily a direct correlation between a budgetary increase and an improvement in capabilities. Today Baku seems more interested in maintaining the status quo than waging war but increased military expenditures boost its confidence and harden its negotiating position...

Oil money has given Azerbaijan new self-confidence and the means to upgrade its armed forces. It seems to want to postpone any peace deal until the military balance has shifted decisively in its favour. Yerevan, which itself has done surprisingly well economically, has also become more intransigent and increased its own military expenditures. It believes that time is on its side, that Nagorno-Karabakh's de facto independence will become a reality increasingly difficult to ignore. Playing for time is dangerous for all concerned, however. The riskiest period could be around 2012, when Azerbaijan's oil money is likely to begin to dwindle, and a military adventure might seem a tempting way to distract citizens from economic crisis. Important oil and gas pipelines near Nagorno-Karabakh would likely be among the first casualties of a new war, something Europe and the U.S. in particular have an interest in avoiding...Azerbaijan, which feels military defeat acutely and considers the status quo unacceptable, threatens war most vocally. Armenian and Nagorno-Karabakh statements are more reactive but increasingly intransigent."

**Government of Azerbaijan, 4 May 2007:**

"President Ilham Aliyev dwelt on the settlement of the Armenia-Azerbaijan, Nagorno-Karabakh conflict. He expressed concern that it remains unresolved despite over 10 years of talks. "How much longer should we adhere to these talks? We repeatedly confirmed our peace loving policy yet the whole world is aware of injustice towards us. Armenian armed forces occupied our lands, carried out policy of ethnic cleansing, killed innocent people, ruined our cities, razed our mosques to the ground and destroyed graves of our ancestors. Nevertheless, we are trying and we will try for some time to solve the problem through negotiations because we do not want more blood to be shed, and our young people to become shahids. At the same time, we must be ready at any time to liberate our lands by military way, with the strength of arms. To this end we are creating a powerful army," he said.

The President stressed that territorial integrity of Azerbaijan is recognized and supported by the whole world. "Nagorno-Karabakh is an integral part of Azerbaijan," he said. The Azerbaijani leader qualified as political victory the fact that not only seven regions of Azerbaijan but also Nagorno-Karabakh are now internationally recognized as Azerbaijani territory occupied by Armenia. "It is our great victory because in previous years, important structures and organizations dealing directly with this issue did not use such wording," he said."

**EurasiaNet, 9 February 2008:**

"EU officials touring the South Caucasus this week were confronted by heated words from President Ilham Aliyev, who told them Azerbaijan is ready to "wage war" with neighboring Armenia over the disputed territory of Nagorno-Karabakh. Azerbaijan's recent windfall of oil and gas revenues appears to have persuaded Aliyev that he could turn the tables on Armenia, which has long held the military upper hand in the dispute over Nagorno-Karabakh, a predominantly ethnic-Armenian territory located within Azerbaijan...

Azerbaijan's defense budget this year will exceed \$1 billion; Armenia's is just one-third of that figure. Azerbaijan has enjoyed spectacular economic growth over the past few years. The country's GDP grew by 25 percent in 2007, almost exclusively on the strength of oil and gas

exports. Azerbaijan's minister for economic development, Heydar Babayev, says he expects his government to generate upward of \$150 billion in oil and gas revenues by 2015.

Armenia, meanwhile, has no lucrative natural resources. It is landlocked, blockaded by neighbors Turkey and Azerbaijan, and -- at Baku's behest -- bypassed by oil and gas pipelines, as well as rail and road projects, which originate in Azerbaijan. But, as Rupel notes, Armenia has "alliances that speak for it." This is a reference to Russian backing. Throughout the Nagorno-Karabakh conflict, Russia is rumored to have given Armenia military equipment worth \$1 billion. Russia provides for most of Armenia's energy needs and has bought up most of its energy infrastructure."

**IWPR, 29 November 2007:**

"...Azerbaijan's state budget for 2007, currently under discussion in parliament, envisages defence spending of 1.3 billion US dollars, an increase of 30 per cent on last year. President Ilham Aliiev has said he wants to see his country's defence budget grow to exceed the entire government budget of neighbouring Armenia, with which relations have been coldly hostile since the Karabakh war of the early Nineties. Parliamentary deputy Siyavush Novruzov, who sits on the assembly's defence and security commission, told IWPR that some of the new money would be go to support the army, some for the security forces, and the rest on defence research...

Most new defence spending over the last two years had gone on weaponry and equipment, with large sums also spent on infrastructure. Some experts say that the defence money is being misspent, and complain that the budget is not open to scrutiny...Major Ilgar Verdiev of the defence ministry's press service said the defence budget could not be scrutinised in detail because Azerbaijan was still "at war" with Armenia."

**EurasiaNet, 3 July 2007:**

"As Azerbaijan's military spending reaches \$1 billion, the country's leadership has revived rhetoric about using force to resolve the 19-year Nagorno-Karabakh conflict with Armenia. But for all the war worries sparked by bellicose statements, experts in Baku stress that they have more to do with diplomatic maneuvering and domestic politics than an actual desire to trade talks for tanks.

...[A] new tact is being taken – at least in words. "We are close to the liberation of Karabakh. We are powerful enough to liberate our lands," Aliyev said during a July 2 police academy graduation ceremony in Baku. "Azerbaijan is the [most] powerful country in the region," he went on to say, APA news agency reported. "No one wants a new war again, [but] Azerbaijan is prepared [for] any military operations any time. It would be better if Armenia understands it and pull[s] out the troops from our territories." Speaking at a Baku reception on June 25, Army Day, Defense Minister Safar Abiyev warned that if Armenia failed to do so, "[the] Azerbaijani Army will do it itself."

**RFE/RL, 1 February 2007:**

"...despite a pronounced and dramatic spike in the defense budget, which is projected to surpass \$1 billion this year, the Azerbaijani military remains hostage to earlier sporadic, haphazard, and incomplete efforts at modernization and reform... On one level, Baku's renewed commitment to developing a more formidable military capability seem in accordance with its long record of aggressive and bellicose threats to resort to military action in the event that ongoing efforts to mediate a peaceful political solution of the Nagorno-Karabakh conflict fail.

But that commitment should also be seen in the broader regional context, specifically, of a larger shift in the overall balance of power in the South Caucasus, as Georgia too seeks to raise the effectiveness of its armed forces to comply with NATO standards as part of its bid for NATO membership."

***Elite-driven peace process***

**IWPR, 1 February 2007:**

"Now an unrecognised territory with an overwhelmingly Armenian population, Karabakh has been de facto separate from Azerbaijan for a decade and a half. A ceasefire has maintained the uneasy peace between the two parties since 1994...The Karabakh Armenians do not have a place at the table in the Minsk Group negotiations, held between Armenia and Azerbaijan. Elements of a peace deal under discussion include the return of the six territories under Armenian control outside Karabakh and a referendum on the future status of the entity."

**Amnesty International, 28 June 2007:**

"There are few opportunities for the concerns and opinions of the internally displaced population to feed upwards into the peace process. The Azeri community of Karabakh is headed by Nizami Baxmanov, a presidential appointee in charge of the Susa (known to Armenians as Shushi) 'Executive Authority in Exile'. Although some prominent Azerbaijani politicians have expressed approval of the idea of intercommunal contacts between the Karabakh Armenian and Karabakh Azeri communities outside the formal peace process, there are in fact virtually no opportunities for such contacts to take place."

**Broers, Laurence, 1 February 2006:**

"The first key lesson that has emerged from the previous decade of peace making in the Karabakh conflict is the limitations of an elite-focussed process. It is only the highest levels of Armenian and Azerbaijani political establishments (presidents, their aides and foreign ministers) which have been engaged in the peace process. Experience from other peace processes suggests that peace agreements between leaders without significant support from wider society are likely to fail. This experience is confirmed by experiences of 1998 and 2001 in the Karabakh peace process, when resistance from societies and wider political elites caused peace proposals on which presidents had reached a high margin of agreement to fail.

There can be no peace without popular support, and no popular support without participation. The monopolization of the peace process by a narrow elite has not only restricted any sense of public ownership over the peace process, but has restricted civil society development and marginalized the two constituencies with the most to gain or lose from a settlement - the Karabakh Armenians and the displaced Azeri population ... It is crucial to reach out to marginalized communities, especially displaced Azerbaijani populations, and to broach taboo themes ... In its current structure, the peace process has 'frozen' a framework of state-to-state relationships preserving the asymmetries that are a source of conflict. This structure has both shielded Azerbaijan from necessary engagement with the de facto state in Nagorny Karabakh and advanced the latter's integration with Armenia. Preferences for state-to-state relationships have likewise offered no point of entry into the peace process for displaced Azerbaijani populations. This context lends new meaning to the well-worn phrase, 'frozen conflict'. While the conflict demonstrates constantly evolving and shifting dynamics, it is the peace process that has remained frozen ... The prospects for peace need to be measured in terms of medium and longer-term processes, rather than the political gains to be made by short-term prognoses and tactics ... [P]ositive assessments of current trends in the negotiations have yet to be matched by strategic initiatives to create a political and social terrain receptive to peace. Much hard work will be needed for any framework agreement to fall on fertile ground. Only a shift away from short-term visions can engender a sustainable and genuine peacebuilding process in the Nagorny Karabakh conflict."

**ICG, 14 November 2007:**

"The IDP/refugee community has little participation in political and social life and scant access to information on domestic developments, let alone the peace process. Azerbaijan has a non-integration policy, mainly to make the point that the displacement is temporary. IDPs in camps are particularly vulnerable to political manipulation. The camps are typically isolated and tightly controlled, off limits to opposition or independent activists. No effort is made to give IDPs any

representation in the negotiations. There is no elected IDP representative, and IDP activists argue that the authorities fear a well-organised, vocal IDP movement could present a challenge. The Minsk Group co-chairs occasionally consult with Nizami Bahmanov, head of the Shusha Executive Committee, who was appointed to represent the community in 1992 but is widely discredited among IDPs. It is important for Baku to encourage IDP participation in the negotiations process.

There are several IDP organisations in the capital but most are very weak. An Assembly of Nagorno-Karabakh Azerbaijanis was started in May 2007 to give the community an alternative voice and create a legitimate representative structure. It seeks a peaceful settlement and co-existence with Armenia, with Azerbaijan's territorial integrity as a precondition....

For several years state propaganda in Armenia and Azerbaijan has worked against any compromise solution. In Baku there have been open calls for use of force to regain lost territories. In Yerevan for the first time since the 1994, there have been calls to take up the military challenge. Aliyev has repeatedly threatened an offensive to win back the occupied territories, should negotiations fail. In May 2007 he said, "the enemy must know that we are capable of resolving the issue by military means at any time. Strengthening of the army, reinforcement of the army discipline, upgrade of [the] army's supply base, procurement of modern weapons – all these are aimed at this purpose". Officials insist the rhetoric is justified as the country is "the victimised party, and this gives us the right to resolve the issue by any means. We must get ready, and the population must be mobilised"...

There is no credible political movement with wide support that advocates a compromise in either society. There are few channels of communication between Armenians and Azeris. Frustration with the deadlocked negotiations is high and cynicism widespread. Many favour a military resolution of the conflict, and there is next to no debate on the implications of a peace agreement or resumed war. The leaderships promote this unhealthy dynamic.

Its non-recognised status and Azerbaijan's rhetoric deepen Nagorno-Karabakh's insecurity and reluctance to change the security situation.<sup>206</sup> Public opinion has hardened, while the region's de facto leaders have not participated in the negotiations since 1997, so do not bear responsibility for decisions made in the peace process and can comfortably stake out hardline positions.<sup>207</sup> It is vital to bring them into the negotiating process in order to give them a sense of ownership and responsibility for any deal.."

**EurasiaNet, 29 June 2007:**

"With talks on a resolution for the 19-year Nagorno-Karabakh conflict on the skids once again, the breakaway region's de facto authorities are increasingly pushing for a new negotiating format, one that allows them to directly participate in the process.

"The current format of negotiations, in which only Armenia and Azerbaijan are involved, is unrealistic and destructive," Arkady Ghukasian, the de facto president of the unrecognized Nagorno-Karabakh Republic, told reporters on June 7. While the statement is not the first time the Karabakh leader has called for direct talks with Azerbaijan, its timing underlines the extent to which regional frustrations are growing with the peace talks overseen by the Organization for Security and Cooperation in Europe's Minsk Group. Following a longstanding pattern, the latest summit between Armenian President Robert Kocharian and Azerbaijani President Ilham Aliyev ended on June 10 without results."

***Frequent incidents along self-regulating ceasefire line***

**Today, 11 June 2008:**

"Speaking about the private and military-political contexts of the parties around this meeting, [Russian political scientist Sergei Markedonov] said serious degradation has been observed in the advancement to peaceful resolution through the past year.

"In 2007 the number of fire exchange and crashes on the ceasefire line was thrice higher along with the number of victims as compared to 2006. A military crash has been observed on March 4-5 and it became the most serious one since imposing of ceasefire region in May of [1]994", said Markedonov."

**Conciliation Resources, 2005:**

"For more than a decade the ceasefire line, or line of contact (LOC), separating Azerbaijan and de facto Armenian-controlled Nagorny Karabakh, has been observed by all parties without external peacekeepers or a permanent monitoring force. This self-regulating aspect of the ceasefire line is unique to the Karabakh conflict. In other conflicts where no political settlement has been reached, such as Kashmir or Cyprus, a third-party force (in these cases the United Nations) observes and sometimes enforces the ceasefire. In the former Soviet Union, a joint peacekeeping force composed of Russian, Georgian and North Ossetian units observes the ceasefire in South Ossetia; in both Abkhazia and Transnistria Russian peacekeepers are deployed under a Commonwealth of Independent States (CIS) mandate.

Limited instances of ceasefire violations, low casualty levels (around 200 dead and wounded) and no instances of military escalation beyond the LOC testify to the unprecedented success of this self-regulating system. Some experts believe that the ceasefire has been observed due to an existing military balance between the sides, assuring neither of military victory should a new confrontation occur. However, the question remains to what extent this system is sustainable and effective in the long run without any progress towards the political settlement of the conflict...

In the absence of a permanently deployed force, OSCE monitors carry out monitoring of the LOC through regular visits. These visits are announced in advance and involve visits separately to both sides of the LOC from Azerbaijan and from Armenia. In the past monitors also made symbolic crossings of the LOC after a corridor had been de-mined by both sides. However, these crossings have ceased after an incident involving a mine that exploded. This system includes neither the permanent presence of monitors nor any element of surprise. It also does not incorporate any confidence-building measures between the forces deployed on both sides of the LOC, between which no clear rules of engagement exist in the absence of a political settlement. As a result both the de facto authorities of Nagorny Karabakh and the government of Azerbaijan maintain high levels of military presence at the line as well as a well-developed infrastructure of trenches and other fortifications."

**IWPR, 6 December 2007:**

"At the same time the situation on the 200-kilometre-long ceasefire line that divides the two parties is unusually precarious. The "line of contact", as it is known, has no international peacekeepers along it, and is monitored only by roving OSCE ambassador Andrzej Kasprzyk and five field assistants. Around 30 soldiers have lost their lives in incidents on the line so far this year. Owing to a diplomatic dispute between the OSCE, Baku and the unrecognised Nagorny Karabakh Republic, all ceasefire monitoring is currently suspended."

**RFE/RL, 4 March 2008:**

"Officials in Armenia and Azerbaijan have confirmed an outbreak of military clashes in two regions of the disputed territory of Nagorno-Karabakh, RFE/RL's local services reported. Officials on both side confirmed multiple casualties, including two Azerbaijani soldiers killed. The fighting appeared to be the most serious violation in years of the cease-fire agreement between Baku and Yerevan over the territory, which is dominated by ethnic Armenians and located within

Azerbaijan... Skirmishes broke out in two separate districts of northwest Karabakh, with gunfire and shelling reported in three villages in the Terter and Goranboy regions. Armenian and Azerbaijani officials have each blamed the opposing side for initiating the clashes amid conflicting reports about how they began...If confirmed, however, these latest clashes would be the worst fighting seen in the disputed territory in years, and come at a particularly delicate time in Armenian-Azerbaijani relations."

**RFE/RL, 19 January 2007:**

"Azerbaijan's Defense Ministry says Armenian forces shot dead an Azerbaijani soldier near the disputed Nagorno-Karabakh region. Armenia's Defense Ministry denies the charge. The Armenian side said its soldiers were preserving the cease-fire agreement in the area."

**CoE, 13 April 2006:**

"The Assembly is, however, bound to point out that the efforts made by Armenia and Azerbaijan to find a solution to the Nagorno-Karabakh conflict have not as yet produced results. These efforts are continuing. It deplores the frequent incidents along the ceasefire line and the border incidents, which are detrimental to refugees and displaced persons as well as to local people, and regrets the clearly insufficient co-operation between these two countries over the fate of missing persons."

**European Commission, 3 February 2005:**

"Portions of Azerbaijan's territory remain under Armenian occupation. Although the cease-fire has held since 1994, significant numbers of incidents along the "line of contact" take place each year: in 2004 alone there have been more than 30 casualties."

**ICG, 14 November 2007:**

"A ceasefire was signed in May 1994 but is unstable, with frequent violations, including sniper incidents, and military and civilian casualties."

***Fires in areas close to the ceasefire line***

**EurasiaNet, 28 August 2006:**

"From Baku's viewpoint, the fires are politically motivated, designed to prevent the resettlement of Azeri internally displaced persons. "If the fires continue, it will create problems for people who will move to these areas; people will not be able to use this land for at least the next five-ten years," Araz Azimov, Azerbaijan's deputy foreign minister told reporters."  
[www.eurasianet.org](http://www.eurasianet.org)

**OSCE, 10 July 2006:**

"On 22 June, at the Permanent Council in Vienna, the Azerbaijani delegation to the OSCE reported on fires affecting areas close to the Line of Contact (LOC), stating that it is necessary for the OSCE to assess the situation. The delegation distributed a compilation of satellite photographs of the affected areas around the Agdam and Martuni/Khojavend regions..."

**Information as stated by the Parties**

The local commanders on the NK side stated that servicemen and civilians were doing their best to put out the fires. They complained that crops and cattle were at risk from the fires, as well as soldiers serving in the trenches. According to them it made no sense for the NK side to start fires so close to the front lines, for safety reasons. The fires could destroy mines which were there as defensive measures and which were difficult, dangerous and costly to replace. Local commanders alleged that the Azerbaijani side had used tracer rounds to set fire to grass and crops behind the NK positions. They added that in such hot weather, fires could also be started incidentally by discarded cigarettes or glass. It was acknowledged that fires occur every year.

The local commanders on the Azerbaijani side claimed that the NK side were shooting tracer rounds and incendiary ammunition into the positions close to and behind the Azerbaijani front line positions to start fires. They also alleged that the NK side took advantage of the wind direction to start fires at the LOC, which would be spread by the wind to the Azerbaijani areas behind the LOC. They claimed this was done to make life difficult for the civilian population and servicemen in the trenches. Local commanders and local authorities further alleged that the NK side were deliberately setting fire to former Azerbaijani villages in the occupied territories to destroy whatever remains there. On several occasions, local authorities acknowledged that fires occur every year.

#### Summary of Findings

The photographs provided by the Azerbaijani side reflect a reasonably accurate picture of the geographical coverage of the fires ... In the affected areas, including ruined former villages on the NK side close LOC and the outskirts of Agdam, the fires had clearly burned away the short dry grass and had reached only the lower parts of the scarce bushes (mainly pomegranate) and some trees ... These areas were completely uninhabited ... Areas of burnt grass were visible to the Teams on both sides of the LOC...

#### Conclusions

... It is clear that there is a lack of proper fire-fighting equipment on both sides and in some places the sources of water were not sufficiently close ... The Teams were able to collect the facts as they saw them and information as stated by the parties. However, as no experts were present, due to the urgent nature of the request, it was not possible to present a broader assessment."

#### **UN General Assembly, Sixtieth Session, 7 September 2006:**

"Mr. Wolff (United States of America): The Russian Federation, France and the United States of America, as the co-Chair countries of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), remain committed to promoting a peaceful, negotiated resolution of the Nagorny Karabakh conflict. In that capacity, we take with great seriousness concerns raised by either side to the conflict regarding threats to the security and stability of the region, as well as any developments that pose new obstacles for the negotiation process. Accordingly, we have examined closely the information provided by the Government of Azerbaijan regarding fires in the eastern part of the occupied territories of Azerbaijan surrounding Nagorny Karabakh. We also note the report of the Personal Representative of the OSCE Chairman-in-Office, who, at the request of the Government of Azerbaijan and at the direction of the Chairman-in-Office, has carried out a monitoring mission to the affected areas. We note in particular that fires of both natural and man-made origin are a regular occurrence in the region. The question of whether this year's more extensive fires are a cause for ecological concern requiring international attention to their suppression is one that can be answered only through a technical examination of the situation."

#### **Citizenry not prepared for compromise (2008)**

- Armenian and Azerbaijani public not informed on details of peace negotiations
- Neither public seems ready for a compromise

#### **EurasiaNet, 7 December 2007:**

"The Madrid announcement generated relatively little interest in Azerbaijan and Armenia -- something international mediators may view as a frustrating circumstance. According to OSCE officials, the co-chairs had hoped that the presentation of basic principles would stoke public debate in both countries, thereby accelerating the negotiation process. Such hopes, however, have not been fulfilled."



**IWPR, 7 June 2007:**

"Tabib Husseinov, a political scientist who comes from Shusha, said that the public either side of the conflict lines was not being kept informed about the details of the peace process."

**IWPR, 2 April 2008:**

"...Arif Yunus, a veteran specialist on the Nagorny Karabakh conflict, based in Baku, said the current negotiations were certainly not working, but for a different reason - they were failing to engage with the public on either side of the conflict.

"We absolutely do have to pose the question of changing the format of the Minsk Group," said Yunus. "The co-chairmen have just turned into people who turn up at the negotiations. However, the problems of Nagorny Karabakh depend not on the co-chairmen, but on the Azerbaijani and Armenian peoples."

**CoE, 30 March 2007:**

"226. As pointed out in the report by the Chair of the ad hoc committee, Lord Russell Johnston, nothing has been done to prepare the populations of the two countries for the possibility of a compromise. None of the communities seems ready to make concessions or to accept the measures currently being negotiated by the two foreign ministers."

**ICG, 14 November 2007:**

"While Armenia has certainly suffered from the lack of regional cooperation and border closures, its citizens believe the costs are not high enough to require compromise. The conviction prevails that the country has not only survived but developed against the odds and contrary to Azeri predictions. Armenians believe they cannot be forced into concessions...

There is no credible political movement with wide support that advocates a compromise in either society. There are few channels of communication between Armenians and Azeris. Frustration with the deadlocked negotiations is high and cynicism widespread. Many favour a military resolution

of the conflict, and there is next to no debate on the implications of a peace agreement or resumed war. The leaderships promote this unhealthy dynamic."

**Tense relations with Armenians (2008)**

- Government of Azerbaijan states it has received no complaints of discrimination of Armenians
- The Council of Europe reports racism and harassment against Armenians by officials, media and general public in Azerbaijan
- Azeris and Karabakh Armenians have had no contact for 20 years and there are mixed feelings of return of Azeris to Karabakh
- Young journalists from both regions came together in a project to increase dialogue and left with new friends and outlook

**CoE, 20 February 2008:**

"As to Armenians (paragraph 91), regardless of the conflict between Armenia and Azerbaijan, peaceful co-existence of people of different origins in Azerbaijan established through centuries has not been lost. The Azerbaijani authorities are the most interested in maintaining this national and religious diversity and tolerance and do their best to this end. This fact is always emphasized by various international organizations. So far, not a single complaint has been submitted to the authorities on discrimination against Armenians living in Azerbaijan."

**CoE, 24 May 2007:**

"There are still cases of racist and inflammatory speech or the promotion of religious intolerance by some media, members of the general public and politicians, particularly against Armenians, Russian citizens from Chechnya and members of some religious minorities. There are also allegations of racial discrimination on the part of some officials against Armenians living in Azerbaijan. The unsolved conflict over Nagorno-Karabakh continues to have a negative impact on the climate concerning Armenians...There are allegations of cases of harassment on the part of law enforcement and other officials against Armenians, members of some minority religious groups and Russian citizens from Chechnya. Persons displaced as a result of the armed conflict in the country continue to experience difficult living conditions...In general, there is a lack of awareness on the part of the Azerbaijani population of the problem of racism and intolerance in Azerbaijan and of the relevant existing criminal, civil and administrative law provisions aimed at combating such phenomena."

**EurasiaNet, 14 December 2006:**

"If Armenia frees those territories, without a doubt, then, Azerbaijan should take reciprocal steps and recognize our independence or, in the worst case, recognize our right to a free choice," commented Vahram Atanesian, chairman of the Nagorno-Karabakh parliament's foreign affairs committee...

While war veterans, refugees from Azerbaijan and long-term residents interviewed by EurasiaNet all spoke out strongly against any resumption of armed hostilities with Azerbaijan, feelings were mixed about the return of Azerbaijani refugees to this predominantly ethnic Armenian land. The government of Azerbaijan has insisted on such a right of return as one of the conditions for a lasting peace resolution with Armenia.

"There's no chance we can live together now," said octogenarian Areg Oganisian, an Azeri-speaking ethnic Armenian refugee from the Azerbaijani town of Sumgait who returned to his family village outside of the Karabakh town of Shushi after the 1988 pogrom against Armenians in Sumgait. "But I also cannot say that all Azerbaijanis are bad. They are civilized, too...If it hadn't been for Sumgait, we could have worked things out, but Sumgait was a detonator."

**BBC, 28 September 2007:**

"For nearly 20 years Azeris and Karabakh Armenians have had no contact with one another. But a group of young journalists from both sides, who grew up during the war, are now taking part in a project that brings them together to make short documentary films. They explore the impact of war on the two communities and the absurdities of daily life under the conditions of frozen conflict..."

Twenty-year-old Suzanna Seyranyana, a Karabakh foreign language student, was apprehensive about meeting Azeris through the project. "Before, I thought that the Azeris were our enemies, I never thought I'd be able to sit down with them, to have a cup of tea and a chat, but during the project I met Azeris for the first time and they've become my friends. I didn't feel any barriers between us," she said. "I realised that it is not our fault," she continued. "People aren't guilty - neither Azeris nor Armenians. It was war. It feels like a dream, sitting with them, talking to them."

Yet there is reluctance, by both Armenians and Azeris to remember, recount and relive their experiences of childhood. "I was five years old when the war broke out. I saw everything. I lived in a shelter for about two years. There was no light, no nothing. It was awful. I don't want to remember that period," Suzanna said, speaking quietly.

Vafa Farajova, a bright-eyed 31-year-old Azeri teacher and journalist explained: "We have forgotten our childhood and school-years." But she still has vivid memories of abandoning her

home in Zangelan, one of seven districts surrounding Nagorno-Karabakh occupied by Armenian forces during the conflict. "When we fled, all the routes to Baku were closed, all the districts were occupied by Armenians so we had to escape across the river, via Iran," she said. "We left everything - our home, everything... We didn't take my clothes, my pictures, my dresses or shoes. I felt awful, I cried. I kept asking God 'Why? Why?' Armenians and Azerbaijanis had had such good relations. Every day, every hour, I asked 'Why?' Nobody answered me."

Making the films, which involved joint training sessions, gave them the chance to express their frustration about a conflict they see as senseless. Many of the films combine sadness with humour...

The project, organised partly by Conciliation Resources, aims to develop dialogue between young people from both sides of the conflict. The idea is that the films will be shown to both Armenian and Azeri audiences, but there is no guarantee that this will happen.

Sevak Hayrapetyan, a 26-year-old Armenian student, nonetheless says he hopes the films may help increase understanding between Azeris and Armenians.

"The war was incomprehensible for me," he says. "I don't know if this project will help end the stalemate but these are at least small steps."

### **Poor living conditions in Nagorno-Karabakh (2008)**

- Only entry point to Nagorno-Karabakh is from Armenia
- Capital city Stepanakert has largely been rebuilt, while villages remain disconnected and in ruins
- Nagorno-Karabakh remains devoid of international aid and investment due to lack of resolution to conflict
- Armenian General Benevolent Union reconstructed some homes in the village of Norashen in Nagorno-Karabakh, and provided animals to some who lost family members during the war
- Armenians resettled to Nagorno-Karabakh after earthquake in Armenia in 1988

### **IWPR, 2 April 2008:**

"In practical terms, Armenia and Nagorny Karabakh are now closely integrated with each other. Armenia's national budget consistently earmarks a credit line for Nagorny Karabakh. In the view of Tigran Torosian, the speaker of Armenia's parliament, "By approving the state budget every year, the parliament of Armenia recognises the independence of the Nagorny Karabakh Republic."

### **ICG, 14 November 2007:**

"Annual GDP growth in Nagorno-Karabakh over five years of 15 per cent is also diaspora-driven. A construction boom is underway in Stepanakert. A local analyst explained: "Nagorno-Karabakh has become an all- Armenian project. It has been the focus of sympathy from Armenians all over the world, and there is a significant inflow of patriotic investment from the Armenian diaspora and Armenia itself". The November 2006 annual telethon organised by the All-Armenian Fund "Hayastan" raised \$13,700,000 for rehabilitation projects."

### **IWPR, 19 April 2007:**

"Jrakn is situated 100 kilometres - a two-hour car journey on rough roads - from Stepanakert, capital of the unrecognised republic of Nagorny Karabakh. The Karapetians have lived here on their own for 11 years, deprived of human contact. Their nearest neighbours live several km away

and it's several months since Gohar, 58, and her husband, 63, last spoke to anyone...The couple ended up re-settling in Jrakn in the south of Nagorny Karabakh, after they lost their house in the devastating earthquake that shook the Armenian city of Gyumri in 1988. For a long time, they lived in a garage, before they decided to build a new home in the Armenian-controlled territory of Karabakh. Jrakn was also a bleak village of ruins when the couple arrived - a victim of the bitter 1991-4 Armenian-Azerbaijani war over Karabakh.

Apart from their makeshift house, it still has nothing but ruins and trees...Inside, the two rooms are gloomy and the concrete floor is muddy. The Karapetians use one of the two rooms of the house as a storeroom, keeping their crops of pumpkins, nuts and potatoes in one, while the other serves as their bedroom and dining room. The windows are covered with an oilcloth because "glassing them over requires lots of money". The one source of light in the gloomy room is a dim bulb. For heating fuel, they rely entirely on firewood, which has to be fetched from a long distance. Water is collected from a nearby spring and rainwater irrigates the garden. They have one cooking pan, which they use to prepare food for themselves and their animals.

The couple's only income is Gohar's monthly pension of 10,000 drams (28 US dollars). Her husband earns nothing because he lacks the required documents. The couple are cut off from events in the rest of the world. They have never had a television set in their house. There are no newspapers even in the neighbouring village. The house contains neither a clock nor a calendar. "We only know when it is Friday as that's the day when soldiers march down by the lower path," said Sanasar. They are not particularly interested in politics either, and when it comes to the referendum on the constitution held in Nagorny Karabakh last year, they say, "We never knew whether it passed or not."

**Christian Science Monitor, 30 May 2007:**

"It's a long journey from the outside world to this putative nation. There's only one way to Nagorno-Karabakh: a long, winding road from Armenia, six hours from that country's capital, Yerevan. High-ranking government officials sometimes travel by military helicopter, but for ordinary people there's just the road, built with money from the Armenian diaspora after the 1988 to 1994 war between ethnic Armenians and Azerbaijan..."

Nagorno-Karabakh's relationship to Armenia is, to say the least, complicated. Officially, even Armenia doesn't recognize Karabakh's independence. In practice, it veers between treating it as a sovereign nation and a constituent part of itself. But the relationship between the leaders of Armenia and Karabakh is cozy: Armenian President Robert Kocharian was formerly the president of Nagorno-Karabakh. Armenian prime minister and long-time defense minister, Serzh Sarkisian, is Karabakh-born and headed the enclave's military effort during the war with Azerbaijan. And Karabaki officials carry Armenian passports because any issued by their own government would be of little use crossing any international border.

Officially, Mr. Sargsyan says, no Armenian troops serve in Karabakh or the occupied territories of Azerbaijan, also taken during the war. But on the streets of Yerevan, stop a young Armenian man on the street and the odds are that he's recently done military service in Nagorno-Karabakh. Indeed, Nagorno-Karabakh boasts a standing army of 25,000 – astounding, if true, because that's nearly a quarter of its population.

In Stepanakert signs of war have been largely erased. Streets and sidewalks are smooth and undamaged. Laundry flutters from the windows of nearly every building. In the gray morning light, it isn't exactly cheery, but it looks no worse than any other post-Communist metropolis. Even just a few years ago, Stepanakert suffered from massive water and electricity shortages. But in the capital, at least, those problems have been largely solved. The only ruins visible now are those of a silk-production factory, bombed during the war, which Mr. Atanesian says is being rebuilt as a cultural center.

It's in the government district though, near the president's office, that a true building boom is under way. One new private bank already does a bustling business; a Swiss-Armenian banking venture is rising nearby. Two new hotels are also sprouting, one being built by Russian Armenians, the other by ethnically Armenian investors from Switzerland and the US. Who will fill the hotels is a point of extreme optimism here because there's no airport (international flights can't land in the unrecognized state). Last year was Karabakh's most successful as a budding tourist destination: a grand total of 4,000 visitors came, an average of 11 a day.

The most impressive new structure is the new parliament. The dome looks like a bird cage under construction (it's actually complete) and workers are installing the seats where Karabakh's 33 legislators will soon sit."

**EurasiaNet, 14 December 2006:**

"Twelve years after the cease-fire agreement that ended the 1988-1994 war over the territory, ruined houses and other buildings still dot the landscape outside of Stepanakert ... Primarily an agrarian society, Karabakhis are returning to cultivating vineyards and wheat fields. A gold mine opened in 2002, and construction projects - including a new parliament building and adjoining hotel - can be seen throughout Stepanakert, often financed by diaspora Armenians."

**Armenian General Benevolent Union, 16 May 2008:**

"The District of France has undertaken the reconstruction of 29 houses and a school in the village of Norashen. So far, the construction has been completed on twenty-two homes. Norashen, located in the center of the war zone during the 1988-1994 conflict with Azerbaijan, was completely destroyed. With strong emotional ties to their village, families have returned to their reconstructed homes. The District of France has also undertaken to provide assistance to the widows and children of those who died in combat by providing two milk cows and two calves per family in order to supplement their living expenses."

**Political developments in Nagorno-Karabakh (2007)**

- Former head of security service elected president of Nagorno-Karabakh in 2007
- However, there was no international recognition of the elections or the results as legitimate
- Nagorno-Karabakh population voted overwhelmingly in favour of proposed constitution in a 2006 referendum
- Though there were indications that some of the voters were not informed on the details of the constitution
- Azerbaijanis living in Nagorno-Karabakh could not participate in the referendum
- The co-chairs of the OSCE Minsk Group said the referendum interfered with peace talks between Armenia and Azerbaijan

**RFE/RL, 20 July 2007:**

"Election officials in the unrecognized republic of Nagorno-Karabakh say the former head of the region's security service has been elected president.

According to preliminary results made public today by the self-proclaimed republic's election commission, Bako Sahakian won the July 19 presidential ballot with 85.4 percent of the vote. His main challenger, Deputy Foreign Minister Mais Maylian, won 12.2 percent. None of the three other candidates polled more than 1.5 percent. Voter turnout was 77.36 percent. The Central Election Commission has reportedly pledged to examine 19 separate complaints of fraud submitted by Maylian...

Sahakian has said that he seeks full independence from Azerbaijan. No country currently recognizes the independence of the self-declared, predominantly ethnic-Armenian republic within Azerbaijan. Azerbaijan has condemned the elections as illegal and illegitimate. Likewise, no international organizations, including GUAM and the Organization for Security and Cooperation in Europe (OSCE), consider the elections to be legitimate.

The European Union's Portuguese presidency issued a statement today saying the EU does not recognize the legitimacy of the elections, nor the independence of the region.

The statement said the poll "should not have any impact on the peaceful settlement of the Nagorno-Karabakh conflict." Earlier, a spokesman for the U.S. Department of State's Bureau on European and Eurasian Affairs, Chase Beamer, reiterated on July 19 that the United States respects Azerbaijan's territorial integrity, According to Azerbaijan's Turan news agency. He said the elections will not have an effect on the peace talks and said the United States will continue to mediate a resolution of the frozen conflict through the OSCE Minsk Group."

**EurasiaNet 13 December 2006:**

"The disputed territory of Nagorno-Karabakh, a remote, predominantly ethnic Armenian region formerly held by Azerbaijan, gained a constitution on December 10, but the impact of the vote remains contentious. The international community, if it followed the referendum at all, criticized it as a potential threat to ongoing, delicate talks between Armenia and Azerbaijan over the territory. But for the separatist leadership itself, the vote was no more than a natural step in its 15-year journey toward full-fledged independence... Preliminary results show the referendum passed with the support of 99 percent of the 78,389 Karabakhi voters taking part – a staggeringly positive result that did not come as a surprise for most residents in this isolated mountain region, a six to eight-hour drive from the Armenian capital, Yerevan... The sensitive issue of the return of ethnic Azerbaijani refugees is not specifically addressed in the document, although the constitution provides for a right of return for "every citizen and foreign citizen having the right to live in the Nagorno-Karabakh Republic." The issue of citizenship has been left undefined, pending a later law. Karabakhis currently carry Armenian passports, but cannot vote in Armenia's elections. Armenian is defined as the state language, but the constitution guarantees "the free use of other languages spread among the population."

**IWPR, 14 December 2006:**

"The day after the poll, Sergei Nasibian, chairman of the central commission for the referendum, announced that 78,389 out of 90,077 registered voters had cast their ballots, of whom 98.58 per cent had voted for the constitution and 0.7 per cent against. More than 100 non-governmental international observers and journalists monitored the poll and gave it a positive verdict, saying it was held to a high international standard... Much of the criticism from local observers was centred on the charge that the population was poorly informed about what they were voting on... Pensioner Svetlana Davidian told IWPR that she did not know the contents of the constitution, but voted for it anyway. "Clever people worked on this document," she said. "Many of my acquaintances and I have come to vote for the constitution for a different reason - because this is yet another move to strengthen our independence, which we declared in 1991 when we were being bombed by Azerbaijan..." Of course, democratic procedures in Nagorny Karabakh are not faultless, as Azerbaijanis living in Nagorny Karabakh are not allowed to take part in them... There was condemnation of the vote from the American, French and Russian co-chairs of the Minsk Group on the grounds that the vote interfered with the Armenian-Azerbaijani peace process at a delicate stage."

## **Other causes of displacement**

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### **Risks of displacement as a result of natural disasters (2003)**

- Natural disasters affects civilian population in Azerbaijan, though to a far lesser extent than armed conflict
- Earthquakes, landslides and floods have been the result of dam and reservoir constructions and rising level of the Caspian sea
- More than 2,500 people were evacuated from their houses after a major earthquake in November 2000

#### **Today.az, 3 May 2007:**

"The Agstafa and Kyur rivers flooded as a result of incessant rain in Azerbaijani western region. The level of water in Agstafachay reservoir reached to the maximum degree. The part of the water was turned on the Agstafa river for preventing the flood of the reservoir. As a result, Agstafa river flooded causing damage to Narimanov settlement where 63 IDP families have been housed.

Gazakh region executive power told the APA's local bureau that seven families have been immediately evacuated. Dams are built on the banks of the Agstafa river and fastening measures are taken for preventing the danger. The level of water in Kyur rivers in Gazakh region also rose after recent heavy rain. 100 hectares of area in Ashagi Salahli village have been overflowed."

#### **UNDP 1996:**

"In Azerbaijan natural disasters are far outweighed by those caused by human conflicts; nevertheless they must be part of any consideration of human settlement issues.

Earthquakes. The whole of Azerbaijan is liable to suffer from earthquakes of a magnitude of 8-9 on the 12 magnitude scale. Among the parts of the country with high population density most liable are the Apsheron Peninsula and the North Caspian region. The slopes of the Greater Caucasus Mountains are considered to be the most dangerous. Gandja is in the zone of force 8-9 earthquake risk.

Landslides. These occur typically on the North-Eastern and Southern slopes of the Caucasus Mountain range. Very often landslides are caused by earthquakes. In 1986 there were landslides in the Ismailly region after an earthquake. Landslides occur in Baku also, a fact not always taken into consideration in urban planning policy.

Floods. The construction of dams and reservoirs for hydro-electric power, irrigation and water supply along the main Kura river, has practically stopped its regular natural flooding. The collapse of these dams could lead to massive flooding of the country's most densely populated areas. In December 1994 such a disaster occurred on the Apsheron Peninsula, and part of a Baku suburb was flooded. Flooding of mountain rivers are also dangerous for settlements and agriculture.

Rise in the level of the Caspian Water Basin. Disastrous consequences for Azerbaijan are resulting from the current rise in the level of the Caspian Water Basin. Already thousands of square kilometers of coastal areas in Azerbaijan have been flooded. Flooding of industrial enterprises and harbours on the shores of the basin have had serious consequences for the ecology and economy of the area. 50 settlements and thousands hectares of resort and recreation areas have already been flooded. Another 30 settlements and 30,000 people have had to abandon their homes because of flooding and the rising water level. More than 1,000 homes have been flooded in the south of the country.

Historically the level of the Caspian Water Basin has fluctuated between 26-28 metres below the world ocean level. People who lived near the Caspian shores were aware of this phenomenon

and accordingly developed settlements above the highest level. When the Caspian level was low they used the land for temporary purposes only. In 20th century, particularly during the Soviet period, this policy was ignored. Factories and housing were constructed on land historically at risk."

**UN OCHA 5 January 2001:**

Earthquake (November 2000)

"A strong earthquake, measuring 7,0 on the Richter Scale, occurred in Azerbaijan on 25 November 2000. The earthquake, which was felt in Baku, Sumgait and other 13 regions, caused widespread damage.[...]

As a result of the earthquake, 31 people died and 600 were injured. The State Emergency Commission of the Republic of Azerbaijan, which started its work after the earthquake, also coordinated the activities of all governmental and non-governmental agencies to address the consequences of the earthquake.

Measures undertaken by the State Commission allowed to assess that 450 buildings in Baku and Sumgait, including 363 private houses, had been severely damaged. 656 families (2,694 persons) have been temporarily evacuated from severely damaged houses. 354 buildings in other 13 regions of Azerbaijan, including 330 houses and 24 public buildings, were damaged seriously and different extent of damage was also caused to 5,761 buildings. The assessment of scope and total amount of damage caused to buildings is still continuing. At present, 804 buildings in Azerbaijan, including 693 private houses and 108 public buildings, remain damaged. Reconstruction work is being carried out on some 90 buildings."

**See also, "[Azerbaijan - Floods/Landslides OCHA Situation Report No. 1](#)", 6 May 2003**



# POPULATION FIGURES AND PROFILE

## Global figures

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**Total internally displaced people in the government-controlled territory: 572,531 people (April 2008)**

- According to government statistics, there were 572,531 internally displaced people in Azerbaijan in 2008
- Most IDPs live in Baku, Fizuli, Sumgait and Barda

### *Number of displaced people*

***On 3 April 2008, the government reported there were a total of 572,531 internally displaced persons. This is equivalent to 143,526 families. This is a decrease from 686,586 internally displaced persons reported in 2005 and 2006.***

### **Government of Azerbaijan, 21 November 2006:**

"Fully recognizing its primary responsibility to protect IDPs on its territory, the Government of the Republic of Azerbaijan has been continuing to play an increasingly leading role in the provision of care and assistance to the internally displaced persons (IDPs) in the course of the recent years through some temporary integration initiatives to assist and meet the needs of 686,586 IDPs forcibly displaced from the Nagorno-Karabakh region and 7 other adjacent regions of Azerbaijan..."

### **Government of Azerbaijan, 2005, p. 45:**

"A total of 311,000 refugees and 577,906 IDPs were living in Azerbaijan as of December 1, 2004. These figures are based on the information given by local government offices in areas where there is a high density of IDP population. As mentioned above, the data are not considered to be very reliable, due to the unregistered migration of IDPs and refugees from areas where they were originally settled."

### **Government of Azerbaijan, State Committee on Refugees and IDPs, December 2005:**

"As of December 2005, the State Committee on Refugees and IDPs estimated the number of IDPs to be 558,387 people. However, based on information provided by the government on the location of IDPs (see table below) there were 727,996 IDPs in December 2005."

### **UNHCR, December 2006:**

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

### ***Location of the displaced***

### **Government of Azerbaijan, 3 April 2008**

City or region	IDPs 2008 (people)
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Nakhchivan Autonomous Republic	835
Baku	186909
Barda	34711
Balakan	219
Bilasuvar	19255
Beylagan	12655
Aghdam	38690
Agjabadi	14488
Absheron	14894
Aghdash	2851
Aghsu	1548
Aghstafa	183
Sumgait	46122
Saatly	3934
Sabirabad	5680
Salyan	682
Qakh	1147
Qabala	1798
Qazakh	6353
Quba	190
Ganja	16494
Goranboy	8085
Goychay	1651
Gadabay	286
Mingachevir	17470
Masally	749
Naftalan	1294
Neftchala	1307
Zagatala	304
Zardab	743
Shamakhi	1094
Shaki	4644
Shamkir	2110
Imishli	6356
Ismayilli	3099
Khachmaz	358
Khanlar	5601
Tartar	11414
Tovuz	11
Yevlakh	8610
Kurdamir	2059
Ucar	826
Lenkaran	111
Oghuz	2784
Haciqabul	946
Ali-Bayramli	2552
Calilabad	739
Dashkesan	1362
Davachi	204
Qobustan	303

Khizi	207
Siyazan	93
Fizuli	57292
Samukh	1517
Qusar	22
Astara	18
Lachin (Taxtakorpu)	16672

**Government of Azerbaijan, December 2005:**

Estimates of IDPs Temporarily Residing at Cities and Regions of the Azerbaijan Republic

City or region	IDPs 2005 (families/people)
Nakhchivan Autonomous Republic	264/967
Baku	40915/169609
Binagadi	6938/28479
Azizbayov	3204/13673
Khatai	4245/17599
Garadag	2353/9612
Narimanov	4130/16762
Nasimi	2543/10659
Nizami	3410/13840
Sabunchu	4425/18456
Sabail	1901/7585
Surakhani	3330/14901
Yasamal	4436/18043
Ali Bayramli	1102/4451
Ganja	3752/15359
Mingachevir	4356/18004
Sumgayit	10752/44084
Naftalan	605/2968
Absheron	2507/10093
Agjabadi	4317/17736
Agdam	6206/25275
Agdash	868/3367
Agstafa	59/162
Agsu	442/1774
Astara	10/50
Balakan	65/260
Beylagan	4190/16207
Barda	10729/44802
Bilasovar	2843/12568
Jalilabad	311/1418
Dashkasan	343/1272
Davachi	98/353
Fuzuli	13433/54122
Gadabay	97/321
Goranboy	1917/7246

Goychay	511/1919
Hajigabul	516/1849
Khachmaz	125/462
Khanlar	1615/6021
Khizi	110/468
Imishli	3356/11132
Ismayilli	812/3372
Kurdamir	768/2745
Gakh	264/1083
Gazakh	1839/6859
Gabala	498/1943
Gobustan	165/470
Guba	66/257
Gusar	14/30
Lachin (Takhta korpu)	3576/14009
Lerik	0/0
Lankaran	128/504
Masalli	137/455
Neftchala	97/377
Oguz	701/2764
Saatli	1288/4902
Sabirabad	2063/7749
Salyan	330/1369
Samukh	402/1772
Siyazan	33/141
Shamakhi	302/1130
Shaki	1294/5131
Shamkir	490/1923
Tartar	3107/11047
Tovuz	5/23
Ujar	290/1042
Yardimli	0/0
Yevlakh	2812/11646
Zagatala	104/375
Zardab	235/950

#### **Internal displacement in Nagorno-Karabakh and surrounding areas (2007)**

- The population of Nagorno-Karabakh was approximately 185,000 in 1989 and 145,000 in 2002
- There are now some 30,000 internally displaced persons in Nagorno-Karabakh, mainly of ethnic Armenian origin
- The Armenian government has reportedly resettled refugees originating from Azerbaijan in Nagorno-Karabakh and surrounding areas

**EurasiaNet, 12 January 2007:**

"Karabakh Armenian leaders put the territory's population at 145,000, based on 2002 estimates. Some outside observers, however, believe the true number to be far fewer. By comparison, a 1989 census put the region's population at over 185,000."

**ICG, 11 October 2005:**

"Nagorno-Karabakh has 14,600 displaced Armenians from Martuni and Mardakert, parts of the old oblast under Baku control, as well as some 12,800 from pre-war Shahumian and Getashen (Azerbaijan proper) ... almost all the pre-war Armenian population [in Azerbaijan] was forced to become refugees, including some 30,000 internally displaced persons (IDPs) who live today in Nagorno-Karabakh and the occupied districts."

**IWPR, 16 August 2006:**

"It comes as a surprise to many outsiders to learn that there are Azerbaijanis here [in Nagorno-Karabakh] at all. There are of course far fewer of them than before the war, when around one quarter of the population of Nagorny Karabakh was Azerbaijani. Almost all of them fled in the great refugee upheavals of the conflict. But there are more than a handful left: they are mainly people who married Armenians and their children. According to the national statistics bureau of Nagorny-Karabakh, Azerbaijanis are classed as one of the ethnic minorities of Karabakh ... But it is hard to calculate the real numbers because most of them have changed their surnames or use married Armenian names."

**USCR, 2002:**

"According to the de facto government of Nagorno-Karabakh, the population of the enclave stood at about 143,000 in 2001, slightly higher than the ethnic Armenian population in the region in 1988, before the conflict. 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 receive the equivalent of \$365 and a house from the de facto authorities."

## **Disaggregated data**

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### **Need for regular monitoring and data collection using international standards (2008)**

- The Government is the only agency that compiles statistics on all IDPs, but there is little data on their general living standards
- There is a need for updated statistics on the actual place of residence of IDPs and their current socio-economic situations
- The UN Representative 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
- This information would help to identify vulnerable sections of the IDP population and better target resources
- International organisations and NGOs could offer technical assistance to the government to conduct such studies

**NRC, 28 February 2008:**

"In the case of Azerbaijan, 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, in some instances have not even been allowed to carry out more extensive household surveys. The 2003-2005 SPPRED had expressed the determination to continue in annual collection and analysis of in-depth data SPPRED, which however did not materialize. The shift in IDP-related strategies from basic post-emergency assistance to development oriented support entails increased targeting of the most vulnerable segments of the population in general, rather than necessarily IDPs in particular, making the need for detailed information even more acute.

Availability of up-to-date information is linked to flexible registration procedures, however complicated in the context of hundreds of thousands displaced all over the country. The relatively rigid system of IDP registration, the so-called "propiska" regime that requires the IDPs to register and live in approved areas, as well as lack of economic opportunities that maintain the internal economic migration at a high level, lead to a distorted picture when the official registration data do not correspond with the actual places of IDP residence. The system of registration according to the place of origin does not at all prevent the undesired urbanization, but only deforms the IDP registration data, whereas registration of IDPs according to the actual residence of their choice would enable the Government and non-governmental agencies to track the IDP movements, locations and needs more easily. Also, one recurrent discriminatory measure has been identified in terms of registration of children from mixed (IDP and non-IDP) marriages, where the status of the child depends on which of the parents is an IDP.

Recommendations:

- 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."

**UN, 31 December 2007:**

"Widespread unemployment and economic and social problems affect large parts of the population. The Representative observed that, except for the shortage of adequate housing and their lack of property, such as real estate and livestock, IDPs are not generally dramatically worse off than the nondisplaced population. This achievement, impressive given the magnitude of the problem, is mainly owed to sustained Government support, such as monthly allowances, free accommodation, and free services such as electricity and education for IDPs. At the same time, a number of additional, IDP-specific needs could be identified, some of which would require further investigation. These include the quality of education for displaced children, nutritional deficits, and mental and other health problems. A lack of relevant statistical data and surveys undertaken in accordance with international standards makes it difficult to develop appropriate responses to these challenges...

During his mission, the Representative was informed that maternal and child mortality differed from one settlement to another and was perhaps not particularly elevated among the displaced. He noted that reliable figures on this important issue were not available and a survey would be needed...

The Representative concluded that 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 needed to be conducted. He encouraged the Government, in close cooperation with competent international agencies, to take the lead in designing effective responses, and welcomed donor interest in funding programmes based on reliable data...

The Representative sees the main role of international and nongovernmental organizations in the contribution of technical expertise, the monitoring of progress and the provision of technical assistance, for example for needs assessment surveys, in particular in the areas of livelihoods and economic opportunities for the displaced; health, including mental health; and education."

**Council of Europe, Parliamentary Assembly, 13 April 2006:**

"It is difficult to gauge the number of refugees and displaced persons in the region. By law or by virtue of administrative practice, the three countries[Azerbaijan, Armenia and Georgia] tend to recognise the descendants of persons displaced in various capacities within the region as "refugees" or "displaced persons", with the result that the total number of refugees and displaced persons never seems to decrease."

**The Brookings Institution-University of Bern Project, 16 May 2006:**

"Azerbaijan's National Poverty Reduction Strategy calls for an annual survey on the IDP population. UN agencies have been urging the government to undertake such a survey so that needed information becomes available."

**Government of Azerbaijan, 2005, p.45:**

"It is difficult to carry out regular monitoring of the welfare of refugees and IDPs due to the lack of statistical data on this section of the population. Administrative data are available from the SCRIDP [State Committee for Refugees and IDPs], but are not always reliable, since the refugee/IDP population tends to move around informally to find work/accommodation, and 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, 26 May 2004, p.48:**

"Although one of the six main strategic goals of the SPPRED [State Programme on Poverty Reduction and Economic Development] program is to 'improve the living conditions and opportunities of the refugee and IDP population', there are limited data sources from which to monitor implementation of this overall aim. The State Committee for Refugees and IDPs (SCRIDP) collects administrative data on the numbers and living places of this section of the population, and also on the type of accommodation in which the IDP households live. There is very little statistical data available on the quality of their accommodation or their general living standards. There are no regular surveys which allow us to monitor the living standards of refugees and IDPs; surveys that allow looking at the differences in living standards within this group, in order to target support.

There is also no satisfactory regular source of information which allows us to look at the differences in income poverty between IDPs/refugees, and the rest of the population. However, a one-off survey of IDPs/ Refugees was carried out in 2002 which allows some comparison of the living standards of this group and the rest of the population [...].[39] The other source of data is the SCC's Household Budget Survey. However, the refugee/IDP population is represented in this survey in proportion to their representation in the total population, i.e. less than 8%. This makes it a small sample size, which is not suitable for looking at differentials within the group. Apart from these sources, there have been smaller one-off studies of sections of the IDP/ refugee population, which give, however, a somewhat fragmented picture of their situation. SPPRED envisaged the implementation of an annual survey on the IDP/ Refugee population, but so far there have been no steps taken towards implementing this measure."

### **Updated statistics on IDPs according to sex and age are needed (2007)**

- 53 per cent of displaced people are female, while 47 per cent are male (2005)
- 36 per cent are children, 49 per cent working age and 14 per cent are elderly
- Statistics of Azeri NGO and government on children are not consistent
- UN says statistics on displaced children are not collected on a regular basis

### **Government of Azerbaijan, December 2005:**

Social composition of IDP group	People
Male	264,086
Female	294,301
Children aged 0-5	78,473
Children aged 6-15	124,150
Capable of working (age 16-60)	277,072
Older than 60 years old	78,692
<b>TOTAL NUMBER OF IDPS</b>	<b>558,387</b>

### **Praxis, 31 July 2007:**

"Children and women comprise vulnerable groups of IDP population. 200 000 persons of IDP population is children and 86 000 of them are of pre-school age. 98 000 of them are of school age."

### **Council of Europe, 6 February 2007:**

"...it seems that refugee and displaced men [in the South Caucasus], who are fewer in number, tend to monopolise humanitarian aid to the detriment of basic family needs. Humanitarian aid should therefore primarily go to women, who would share it out among family members."

### **UN Committee on the Rights of the Child, 17 March 2006:**

"5. The Committee notes the particular situation of the Nagorno-Karabakh region, which is within Azerbaijan territory but de facto not under control of the State party's Government, and that - as a consequence - information about the implementation of the Convention in that region is very limited..."

18. The Committee notes with concern that the compilation of statistics on children suffers from a lack of coordination and regular collection, especially with regard to most vulnerable groups of children, i.e. disabled children, internally displaced persons (IDP) and refugee children as well as children in conflict with the law.

19. The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation, inter alia, by those groups in need of special protection."

### **Ethnic Azeris constitute majority of the displaced population (2007)**

- The vast majority of IDPs are ethnic Azeri, though there are also ethnic Kurdish, Russian and Turkish IDPs
- IDPs were ethnically discriminated against since they were forced to flee based on their ethnic origin

### **CoE, 24 May 2007:**



"...Another consequence of this conflict is the presence of hundreds of thousands of refugees and internally displaced persons (IDPs) on the territory of Azerbaijan under the control of the Azerbaijani authorities. These include refugees from Armenia and persons displaced from Nagorno-Karabakh and the adjacent regions. Although other ethnic origins are represented among these persons, the vast majority of the refugees and displaced persons are ethnic Azerbaijani. These persons are victims of racial discrimination, because they have been expelled or forced to flee by the Armenian side on the grounds of their ethnic origin and are as yet unable to return to their homes."

**State Committee on Statistics, January 2004:**

**Ethnic composition of displaced population**

Ethnic group	Number of people
Azeri	568,922
Kurdish	4,723
Turkish	330
Russian	542
Other	97

**UN Commission for Human Rights 25 January 1999, para. 31:**

"The overwhelming majority, over 99 per cent, of the internally displaced population are ethnic Azeris. The remainder are some 4,000 Kurds from the Lachin and Kelbajar districts and several hundred persons of various other ethnic groups, mostly Russian."

**Greene 1998, p. 254:**

"The more than 600,000 displaced Azerbaijanis constitute the largest group of IDPs in the Caucasus. The displaced include the entire Azeri population of Nagorno-Karabakh and a wide area surrounding it. They comprise a broad range of professionals, farmers, and workers and include men, women, and children of all ages. Because of the ethnic basis of displacement in Azerbaijan, the IDPs there are virtually all Azeri (Turkic) peoples. Most of them are nominally Shia Muslim, but many of those from Lachin and Kelbajar Provinces are Sunni Muslim Kurds."

**Urban locations of displaced people (2008)**

- Around 190,000 internally displaced people live in Baku, which has 33 per cent of the displaced population

**Government of Azerbaijan, 3 April 2008:**

***Urban locations of displaced population***

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

**Government of Azerbaijan, December 2005:**

**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

**Most IDPs still live in temporary accommodation (2008)**

- IDPs reside in various types of shelter, including public buildings, mud houses, new houses and railway cars
- Most IDPs live in farm/earth houses, public buildings, occupied apartments and new settlements
- The rest live mainly with relatives, in hostels, Finnish houses

**Government of Azerbaijan, 3 April 2008:**

**Number of IDPs living in various types of housing**

All tent camps were liquidated in 2007.

Type of housing	Number of IDPs
Public buildings	81917
Hostels	66336
Tent camps	0
Schools	10999
Kindergartens	19392
Sanatoriums	10244
Wagons	2679
Finnish houses	25550
Relatives' houses	67365
Farms/earth houses	88936
Occupied apartments	70151
Half-building apartments	9548
Settlements constructed by the Committee of Refugees and IDPs	69258
Apartments constructed by the assistance of international organizations	44096
Apartments of military units	6060

**WFP, April 2006:**

**Type of housing of IDP and resident population**

Type of housing	IDP households			Resident households		
	Urban (n=158)	Rural (n=349)	Total (N=507)	Urban (n=176)	Rural (n=517)	Total (N=693)

	%	%	%	%	%	%
House/apartment	14.6 12.8		12.0	90.9	95.7	94.5
Railway wagon	15.8 6.3		2.0	0	0	0
Makeshift/tent	1.3 17.4		24.6	0.6 0.7		0.8
Public building	30.4 14.8		7.7	8.0 2.0		0
Mud house	1.9 7.7		10.3	0.6 2.5		3.1
Dugout	0 0.2		0.3	0	0	0
New settlement	19.0 14.0		11.7	0	0	0
Echo housing settlement	12.7 24.5		29.8	0	0	0
Other	4.4 2.4		1.4	0 0.3		0.4
TOTAL	100 100		100	100	100	100

**State Committee on Statistics, January 2004:**

**Residence Location**

Accommodation	Baku	Sumgayit	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

\*The individual houses constructed by the UNHCR and other international organizations are located in Agjabedi, Agdam, Beylagan, Barda, Bilasuvar, Fizuli, Goychay, Imishli, Ismayilli, Kurdamir, Lachin (Taxta korpu), Oguz, Saatli, Tartar, Zardab regions."

# PATTERNS OF DISPLACEMENT

## General

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### IDPs live throughout the country (2008)

- IDPs live in over 1600 settlements in both urban and rural areas
- At least half of IDPs live in cities, and mainly in Baku and Sumgait
- Districts near the line of contact with Armenia also have a high number of IDPs

### UN Commission on Human Rights 25 January 1999, paras. 32-33:

"The internally displaced are dispersed throughout the country. In the initial phases of internal displacement, they 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. Settlement patterns changed significantly 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. The camp populations, which had peaked at over 100,000, at present stands at some 74,000 persons. Towards the end of 1993, and particularly in 1994 and 1995, settlements of pre-fabricated houses were built with the help of international agencies. Abandoned railway cars, in which some 4,300 internally displaced still reside, were also used as spontaneous settlement.

[...]

"At present [1998], just over half of the internally displaced are located in urban areas, especially in the capital, Baku, and the nearby city of Sumgait on the eastern coast 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, suggests that this percentage is likely to rise. In the cities of Imishli and Beylagan, it is estimated that internally displaced persons constitute as much as 50 per cent of the population."

### Government of Azerbaijan, 3 April 2008:

Estimates of IDPs Temporarily Residing at Cities and Regions of the Azerbaijan Republic

City or region	IDPs (people)
Nakhchivan Autonomous Republic	835
Baku	186,909
Barda	34,711
Balakan	219
Bilasuvar	19,255
Beylagan	12,655
Aghdam	38,690
Agjabadi	14,488
Absheron	14,894
Aghdsh	2,851
Aghsu	1,548
Aghstafa	183

Sumgait	46,122
Saatly	3,934
Sabirabad	5,680
Salyan	682
Qakh	1,147
Qabala	1,798
Qazakh	6,353
Quba	190
Ganja	16,494
Goranboy	8,085
Goychay	1,651
Gadabay	286
Mingachevir	17,470
Masally	749
Naftalan	1,294
Neftchala	1,307
Zagatala	304
Zardab	743
Shamakhi	1,094
Shaki	4,644
Shamkir	2,110
Imishli	6,356
Ismayilli	3,099
Khachmaz	358
Khanlar	5,601
Tartar	11,414
Tovuz	11
Yevlakh	8,610
Kurdamir	2,059
Ucar	826
Lenkaran	111
Oghuz	2,784
Haciqabul	946
Ali-Bayramli	2,552
Calilabad	739
Dashkesan	1,362
Davachi	204
Qobustan	303
Khizi	207
Siyazan	93
Fizuli	57,292
Samukh	1,517
Qusar	22
Astara	18
Lachin (Taxtakorpu)	16,672

**State Committee for Refugees and IDPs, February 2007:**

"IDPs in Azerbaijan are scattered among 62 regions and live in 1600 settlements."

**DRC, 30 November 2007:**

"A large number of IDPs are concentrated in the capital of Azerbaijan, Baku, but many IDP families fleeing Nagorno-Karabakh opted to settle as close as possible to their original homes, the raions of Azerbaijan adjacent to the conflict line (Agdam, Fizuli, Hodjavend, and Ter-Ter). Today, these raions have one of the highest densities of IDPs. Other nearby raions with a large number of IDPs are Agjabedi, Barda, Beylagan, Dashkesen, Ganja and Goranboy...

According to international organizations, these raions host 182,019 IDPs, while the total number of IDPs in Azerbaijan is 727,996. Hence, 25% of all IDPs living in Azerbaijan are concentrated in the eight raions that are the focus of the current assessment (Agdam, Agjabedi, Barda, Beylagan, Dashkesen, Fizuli, Ganja and Goranboy).

In the raions adjacent to the conflict line, IDPs settled in four major types of settlements that emerged as a result of their arrival: (1) IDP camps and collective centres; (2) spontaneous settlements; (3) new government funded resettlements; and (4) donor funded settlements. Some, although few in number, settled in existing settlements where they live together with local residents."

### **Settlement in occupied territories (2006)**

- OSCE concluded Armenian authorities are not resettling people involuntarily to occupied territories
- Nagorno-Karabakh authorities have encouraged Armenians to settle in Lachin, Kelbajar and around Agdam
- Some newcomers offered houses, but otherwise they were left to find their own shelter and furnish it themselves
- Most of those living in occupied territories were displaced from main cities in Azerbaijan

### **UN General Assembly, Security Council, 11 December 2006:**

"75. The Meeting reiterated its determination to support the efforts of the Government of Azerbaijan aimed at removing the obstacles to the peace process, which have led to illegal activities carried out by Armenia in the occupied territories of Azerbaijan, such as the transfer of settlers of Armenian nationality, practices of artificial geographic, cultural and demographic alterations, illicit economic activity, and exploitation of natural resources in those occupied territories."

### **ICG, 11 October 2005:**

"Most parts of the occupied territories, which Azeris populated almost exclusively before the war, have been left uninhabited. Generally Nagorno-Karabakh authorities have not established institutions or encouraged Armenians to settle except in Lachin, Kelbajar and a few villages around Agdam. People from Shahumian and Getashen and Martakert have mainly settled in these last two respectively."

### **US DOS 31 March 2003, sect. 2d:**

"There were credible reports that Armenian immigrants from the Middle East and elsewhere, had settled in parts of Nagorno-Karabakh and possibly other Azerbaijani territories occupied by Armenian forces."

### **OSCE, 28 February 2005:**

"The mandate of the OSCE Fact-Finding Mission, as agreed by the parties, was to visit the occupied territories surrounding Nagorno-Karabakh (the "territories") and determine whether settlements exist in the area..."

### 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 Sumgayit, Azerbaijan. The houses are basically rehabilitated, but in bad condition. Only the teachers were said to be employed. The rest lives on small-scale farming, cultivating the land without any mechanized tools...

### Lachin

The FFM 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...The ties between

Lachin and NK are more evident than in other districts. The head of the Lachin administration stated that a budget line was assigned by Stepanakert/Khankendi, and additional contributions were provided by the diaspora. People in both Lachin town as well as in local villages confirmed that they take part in local and NK-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 of 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...Generally, the pattern of settlers' origins in Lachin is the same as in other territories. Thus, the overwhelming majority has come to Lachin from various parts of Azerbaijan, 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 and interviews in Lachin District, the FFM has concluded that the authorities pursue a proactive settlement policy.

### Origins of Settlers

The FFM has concluded that the overwhelming majority of settlers are displaced persons from various parts of Azerbaijan, notably from Goranboy, Chaikent, Sumgayit and Baku. Most of them, however, came to the territories after a period living as displaced persons in Armenia...

Practically all settlers...who came to the territories did so because they were homeless. They usually heard about the option of resettlement by word-of-mouth, through the media or from NGOs in Armenia and NK...As well, there was no sign of non-voluntary resettlement in the



territories. Likewise, the FFM found no evidence of systematic recruitment of settlers to come to the territories..."

### **The displaced are moving to find employment (2008)**

- Displacement has sparked further migration due to the lack of employment opportunities or poor health
- Displaced men and women are labour migrants, in Azerbaijan and abroad
- Additional information on labour migration of displaced persons is required

#### **UN HRC, 15 April 2008:**

"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, whereas young males had reportedly often moved to the cities or emigrated to seek better employment opportunities."

#### **CoE, 20 February 2008:**

"115. Protocol n°4 to the ECHR ensures freedom of movement to IDPs. The problem in Azerbaijan is a structural one. The registration system also known as the propiska dates back to the Soviet era, whereby each individual has to register his or her place of residence. This systematic registration limits freedom of movement. Firstly, IDPs did not initially choose the location of their settlement. Secondly, they cannot move because they are obligated to reside where they have been registered in order to benefit from assistance. In addition, the settlements are often located in remote areas, where the economy is far from the prosperous. Opportunities for economic and social development are limited because there are no jobs and very little farmable land. Families are 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, rendering his/her lieu of residence illegal. The resulting separation due to the difficult circumstances violates the right to family life protected under Art.16 of the Social Charter. The restriction of freedom of movement thus hinders the realisation of other rights."

#### **UNHCR, December 2006:**

"IDP men and some women are known to be labour migrants, both within the country and externally. However, no detailed assessments have been conducted on the effects of migration on the families and communities who have been left behind. Anecdotal evidence suggests that a considerable number of temporary female headed households exist within IDP communities as a consequence of male labour migration. Such households are considered to be under particular stress due to the limited remittances from absent husbands/male 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 ... no precise data were available on the number of migrants or on the number of migrants who are IDPs. It is not therefore known whether IDPs are over or under-represented amongst migrants, but it was suggested that IDPs are unlikely to be seasonal migrants as they would lose their household benefit entitlement if they were away for more than two months."

#### **NRC, November 2006:**

"Some of IDPs fed up with living in tented camps moved to the city and temporarily resided wherever they found. There may be several reasons for these actions, thus there is unemployment, threat for life and health and other such factors. IDPs moving to the city and sometimes visiting their first place of residence, could not obtain housing in the new settlements. Thus, this family does not have any housing neither at the first place of refuge nor at the place

they settled after and they also do not have temporary residence. Presently, resettlement is conducted according to the State Program. Thus, it has been mentioned in State Program on Improvement of Living Conditions of Refugees and IDPs and enhancement of Employment adopted by the Order of the president of Azerbaijan Republic on July 1, 2004 that tented camps in Agjabedi and Barda regions should be eliminated. If as an example we take Turk Tented Camp which has been established in 1993 and IDPs used these tents only for 3-4 months. After that at the end of 1993 beginning of 1994 tents have been eliminated and have been substituted with houses from stone and brick."

**UNHCR, October 2005:**

"The lack of employment opportunities seems to be encouraging the migration of many Azerbaijanis, including IDPs, to neighboring countries, particularly to the Russian Federation. While official figures for Azerbaijanis emigrating are low and seem to have fallen from 137,900 in 1990 to 4,320 in 2002, most of the persons interviewed admitted that a significant proportion of the population, particularly young men and including IDPs, are currently living and working abroad. Estimates provided to the mission varied from one to two and a half million citizens abroad. This has resulted in some USD 163 million received as remittances in 2002 and, according to an official interviewed during the mission, remittances are partly fuelling the construction boom in Baku. On average, according to a World Bank official, immigrants send USD 300 per month to their respective families. During the mission's meetings with Government officials, there was recognition that migration in search of employment, both to large urban centres and abroad, is a reality and a one of the more pressing problems currently facing Azerbaijan."

**WFP, April 2006:**

"Households are registered in 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."

**IDPs often live in areas geographically different from their former villages (2005)**

- Some internally displaced have moved to areas different in climate and landscape from their original place of residence
- This demands adjustment to different agricultural techniques and/or employment practices

**UNHCR, October 2005:**

"The ecosystems in some of the areas where the IDPs are currently residing differ significantly from their regions of origin (e.g. residents of mountainous Nagorno-Karabakh currently displaced in the central, flat regions). This means that the skills and agricultural traditions which the IDPs had in their regions of origin are not as useful in their current areas of residence. This requires some training programs in agricultural practices and techniques more appropriate to the ecosystem of the central regions, for example."

**UN Commission on Human Rights 25 January 1999, para. 34:**

"The patterns of settlement often run counter to the former livelihood and geographic environment of the displaced. For instance, most of the agricultural workers among the displaced live in urban areas. Conversely, most of the internally displaced persons originating from mountainous regions did not settle in the north and south-east areas of the country, where the climatic conditions most closely resemble their previous environment. Concern that the influx of internally displaced persons into these areas would result in fewer economic opportunities for the local population

and, in turn, risk conflict among the number of ethnic minorities living there is reportedly the reason why significant settlement did not occur in these areas".

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## Physical security

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### Surveys indicate violence against women and children prevalent (2008)

- Women and girls suffer from domestic violence more than men and boys in displaced and non-displaced families
- Domestic violence is a taboo subject in Azerbaijan and women are reluctant to discuss their cases to researchers
- Researchers also met ignorance on the meaning of violence against women and gender-based violence
- Previous surveys show domestic violence commonly accepted as traditional norm
- A 2004 survey showed police and medical staff had little training on how to deal with cases of domestic violence

### UN CEDAW, 2 February 2007:

"17. The Committee continues to be concerned about the prevalence of violence against women in Azerbaijan. While noting the elaboration of the draft law on domestic violence, it is concerned about delays in its adoption and lack of information about its scope and content. The Committee is further concerned about the current definition of rape in the Criminal Code."

### Council of Europe, 6 February 2007:

"...displaced women [in the South Caucasus] must be informed about their right to physical and psychological integrity and the possibility of lodging complaints if they suffer violence."

### US DOS, 11 March 2008:

"According to the Ministry of Internal Affairs, five cases of rape and 20 cases of sexual abuse of children were reported during the year."

### UNIFEM, July 2006:

"Researchers met some difficulties uncovering the truth about gender-based violence among IDP women. They found that it 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. IDP women were also extremely reluctant to discuss cases of domestic violence – as with most communities, there remains a strong taboo against discussing such issues outside of the family. Researchers suggested that they, 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.

In focus group discussions, IDP women did not go so far as to deny that women in their communities were subject to violence, but many either remained mute on the question or claimed that it had never happened to them. Some strongly objected that women, particularly they themselves, were in danger of domestic violence. The women only seemed comfortable discussing violence against acquaintances, neighbours and women not in their intimate family circle. Moreover, they were less interested in discussing domestic or sexual violence than in addressing displacement as violence done to their human rights. Like the IDP women, local women admitted being reluctant to discuss the issue. However a quarter of the local women who

took part in household interviews said it is unlikely that a family could be found where women and children are not subjected to violence and they had no idea where to turn for help in such cases.

These responses, especially those of the focus group participants, seem to imply that violence against women and domestic violence in particular are taboo subjects among IDP women, as they are in most communities and societies. As noted previously, discussing family conflicts in public is emphatically discouraged. The women's reticence to admit any personal connection to domestic violence suggests that they, like many others, consider it to be a private matter rather than a criminal act punishable by law. It may also suggest that they conceal domestic violence from fear of local social disapproval. While none of the women interviewed for this Assessment explicitly identified any specific form of violence in their responses, previous surveys conducted in Azerbaijan and other CIS countries are telling. They 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. Moreover, an assessment on women and violence conducted by the International Rescue Committee in 2004 found that both police and medical personnel had little to no training in handling cases of violence against women. The general statistics for violence against women in Azerbaijan indicate that it does indeed occur. The 2001 Reproductive Health Survey (RHS) found that 30% of women had suffered verbal abuse, 20% had suffered physical abuse and 10% had suffered sexual abuse – of which 85% was marital rape. Such ignorance of what "violence against women" or "gender-based violence" really means is not unique to this region, and indeed efforts are underway worldwide to increase awareness of these crimes in order to put an end to them, for instance, by dispelling the belief that a man is entitled to hit his wife "if she does something wrong".

Household interviews with both local and IDP women, however, indicate that women and girls are victims of violence more often than men and boys ... Local women admitted to a higher degree of violence than did IDP women, and interestingly a much higher proportion of local women admitted that their sons had suffered violence – even more than their daughters."

### **Landmines still pose a threat to physical security (2008)**

- Fizuli and Aghstafa districts are most affected by landmines
- Nagorno-Karabakh is affected by landmines, explosive remnants of war and cluster submunitions
- Extent of landmine problem in occupied areas is unknown
- Casualties continue to be reported: in 2007, 6 people were killed and 14 were injured
- Children are one of the groups most affected by landmines and ICRC has set up safe playgrounds
- Azerbaijan has not acceded to Mine Ban Treaty since there is no resolution to conflict with Armenia
- Azerbaijan National Agency for Mine Action (ANAMA) oversees all mine-related issues in the country

### **UN HRC, 15 April 2008:**

"57. Although the political will, effective cooperation between national and international demining agencies, and sufficient capacity are in place, experts fear that mine clearance in the occupied territories may take up to several years. Not least in order to facilitate these efforts and to minimize the risk of high numbers of casualties, a peaceful solution to the conflict will be all the more necessary so that precise information about the location of mines can be obtained."

**ICBL, 6 November 2007:**

**"Azerbaijan**

The Republic of Azerbaijan has not acceded to the Mine Ban Treaty. Its policy toward banning antipersonnel mines and joining the treaty has evolved in the past three years. While it still states that it cannot accede until the conflict with Armenia has ended, Azerbaijan has shown greater signs of support for the mine ban and a willingness to discuss the landmine issue...

Azerbaijan's landmine problem results largely from the conflict with Armenia from 1988–1994. There are also explosive remnants of war (ERW) in the form of abandoned Soviet-era munition dumps and unexploded ordnance (UXO).

The 2003 Landmine Impact Survey (LIS) identified 116.8 square kilometers of suspected mine contamination and 47.1 square kilometers of battle areas. Most affected communities were found in Fizuli district in the west near Nagorno-Karabakh, and Aghstafa district in the northwest where a Soviet army base was formerly located. The LIS did not cover the Nakhchivan region or other small areas denied access by the military, in addition to areas under the control of Armenia, including Nagorno-Karabakh. The extent of the problem in areas occupied by Armenian forces (Jabrayil, Zangilan, Gubadly, Lachin, Kelbajar, and parts of Fizuli and Aghdam districts) is not known, but may be severe.

There is no formally constituted national mine action authority in Azerbaijan. The Azerbaijan National Agency for Mine Action (ANAMA), established by a July 1998 presidential decree, is said to have become equal in status to a ministry; issues that require the involvement of several ministries are resolved within a group convened by the ANAMA director. ANAMA oversees all mine/ERW-related issues in the country. Its functions include national planning, prioritization, training, production of standards and quality management, resource mobilization, and coordination of all mine action. Since 1999 the UN Development Programme (UNDP) has provided technical support to ANAMA. There is no national mine action legislation in force, although a draft has existed since 2002...

From July 2000 to April 2007 a total of 46.5 square kilometers of land have been released. Of this, almost two square kilometers is oil pipeline route, 0.1 square kilometers of powerline routes, 0.46 square kilometers of irrigation canals and water pipe routes, 0.02 square kilometers of roads and 5.77 square kilometers of housing. The remaining land is agricultural, benefiting directly more than 174,000 people...

Casualties continued to occur in 2007 at a similar rate to 2006: by 10 April ANAMA recorded seven casualties (two killed and five injured) in four mine/ERW incidents.[54] The AzCBL reported 15 new mine/ERW casualties (four killed and 11 injured) by April...

***Nagorno-Karabakh***

Nagorno-Karabakh is affected by landmines and explosive remnants of war (ERW) from the conflict between Armenia and Azerbaijan between February 1988 and 1994. There is also contamination from cluster submunitions.

Since 1995 a total of 28.8 square kilometers of land have been identified as mine contaminated, according to the HALO Trust. As of 1 May 2007, 20.1 square kilometers had been released and 6.6 square kilometers remained to be demined, including 5 square kilometers contaminated by PMN2 antipersonnel blast mines, which will make clearance slower than in previous years. One press report in early 2007 claimed that it would take five to six years to declare Nagorno-Karabakh "mine impact free."

ERW contamination, particularly UXO, is spread throughout the country, including in areas where no fighting took place, as bombing was conducted throughout the region.

As most of the mines and UXO in urban areas have been cleared, people in rural areas are now the most affected by contamination. The most affected groups are said to be children (girls as well as boys), farmers, shepherds and those engaged in scrap metal collection...There is no complete casualty data collection mechanism in Nagorno-Karabakh. Casualties continued to be reported in 2007. In January, a 13 year-old boy was injured while playing with ERW in Martuni region. Since 1995 farming and playing have been the most common activities of casualties in mine/ERW incidents. Incidents have been recorded in ten regions of Nagorno-Karabakh; primarily in Askaran, Hadrut, Lachin, Martakert, and Martuni."

**Transitions Online, 16 October 2007:**

"The conflict remains unresolved, while landmine accidents on both sides of the border continue to kill and maim people, including children...Since 1991, ANAMA reports at least 2,323 killed and wounded by mines and unexploded bombs in Azerbaijan government-controlled areas, including 230 children. The agency and its two partners, the IEPF and Relief Azerbaijan, have a combined strength of about 270 staff and clearance technicians and 32 bomb-sniffing dogs. They pride themselves on having cleared at least 3,565 mines and unexploded arms from 6 million square meters of land to date."

**ICRC, 8 October 2007:**

"In Azerbaijan, large numbers of landmines and other explosive remnants of the Nagorno-Karabakh conflict continue to prevent many residents from returning to a normal way of life. This is especially true for the children, whose natural curiosity and desire to play can have deadly consequences if they encounter a mine.

The playgrounds in the Gazakh district are part of an ongoing project that started in 2005, with financial assistance from the Norwegian Red Cross and practical support from the International Committee of the Red Cross (ICRC). Since the beginning of 2007, the ICRC has been providing the Red Crescent with both financial and other support for the project.

Thanks to the Red Crescent initiative, 12-year-old Saida Guliyeva, for example, can now enjoy playing on the newly installed swings after school. "We used to run around the fields and make up all sorts of games," she says. "But our parents were afraid of letting us go out there." Children have been closely involved in designing the playgrounds and in devising safety tips for young people living in conflict-affected areas.

Over the past two years, 25 safe-play areas have been set up. Another 10 will open this month. The project is just one of many carried out by the ICRC and National Societies around the world to reduce the impact of mines and other explosive remnants of war through practical measures in contaminated areas."

**European Commission, 7 March 2007:**

"Both the Soviet inheritance and the protracted conflict over Nagorno-Karabakh have left Azerbaijan with thousands of Anti-Personnel Landmines (APL). No one knows exactly how many landmines are buried in Azerbaijan. At one time, the Red Cross estimated that there might be as many as 50 000, but this number is inexact because there are no maps recording where the land mines were buried or how many might exist. The land mines were buried during the Nagorno-Karabakh war and run from the Iranian border (near Fizuli) in the south, to the Georgian border (near Gazakh) in the northwest. There are also some mines in the regions between Nakhcivan and Armenia. The EC has been providing financial support to address the APL problem in the context of its Mine Actions (the 2005-2007 is currently under implementation) and will probably extend its activities once the Nagorno-Karabakh conflict is settled."

**Government of Azerbaijan, 30 April 2008:**

**Total Area Cleared by Region to Date:**

Region	Mined Area Cleared m2	Battle Area Cleared m2
Fizuli	3,321,823	6,727,318
Goranboy	112,577	256,186
Agstafa	0	15,679,947
Khanlar	1,020,221	0
Agjabedi	1,508,910	39,684
Ter Ter	2,975,179	80,821
Gazakh	0	206,032
Agdam	1,565,155	0
Ganja	1,022	0
Barda	4	0
<b>Total</b>	<b>10,774,547</b>	<b>22,989,988</b>

**Mine/UXO Victims Reported**

Year	Male	Female	Children	Total
	Killed/Injured	Killed/Injured	Killed/Injured	Killed/Injured
<b>As of December 2004</b>	289/1652	8/34	44/204	341/1890
<b>During 2007</b>	6/14	0/0	0/0	6/14
<b>During Jan-Apr 2008</b>	0/2	0/1	0/1	0/4
<b>Total</b>	<b>304/1706</b>	<b>9/39</b>	<b>46/227</b>	<b>359/1972</b>

*For further information and related resources, see [Azerbaijan National Agency for Mine Action](#)*

**Ceasefire violations hamper security of villagers living along front line (2008)**

- Military clashes in Nagorno-Karabakh with multiple casualties on both sides reportedly worst in years
- Gunfire exchange between Azerbaijani and Armenian forces along ceasefire line reportedly regular occurrence
- Thirty soldiers died along ceasefire line in 2007; some civilians have also died
- Farming of villagers interrupted by attacks; residents take precautions to shield themselves from attacks
- Some resettlement villages are located close to ceasefire line, threatening physical security of residents
- OSCE monitoring of ceasefire line suspended in December 2007

**RFE/RL, 4 March 2008:**

"Officials in Armenia and Azerbaijan have confirmed an outbreak of military clashes in two regions of the disputed territory of Nagorno-Karabakh, RFE/RL's local services reported. Officials on both side confirmed multiple casualties, including two Azerbaijani soldiers killed. The fighting appeared to be the most serious violation in years of the cease-fire agreement between Baku and



Yerevan over the territory, which is dominated by ethnic Armenians and located within Azerbaijan... Skirmishes broke out in two separate districts of northwest Karabakh, with gunfire and shelling reported in three villages in the Terter and Goranboy regions. Armenian and Azerbaijani officials have each blamed the opposing side for initiating the clashes amid conflicting reports about how they began...If confirmed, however, these latest clashes would be the worst fighting seen in the disputed territory in years, and come at a particularly delicate time in Armenian-Azerbaijani relations."

**IWPR, 6 December 2007:**

"As the year 2007 slips away, hope is fading for a framework agreement on the Nagorny Karabakh conflict, and there are fears that the peace process may collapse altogether next year. The deadlock coincides with the suspension of ceasefire monitoring along the long line of trenches that divides Armenian and Azerbaijani forces around Karabakh, and increased warnings that the dispute— in which fighting was halted in 1994 – might once again lead to open conflict..."

At the same time the situation on the 200-kilometre-long ceasefire line that divides the two parties is unusually precarious. The "line of contact", as it is known, has no international peacekeepers along it, and is monitored only by roving OSCE ambassador Andrzej Kasprzyk and five field assistants... Owing to a diplomatic dispute between the OSCE, Baku and the unrecognised Nagorny Karabakh Republic, all ceasefire monitoring is currently suspended...Around 30 soldiers have lost their lives in incidents on the line so far this year."

**Кавказский Узел, 16 февраля 2008 г.:**

"В результате обстрела позиций азербайджанской армии на линии соприкосновения войск в Нагорном Карабахе погиб солдат армии Азербайджана."

В ночь с 15 на 16 февраля Вооруженные силы Армении провели интенсивный обстрел позиций азербайджанской армии. В результате этого, погиб солдат азербайджанской армии Арзуман Гурбанов...

Ранее "Кавказский узел" сообщал о том, что армянские войска 10 и 11 февраля вновь нарушили режим прекращения огня. Об этом сообщили в Министерстве обороны Азербайджана. Обстрел велся с позиций, расположенных вблизи села Ашагы Абдулрахманлы Физулинского района

В Армении же частые сообщения Азербайджана об обстрелах опровергают."

**EurasiaNet, 26 July 2007:**

"Thirteen years after the cease-fire agreement that brought an end to fighting between Azerbaijan and Armenia over the breakaway region of Nagorno Karabakh, villagers still living along the Azerbaijani frontline remain trapped in a state of neither peace nor war. Tens of Azerbaijani villages and settlements, stretching from the southwestern town of Horadiz to the northwestern Terter region, are strung along the roughly 120-kilometer-long frontline that divides Armenian and Azerbaijani forces. According to government statistics, they contain some 150,000 people..."

Gunfire and occasional shell explosions are routine for frontline residents, making security their major concern. According to the Azerbaijani Defense Ministry, up to 200 people, many of them civilians, are killed each year from cease-fire violations. Even more, the ministry says, are wounded. To avoid Armenian sniper fire from a few kilometers away, cab drivers dim their lights at night when driving to Azerbaijani-controlled villages within Agdam region. Further to the south, in villages like Horadiz in Fizuli region, some 150 meters from the frontline, houses are reinforced with horizontal cement slabs and top floor windows are sometimes covered with metal and wood to shield from such attacks..."

Yet even in these blighted villages, normal activities can be seen. Children play soccer just a few meters from military trenches. New wedding palaces are being built. The government plans to open a huge sports center in the village of Guzanli.

"Life is continuing," concluded Guzanli resident Mammadov. The frontline residents who remain behind "are somehow adjusting."

About 30,000 Internally Displaced Persons (IDPs) from the breakaway region of Nagorno-Karabakh and surrounding occupied regions were recently moved to the frontline Fizuli, Agdam and Terter regions from tent settlements around the country. The IDPs occupy new houses built by the government over the past two years out of proceeds from the State Oil Fund... "

**IWPR, 5 July 2007:**

"Bala Jafarli and Boyuk Jafarli are surrounded by six Azerbaijani villages that are occupied by Armenian forces. Bala Jafarli and Boyuk Jafarli are just several hundred metres from Armenian positions. An Azerbaijani trench runs next to the last house in Bala Jafarli. The wall facing the Armenian positions is riddled with bullets. The roof, windows and doors on the second floor have been shattered. Despite this, the Gasymov family still lives there.

"The Armenians are shooting all the time and we have no space to graze the flock, as our soldiers do not allow us to cross the trenches," said Gasymova...

In Boyuk Jafarli, the neighbouring village, more pastures and agricultural land are accessible. But they are still overlooked by Armenian positions...

"The Armenians shoot from time to time and our soldiers respond too. Sometimes, when we work in the field, bullets whistle over our heads and we have to lie on the damp ground for hours. We continue to work when everything is calm again."

Although a ceasefire between Armenia and Azerbaijan was declared on May 12, 1994, people have continued to die in both villages from random shooting. Konul Rahimova, 21, was the last victim. An Armenian sniper killed her in the summer of 2006 when she was working in the fields...

Armenia and Azerbaijan swap accusations of breaking the ceasefire. Any firing tends to provoke shooting in response, and can lead to serious injury or death. Ilgar Verdiyev, a spokesman for the Azerbaijan defence ministry, denied that Azeri forces violate the truce.

"However, when the enemy opens fire on our positions, we respond, and we will always respond. We will be first to open fire if the commander-in-chief orders us to liberate our occupied land and we will clear our territory of Armenian military forces," he said.

Despite the constant fears of death, people continue to live in these villages.

"When we are in the field or pasture and Armenians start shooting in our direction, our soldiers too respond, and then the peasants have to stop sowing, leave their cattle and press themselves to the ground to avoid coming under fire," said Vahida Ismailova, 60."

**NRC, November 2006:**

"The government did not provide enough conditions for voluntary resettlement of IDPs in security and with dignity. Presently, 8 settlements have been built on the territory of Agdam region, these settlements are situated very close to the firing line. There are such settlements which are 3 km far from the front line. If the cease fire will be violated these settlements will be under the threat and can be battered by the long-range (18-20 km) and other types of arms. All the new settlements are built along the front or very close to it ... These people, i.e. IDP strata will always

live in threat of displacement and will not be able to organize their life until big peace will not be achieved."

**EurasiaNet, 14 December 2006:**

"At this position, roughly 300 to 400 meters from the Azerbaijani lines, exchanges of gunfire are a daily occurrence, soldiers said. A seven-person unit that is refreshed every seven days mans the post. An Azerbaijani sniper recently killed a Karabakhi soldier not far from here ... Along with military hardware, Armenia is thought to provide some of the troops in Karabakh defense force ... Young men in Karabakh are required to serve two years of military service. The government says conscripts are paid 3,000 Armenian drams per month (about 6.83 USD) for "extras".

... Security concerns remain foremost in Karabakhis' minds. Interviewed residents routinely cited maintaining an adequate defense against Azerbaijan, which formerly controlled Nagorno-Karabakh, as their territory's largest problem. Many cast a doubtful eye on the return of the seven territories surrounding their region to Azerbaijani control."

**See also, Reuters, "Azerbaijan blames Armenia for armed clash," 5 March 2008.**

## **Freedom of movement**

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### **Residence registration system restricts citizens to one legal residence (2008)**

- All persons located on the territory of Azerbaijan must be registered at their place of residence
- IDPs are permanently registered at their original place of residence and temporarily registered at their place of settlement
- IDPs who move out of their settlements are not being registered in new areas
- This prevents them from accessing official employment, social services and gaining ownership of their dwelling in the new area
- The registration system is therefore limiting the freedom of movement of IDPs
- The freedom of movement of IDPs was also limited upon displacement since they often did not choose their settlement location
- The government is reportedly reforming legislation on internal registration to improve right to free movement and to choose residence

**Amnesty International, 28 June 2007:**

"The displaced are also penalized by the maintenance of an internal registration system that ties certain rights and benefits to a fixed residence. As the internal registration is notoriously difficult to change many displaced persons are forced move in search of employment without a legal residence permit. Many displaced families are broken up as a result, as husbands and sons move to urban centres while wives and children remain at the household's registered residence. Alternatively, displaced people must pay bribes in order to change their registration...

The system of internal registration, known by its Russian term as the propiska system, violates the rights of the internally displaced in Azerbaijan to freedom of movement and the right to choose a place of residence, enshrined in international law. Restrictions resulting from the application of the registration system also impede the enjoyment of other rights including the rights to health care, housing and work...

The propiska system was inherited by Azerbaijan and other post-Soviet states from prior Soviet practice. The propiska consisted of a certification in the internal passport of the holder's right to reside in a given location. It was a system 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. 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.

The retention of the system has particularly negative implications for internally displaced persons, since it restricts them and their eligibility to receive aid and social services to a fixed residence. For many internally displaced people this residence was determined by chance as they were re-registered as resident in their new locations immediately following displacement. Such locations were often in economically depressed regions in central Azerbaijan. With the authorities keen to stem rural to urban migration, residence permits for large cities, above all the capital Baku, are notoriously difficult to obtain. 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. As a result many internally displaced families have been broken up as husbands move without a propiska to Baku to work, while other family members remain behind in the place where they are registered. In these cases internally displaced persons working in major cities must return monthly to the place they are registered in order to receive their food packages. The internally displaced are further obliged to circumvent the law in order to receive health care or to work in locations for which they do not have a propiska. This typically requires the payment of bribes for services which according to Azerbaijani legislation, the internally displaced are entitled to receive for free.

Changing one's propiska, and in particular re-registering in order to move to the capital Baku, is a cumbersome process surrounded in corruption. Government officials do not disguise the fact that they are keen to stem migration of the internally displaced to Baku. Amnesty International was told by representatives of international organizations of government plans to move internally displaced communities out of Baku to new purpose-built settlements in Sabirabad and Saatli.<sup>52</sup> Government officials explained this policy to Amnesty International by referring to the explosive growth in Baku's population and resulting strains on the city's infrastructure and resources. They also emphasize that the internally displaced population is easier to count and provide for when they are settled compactly in purpose-built settlements, whereas in Baku or Sumqayit internally displaced people "disappear and run their own businesses and livelihoods".

In addition to the authorities' reluctance to see further population growth in major cities, re-registration is also made difficult for internally displaced people 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. Movement from Baku to rural regions also appears to be a complicated process. Reregistration may reportedly be secured, however, through the payment of bribes to officials, reportedly in the region of US\$ 50-100."

**CoE, 20 February 2008:**

"73. The IDPs have been temporarily registered in those regions where they had found refuge. This kind of registration is in the interest of IDPs themselves as it enables them to make use of the state financial and humanitarian assistance, exemption from payment for public utilities as well as to have accommodation. Moreover, the national legislation provides the equal rights and freedoms to the IDPs like all other citizens of Azerbaijan, in particular the freedom of movement, right to work, and right to acquire housing or other estate all over the country...

115. Protocol n°4 to the ECHR ensures freedom of movement to IDPs. The problem in Azerbaijan is a structural one. The registration system also known as the propiska dates back to the Soviet era, whereby each individual has to register his or her place of residence. This systematic registration limits freedom of movement. Firstly, IDPs did not initially choose the location of their settlement. Secondly, they cannot move because they are obligated to reside where they have been registered in order to benefit from assistance. In addition, the settlements are often located in remote areas, where the economy is far from prosperous. Opportunities for economic and social development are limited because there are no jobs and very little farmable land. Families are 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, rendering his/her lieu of residence illegal. The resulting separation due to the difficult circumstances violates the right to family life protected under Art.16 of the Social Charter. The restriction of freedom of movement thus hinders the realisation of other rights.

The Commissioner recommends a simplification of the registration procedure. With more flexibility the IDPs could improve their standard of living. They need to be integrated into society and should benefit from the same employment opportunities as other citizens of Azerbaijan."

**US DOS, 11 March 2008:**

"The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, although at times the government limited freedom of movement, particularly for internally displaced persons (IDPs)...IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called "propiska" system, a carryover from the Soviet era, was imposed mainly on persons forced from their homes after ethnic Armenian separatists took control of Nagorno-Karabakh and adjacent territories in the western part of Azerbaijan. The government asserted that registration was needed to keep track of IDPs to provide them with assistance."

**UN HRC, 15 April 2008:**

"51. It has also been brought to the Representative's attention that the Government is in the process of reforming legislation relating to registration requirements, with a view to improving IDPs' rights to freedom of movement and choice of residence. He welcomes this step and hopes that it will reduce formerly experienced problems related to access to communal services and bank loans as well as to judicial procedures, particularly concerning property rights, etc."

**NRC, November 2006:**

**"Registration according to the place of residence**

Besides problems occurring with resettlement to the new settlements, there are many problems with registration according to the place of residence. Registration of IDPs according to the place of residence is not conducted according to existing legislation. It is mentioned in the Guiding Principles on Internal displacement (Principle 14) that: Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements. But presently the provisions of the Law on Registration of Citizens according to the Place of Residence are not observed during resettlement of IDPs, their registration and elimination of registration.

Although IDPs are living in a new settlement, the occupied territory left by him/her is stated in the registration space of his ID card. The registration of IDPs is conducted by the appropriate executive authorities ... Thus, the new address of IDPs is not stated in his/her ID card. And this deprives IDPs from the opportunity to have any legal claims over the present apartment in future, i.e. it creates obstacles for implementation of such rights as privatization, inheritance, enter credit relations...

Problems occurring in registration of IDPs according to the place of residence is result of the legal illiteracy of both IDPs and executive body and this leads to abuse by the latter. If we pay attention to the provisions of the existing Law of Azerbaijan Republic on Registration according to the place of residence, it becomes clear that if citizens of Azerbaijan Republic including IDPs would fully use the law they could easily protect themselves. For example, Article 1 describes grounds for registration according to the place of residence and states that citizens of Azerbaijan Republic, foreigners and persons without citizenship should be registered according to the place of residence. The purpose of the registration according to the place of residence is to keep stock of the persons residing in Azerbaijan Republic, implementation of their obligations before other persons, state and society, realization of human rights and fundamental freedoms...

As it is seen from the Article, registration of IDPs most of all is necessary for the state, i.e. state should register IDPs for the purpose of pension, military service, execution of court decisions etc. But officials at the territories where IDPs are settled do not implement their obligations according to the law. It would be purposeful to explain the Article 2 of the Law, i.e. the definitions of the terms place of residence and place of being. Thus, according to the article 2, citizens' place of residence is an apartment, house, hostel, retirement home and other such kind of places where capable person permanently or majority of the time resides as owner, lessor or on any other legal basis provided in the legislation of Azerbaijan Republic.

It is clearly stated in the law that person's place of residence is house, apartment, official residence, hostel and other place where he/she lives most of his/her time. But, the body conducting registration do not register IDPs at the apartment or hostel where IDP is living, although they live there for years."

## **Discrimination**

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### **Displaced women and children are marginalised (2008)**

- UN highlighted discrimination of IDPs in employment, education, housing and health, especially women and girls

#### **Praxis, 31 July 2007:**

"But the legislation of Azerbaijan is also setting a trend of discrimination between men and women by providing IDP status to children based on the father's status. Children of an IDP woman who married non IDP man are not considered IDP as the head of the family is determined as man and not woman. But if an IDP man marries non IDP woman, then their children acquire the status of IDP. It is also interesting that if an IDP woman divorces non IDP man then children from this marriage may acquire IDP status as after the divorce woman is considered as a head of family..."

Here we may witness that rights of an IDP woman is diminished, sometimes affecting negatively to the substance of these rights. Children of an IDP woman do not acquire IDP status if she marries non IDP man. But if an IDP man marries non IDP woman, then children from this marriage become IDPs. This kind of situations are not logical and do not respond to the international norms of human rights, principles of equality and non discrimination. The source of this discrimination is based on the Instructions regulating the distribution of monthly food allowances to IDPs approved by the State Committee on IDPs and Refugees on 05 February 2002. This document was agreed with the Ministry of Finance, National Bankn, Universal Stock Bank and was registered at the Ministry of Justice of Azerbaijan Republic. The article 4 of this document brings clarification to the issues discussed above:

Article 4. 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;

IDP woman in order to receive appropriate food assistance shall either divorce their husbands (who is not IDP) or shall receive an act of a court declaring their husbands missing or dead. Divorce rate is high among IDP families, which is caused primarily due to social and psychological factors. An average IDP family does not receive sufficient food or material support for normal living, suffer from lack of proper work and normal income."

**UN CEDAW, 2 February 2007:**

"31. While welcoming the State Programme on the Settlement of the Problems of Refugees and Internally Displaced Persons, the Committee notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing."

**UN HRC, 15 April 2008:**

"As regards the human rights of internally displaced persons, the Committee on Economic, Social and Cultural Rights, in 2004, noted that IDPs suffer from persistently high unemployment, inadequate standard of living as well as a high incidence of malnutrition, infant mortality and other health problems. The Committee on the Elimination of Racial Discrimination, in 2005, raised concerns about discrimination of, inter alia, displaced persons in the areas of employment, education, housing and health. In 2006, the Committee on the Rights of the Child expressed its concern "about discriminatory attitudes towards certain groups of children" including internally displaced children, and recommended that such children "are placed in schools in local communities in order to facilitate their integration." Finally, the Committee on the Elimination of Discrimination against Women noted in 2007 that "internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing"."

**Displaced people are disadvantaged relative to their non-displaced neighbours (2007)**

- Practices are not designed to discriminate against IDPs, though they have a particularly negative impact on IDPs
- In addition to having been displaced, this makes IDPs disadvantaged compared to their non-displaced neighbours

**Amnesty International, 28 June 2007:**

"Amnesty International is calling for action to improve the human rights standards enjoyed by internally displaced people in Azerbaijan. The central concern explored in this report is that a system of practices which in effect discriminate against internally displaced people is compounding the problems posed by displacement. Consistent violations of the rights to freedom of movement, adequate housing, health care and work inhibit internally displaced people's capacity to exercise these and other human rights, and stall the development of self-reliance. Despite legal guarantees of displaced people's equal exercise of human rights alongside other Azerbaijani citizens, Amnesty International is concerned that a set of discriminatory practices is serving to encourage the internally displaced population to accept its current situation as temporary, pending the conclusion of a peace settlement. This restricts their capacity to exercise a choice between return to their original homes, integration or permanent resettlement in another part of the country under conditions that respect their human rights. This in turn compounds displaced people's dependence on the state and their vulnerability to other pressures. In the words of an Azerbaijani journalist the internally displaced are 'hostages to peace', who must wait for a peace settlement before their human rights will be fully respected...

Since their displacement most internally displaced people have had restricted access to economic and social rights compared to the rest of the population. Amnesty International is concerned that these restricted rights are contributing to a vicious cycle of disadvantage, dependency on the state and marginalisation for Azerbaijan's internally displaced population. The internally displaced suffer from higher rates of poverty compared to the rest of the population (this is especially so for the internally displaced in rural contexts), and have consequently remained highly dependent on subsidies and aid. In 2004 the UN World Food Programme reported that a quarter of the displaced population still relied on food rations.<sup>23</sup> According to a UN Development Programme (UNDP) report published in 2002, a majority of the internally displaced was still living in unsatisfactory accommodation with insufficient access to sanitation and a direct water supply. Poverty in turn contributes to disproportionately high incidences of anaemia, tuberculosis, malnutrition, ontological diseases and mental health problems among IDPs. Between 1998 and 2002 the infant mortality rate among displaced children was some three to four times higher than in the rest of the population. Displacement has also seriously impacted the quality of education received by internally displaced children, many of whom have had to attend school in shifts. According to data published in 2001 some 95 per cent of internally displaced and refugee families reported difficulties with obtaining school materials, while the number of teenagers over the age of 16 with incomplete secondary education was twice the national average at 38 per cent. <sup>25</sup> Although it is difficult to obtain an accurate picture of statistics for employment, most sources agree that the internally displaced suffer disproportionately from unemployment and underemployment.

Furthermore, as a result of displacement the internally displaced have not been able to deploy the same coping mechanisms as the rest of the population, such as the sale of assets or the cultivation of kitchen gardens. Although there is a lack of regularly conducted surveys that would provide a basis for more comparison, the surveys of different agencies further suggest that the situation of the internally displaced has not improved over time. On the contrary, conditions for food security and self-reliance have deteriorated as families have grown and food rations have remained the same...

This chapter summarizes Amnesty International's principal concerns regarding the fulfilment of the internally displaced's rights to freedom of movement, family life, adequate housing, health care and work. In many instances restrictions in the exercise of one right has a direct bearing on an individual's capacity to exercise another. For example restrictions on the right to freedom of movement entail in many instances corresponding restrictions in the right to access to employment. Taken together current limitations on the exercise of the above rights, while not deriving from discriminatory legislation in itself, are resulting in de facto practices of discrimination



and segregation for Azerbaijan's internally displaced population. Some of these practices appear to be aimed at maintaining Azerbaijan's internally displaced population as a distinct community, and are justified by state officials on the grounds that measures for the internally displaced must be 'temporary' in nature pending their ultimate return to their pre-war homes. However, after some 14 years of displacement Azerbaijan has an obligation to ensure more than the minimum essential levels of rights for internally displaced persons appropriate in an emergency response, and as noted in the previous chapter Azerbaijan has sufficient resources available to fulfil this obligation.

In this context Amnesty International is concerned that the internally displaced' right to choose between return, integration in the communities where they live in displacement or resettlement in another part of the country is not being sufficiently protected. The internally displaced population is consistently encouraged, through violations of fundamental rights to work, adequate housing and health care, to see return as the only option available to them and therefore to comply with the official view that their current locations are 'temporary'. As the Council of Europe Commissioner for Human Rights has observed, '[N]ational authorities are [...] often reluctant to encourage the greater integration of IDP populations into local communities for fear reducing the political pressure on opposing authorities (and the international community) to resolve the conflicts in question.' Amnesty International shares these concerns in the context of Azerbaijan, where despite legal guarantees of equal rights a de facto series of bureaucratic and other obstacles creates a discriminatory framework preventing the internally displaced population from equal access to economic, social and other human rights."

## SUBSISTENCE NEEDS

### Food

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#### **Nutritional status of the displaced population is poor (2006)**

- WFP survey in 2005 revealed that most IDP children eat three meals per day, though they are of poor nutritional quality
- Government study showed that IDPs have an unhealthy diet

***More recent information on the nutritional status of IDPs could not be found among the sources consulted.***

#### **WFP , April 2006:**

“For most children (89.2% IDP and 85.1% resident) it is common to have 3 meals a day and some (respectively 4.7% and 9.2%) take even 4 meals a day. An exception is 9.4% of urban IDP children who only take 1-2 main meals a day ... The interviews with primary school pupils show that nearly all students had breakfast on the day before the interview. Although the meal frequency is high, the quality of breakfast was poor for more than one quarter of IDP children (29%) and 23% of resident children. They took only a very light breakfast consisting of a drink such as a cup of tea and/or a small snack of bread...Although the majority of students - 73.2 % IDPs and 67.7% residents, say that they do carry some money to buy something to eat, only around 20% of pupils have some money every day with them when going to school...Most children take between 11 cents to 22 cents (500 and 1000 manats) a day ... Of concern is also the availability of appropriate drinking water in schools. About two thirds of students feel thirsty at school but access to appropriate sources of drinking water is rare.

...The food consumption profile reveals that the diet is mainly based on bread, potatoes and products of animal origin. On average vegetables and fruits that provide among others essential nutrients like vitamins and minerals are not eaten daily. This is also due to the fact that the survey was carried out in winter. Many food items are consumed more frequently by the resident population than IDP children. This could be explained by the fact that resident households are involved in their own household food production through crop and animal husbandry and own trees, whereas IDP households depend more on food and other assistance from outside.”

#### **Government of Azerbaijan, 2005, p. 47:**

“The LSSRIDP [Living Standards Survey of Refugees and IDPs] also looked at the actual food consumption patterns among IDPs. Using the survey results, estimates were made for how frequently the IDPs living in poor economic conditions consume a number of important foodstuffs including carbohydrates, vitamins, oil and protein, the consumption of which is necessary for the biological development of human organism. It was found that 15.3% of the respondents consumed fruits and vegetables, 22.9% milk and milk products and 29.6% confectionary and flour products once a month or even bigger intervals. This data suggest that the pattern of food consumption among the IDPs in Azerbaijan is unhealthy, and may be contributing to a deficiency in basic nutrients in their diet.”

#### **Balikci, June 2004:**

"Further, all IDPs receive a monthly allowance of 25 000 manats from the state called "bread money". Power, gas and water used by IDPs are paid for by the state. For the major Muslim festive days of Nowruz Bayram and Kurban Bayram, the state authorities provide the IDPs with special food gifts. Various INGOs and local NGOs continue to deliver some food relief but their generosity is diminishing. Basically the pensions together with the bread money secure the stability of IDP family budget and this is mainly in reference to the basic food requirements. Although there are no starving IDPs, only very few IDPs can afford meat more often than once a week.

We asked the interviewed families about their three meals the previous day. Here are some typical meals: in the morning strongly sweetened tea with bread and occasionally a small piece of cheese, for lunch potatoes, fried or boiled potatoes with bread and for dinner maybe eggs and bread. IDP diet is monotonous: it is a typical poor people's diet. People regularly complained that their food has become tasteless: "We have food but after dinner we feel that we didn't have enough, we are not satisfied, we can't cook meat because the children in the corridor will smell it and they will come and look at it and then look at us..."

### **IDPs still rely on food assistance (2008)**

- About one third of IDPs are still dependent on food distributions
- Almost all IDPs still receive monthly allowance from government, also known as 'bread money'
- Almost all of WFP's beneficiaries are IDPs
- Food assistance has gradually been phased out by international organizations

### **UN HRC, 15 April 2008:**

"14. ...The State covers IDPs' expenses for communal services, such as gas, water and electricity supply, as well as transport costs. It also hands out a monthly food allowance of nine Manat (approximately USD 11) to every IDP, which is to be continued for three years following their return in order to facilitate reintegration. The Government also assists IDPs living in communal settlements with other subsidies and donations, such as seeds, fertilizers and agricultural tools..."

49. As a consequence of several of the aforementioned problems, about one third of IDPs is dependent on food aid. Virtually all of the World Food Programme's beneficiaries are IDPs. In October 2006, the Special Rapporteur on the Right to Food called on donors to support the WFP's programme in Azerbaijan, which was seriously threatened by funding shortfalls. He also called on the national authorities to address, in cooperation with UN agencies, the problem of food security for IDPs in a long-term perspective through adequate policies and programmes. The Representative endorsed these calls."

### **Government of Azerbaijan, 4 March 2008:**

"270,000 beneficiaries of direct food distribution, 104,000 provided by the Government, 166,000 by WFP with WFP portion decreasing to 75,000 as of early 2008"

### **Government of Azerbaijan, 3 April 2008:**

"Number of IDPs receiving monthly allowances in 2007: 529 915 IDPs are benefiting from monthly allowances."

### **Government of Azerbaijan, 1 February 2008:**

"During last years the size of the help of food and other goods rendered by donors to refugees and IDPs is substantially (4 times) decreased. In Baku, Sumgait and in the Absheron area more

than 230 thousand of temporarily settled refugees have not been provided with food aid since 1992 - 1993. In general at present only 30 percent of more than 1 million refugees and IDPs at present are provided with food aid. In 2001 214 thousand of IDPs were suspended with food aid by the international humanitarian organizations."

**State Committee on Refugees and IDPs, February 2007:**

"528, 238 IDPs are receiving monthly food allowances, which totaled nearly \$45 million."

**US DOS, 11 March 2008:**

"The State IDP and Refugee Committee's estimated expenditures were \$174.5 million (150.1 million AZN). IDPs received monthly food subsidies of approximately \$10.50 (nine AZN) from the government."

**WFP, February 2007:**

"There was no general food distribution to the 135,000 IDPs who receive rations from WFP in October 2006 because of a pipeline break [no food available in-country for distribution]. By November WFP had received enough donations for one more two month round of distributions, covering November and December. There were no distributions in January, again because of pipeline breaks, but by February WFP had enough resources to cover one more round, February-March. Food rations have not been reduced, with the exception of pulses, which have not been part of the food basket since the beginning of 2006, because of a pipeline break."

**Government of Azerbaijan, 21 November 2006:**

"...problems still exist in a number of areas, in particularly in the field of employment, especially youth employment, access by IDP communities to the educational and primarily health care facilities ... Allocation of land to the displaced population has been insufficient to relieve them from aid dependency."

**UN Special Rapporteur on the Right to Food, 12 October 2006:**

"Self-sufficiency for internally-displaced persons in Azerbaijan has been difficult to achieve and current food stocks would reportedly meet requirements only until October 2006, despite an already existing shortfall of peas and sugar. If no contributions are made urgently, food rations might need to be reduced further."

**Government to feed IDPs after WFP leaves Azerbaijan in 2008 (2008)**

- Japan and Russia donated to WFP in Azerbaijan in 2007
- WFP appealed for more donations to cover the operation until it ends in June 2008
- WFP will hand over 70,000 beneficiaries to the Government of Azerbaijan
- After WFP finishes its operations, the Government of Azerbaijan will provide 300,000 people with food

**Trend, 29 May 2007:**

"The Azerbaijani government is not holding any talks to prolong the World Food Program in Azerbaijan, said Ali Hasanov, the chairman of the State Committee on Work with Refugees and Internally Displaced Persons. According to Hasanov, the full suspension of the UN aid to the refugees and IDPs of Azerbaijan will not create any problems.

The World Food Program will totally suspend its food aid for the Azerbaijani refugees and IDPs on 30 June. At present, the World Food Program covers 70,000 people. The food aid for 230,000 refugees and IDPs, who are outside the program, is carried out by the Azerbaijani government.

After the suspension of the program, the Azerbaijani government will provide the remaining 70,000 people with the food aid."

**Reuters, 20 June 2007:**

"WFP today welcomed a US\$100,000 cash contribution from the Japanese Government to assist the poorest among internally displaced people (IDPs) in Azerbaijan...The donation will go to buy 192 metric tons of wheat flour which will provide a two-month ration for 16,000 people. Distributions will start in July..."

"The displaced people we are assisting are those still not able to regain their livelihoods and who need continued humanitarian support" said Lynne Miller, WFP's Country Director in Azerbaijan...

WFP's current two-year operation in Azerbaijan, which assists 154,000 people, is facing a 67 per cent shortfall in funding which could force WFP to suspend its operations in the country unless more donors come forward. WFP started operations in Azerbaijan in 1994 with an emergency operation targeting over half a million people displaced by conflict. Gradually a large number of the IDPs moved to urban areas and WFP shifted its attentions to assisting those who remained in rural areas and are the most vulnerable. From 1994 until mid-2006, WFP has provided around 141,000 metric tons of food at a total cost of over US\$107 million."

**WFP, 10 August 2007:**

"The United Nations World Food Programme (WFP) today welcomed the first-ever donation from the Russian Federation to support WFP's operation in Azerbaijan to provide food assistance to the poorest among the internally displaced people (IDPs).

"This Russian US\$2 million donation to Azerbaijan will enable us to continue food assistance to the most vulnerable among those displaced by the Armenian-Azerbaijani conflict over Nagorno-Karabakh," said Lynne Miller, WFP's Country Director in Azerbaijan. The Russian donation will help procure wheat flour and vegetable oil for the displaced over the coming four months..."

**UN News Service, 10 January 2008:**

"The United Nations World Food Programme (WFP) today appealed to donors for more contributions to cover the last few months of a \$15.9 million operation to feed tens of thousands of internally displaced persons (IDPs) in Azerbaijan.

WFP started operations in Azerbaijan in 1994 to help over half a million people displaced by the conflict in and around the country's Nagorny-Karabakh region. Gradually some of them moved to urban areas and became self-reliant, but many who remained in rural areas are still unable to meet their basic needs.

In July 2006 the agency launched the operation to provide those Azerbaijanis, mainly women and children, with 27,000 tons of food over the next two years through June 2008. Russia recently donated \$2 million in food aid, including 217.5 metric tons of vegetable oil and 2,016 metric tons of wheat flour, to help feed 75,000 of the most vulnerable IDPs for four months. But more help is still required for the successful completion of the operation.

WFP is in the process of handing over its caseload of 130,000 beneficiaries to the Government of Azerbaijan, which is already taking care of the first 55,000."

## **Water and sanitation**

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## **IDPs have inadequate access to water and sanitation (2008)**

- Access to clean water is still an issue in villages affected by the conflict
- About three quarters of the population of Azerbaijan have access to safe water; two thirds of IDPs have access to potable water
- IDPs in cities generally have better access to water than IDPs in villages
- Water shortages increase tensions among residents and increase women's work
- International organisations are helping to rebuild water infrastructure
- Many IDPs do not have adequate sanitation where they live

### **ICRC, 1 July 2008:**

"Families living in the village of Ayridara, along Azerbaijan's border with Armenia, will soon have access to safe drinking water thanks to a water project carried out by the International Committee of the Red Cross (ICRC) in cooperation with the local authorities and the community.

"Fourteen years have passed since the Nagorny Karabakh ceasefire was announced, but access to clean water is still an ongoing concern for the civilian population living in conflict-affected villages," said Juan Carlos Carrera, the head of the ICRC's office in Barda.

"Residents of places like Ayridara are regularly prevented from getting access to safe water because many springs are located between military positions or too close to the front line," he added...

"The water supply system in Ayridara was built during the Soviet era and had fallen into disrepair, so villagers were forced to carry water in buckets from other places," said Bakir Guliyev, the ICRC's engineer in charge of the water project."

### **European Commission, 7 March 2007:**

"Access to clean drinking water poses a health-related challenge, both in rural areas, especially to persons displaced by the Nagorno-Karabakh conflict, and in the coastal areas of the Caspian Sea, due to pollution linked to oil extraction."

### **ADB, 31 August 2007:**

"Percent of population with access to safe water 77 (2004)."

### **Trend, 14 September 2007:**

"The persons displaced from Azerbaijan's Aghdam region held a demonstration on 13 September. Approximately 100 internally displaced persons from Aghdam region who are temporarily residing in the Barda region have protested as they have not had any drinking water for over a month. The protestors said the government allots AZN 5 for public utilities to each member of a family. Despite repeated requests to the responsible organizations they have not received a reply. According to the Barda Region Executive Power, they are aware of the problem and necessary measures are being taken in this connection. The displaced persons will receive water in the near future."

### **Trend, 22 December 2007:**

"Over several years the problem with the water supply of IDPs settled at the hostel of the university has remained unsolved. The IDPs carry water via the territory in 300-400m. To attract the attention to the problem, Dalga manually supplied water to residents of the hostel. We can attract the attention of state bodies to the problem by this way," Ramazanov said.

### **UNHCR, December 2006:**

"Two thirds of all IDP and refugee households in rural areas have been reported to live in one-room accommodation, and only 18% had direct access to water."

**UNIFEM, July 2006**

"In fact, experts interviewed for the Assessment rated living conditions for IDPs from just moderate to "impossible" due to the inadequacy of basic infrastructure in many settlements, such as public baths, safe drinking water, passable roads and proper shelter. Women were particularly critical of the water shortages which they said created tensions in the community as well as increased the women's already heavy burden of work...More than half of the local women surveyed said they get sick only once or twice a year, or not at all; half the IDP women said that they get sick at least once a month. Nearly all of them blamed their frequent illness on poor sanitation: the shortage and low quality of water, the absence of baths, the unhygienic conditions in hospitals and medical centers."

**UN Committee on the Rights of the Child, 17 March 2006:**

"...the Committee remains concerned that 35 per cent of about 600,000 IDPs and 200,000 refugees are children and that they live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things."

**Government of Azerbaijan, 2005, p. 45:**

"IDPs living in buildings and areas not suitable for accommodation have limited access to utility services. Regular water supply is of great importance for the households in order to maintain their sanitary and health status. However, the 2003 HBS indicators show that approximately one half of the IDPs interviewed for the survey have no direct access to piped water. The results of LSSRIDP suggest that although there is piped water available in the places inhabited by IDPs, they are usually shared by several households. 82.8% of the respondents in the survey, covering different regions of the country, got their drinking water from a public water tap. The HBS results suggest that most IDPs with no direct access to water pipes take drinking water from natural sources. This leads to the spread of infectious diseases, particularly among IDPs settled in the Central region. The LSSRIDP results show that most or a large part of the IDPs settled in three survey regions (except for Bilasuvar) was dissatisfied with the quality of their drinking water (57.6% respondents in Sabirabad, 47.6% in Saatly, 42.8% in Barda)...The LSSRIDP shows that the sanitary conditions (sewerage systems, toilets etc.) in the living places of 41.2% of IDPs do not meet even the most necessary requirements. For example, 87.7% of the respondents claimed that they did not have a bathroom. It should be noted that there are no bathrooms in the houses of

newly built IDP settlement in Bilasuvar region. In addition, lack of a centralized drainage system for waste water encourages the spread of infectious diseases in the areas densely populated by IDPs."

## **Shelter and non-food items**

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**Government closes all tent camps and resettles IDPs (2008)**

- As of 2008, the government had closed all tent camps for IDPs
- The residents of these camps were resettled to new villages

**UN, 6 April 2007:**

"The [UN] Representative [of the Human Rights of IDPs] said he was satisfied that some of the worst camps, where the displaced had spent over a decade in misery, had finally been closed,

and that more dignified conditions had been created for their inhabitants in newly constructed settlements. He welcomed the Government's plan to shut down the remaining tent camps by the end of the year."

**Government of Azerbaijan, 3 April 2008:**

"All tent camps were liquidated as of the end of 2007. Three tent camps were liquidated in 2007:

Region	Number of Families	Number of People
Sabirabad Region		
Galagayin tent camp	1914	8523
Saatly Region		
Tent camp No.1	1072	3816
Tent camp No. 2	483	1747

**State Committee on Refugees and IDPs, 28 February 2007:**

*The Government demolished 4 camp towns in 2006 and constructed 13 new settlements, including 12 in Agdam and 1 in Agcabedi. There are 2 camps remaining in Saatli and 1 in Sabirabad. The Government of Azerbaijan renovated 55 public buildings where IDPs were living in 2006. This cost over \$99 million.*

**State Committee on Refugees and IDPs, December 2005:**

**Living conditions of IDPs**

No	Information about IDPs	Families	People
1.	Public Buildings	22191	81917
2.	Hostels	20760	83029
3.	Schools and kindergardens	9593	34887
4.	Sanatoriums, pansions, recreation areas, tourist bases	6541	24634
5.	Tented camps	11843	47608
6.	Vagon	1407	5263
7.	Settlements of selfmade houses (Finish houses)	6315	27734
8.	At relatives' houses	24321	95620
9.	Occupied appartments	6637	25722
10.	Uncompleted buildings	2087	9145
11.	Farms, earth-house and along the roads	5946	26757
12.	Settlements and houses built by the State Committee on Refugees and IDPs, according to the presidential decrees	13907	65984
13.	Houses built by international humanitarian organizations	6686	30087
14.	IDPs temporarily settled at the liberated areas	8302 families	

*Of twelve IDP camps located across the country, five of them had been demolished by the end of 2004. All of the demolished camps were located in the southern part of the country, in the Bilasuvar district.*

**Many IDPs still live in substandard shelter (2008)**

- Hundreds of thousands of IDPs still live in public buildings and makeshift housing that they do not own



- Housing conditions are often rundown and overcrowded with insufficient sanitation facilities, potable water and waste disposal
- Much of the housing does not offer inadequate protection from the elements
- Some IDPs improved their living conditions using legal assistance

**Government of Azerbaijan, 3 April 2008:**

**Number of IDPs living in various types of housing**

Type of housing	Number of IDPs
Public buildings	81917
Hostels	66336
Tent camps	0
Schools	10999
Kindergartens	19392
Sanatoriums	10244
Wagons	2679
Finnish houses	25550
Relatives' houses	67365
Farms/earth houses	88936
Occupied apartments	70151
Half-building apartments	9548
Settlements constructed by the Committee of Refugees and IDPs	69258
Apartments constructed by the assistance of international organizations	44096
Apartments of military units	6060

**Government of Azerbaijan, 1 February 2008:**

"In spite of all taken measures, the humanitarian and social condition of refugees and IDPs is still complicated. At present 87631 refugees live in hostels, more than 25550 of them live in camps, 28 thousand are in Finnish type houses, and the rest live in state buildings, incomplete buildings, sanatoriums, boarding houses and in other places under insufferable circumstances, which do not meet sanitary norms. In 2001 – 2007 new private houses and settlements containing 15713 houses were build for refugees and 49 IDPs' temporary residence, in order to improve their living conditions...There is a serious need for the improvement of object infrastructures, the lines of electricity transmission, water pipes of potable water, internal roads, roofs, objects of public health services in the places of compact settlement of IDPs - in tent camps, farms, hostels, incomplete buildings, children's sanitary camps and in other places."

**UN RSG on the Human Rights of IDPs, 6 April 2007:**

"Mr. Kälin also expressed his hope that the Government would go further: "Tens of thousands of displaced Azerbaijanis continue to live in run-down, overcrowded collective shelters with completely inadequate sanitary facilities," he said. Their suffering should no longer be acceptable to a generous and increasingly prosperous society with a Government that takes its responsibility for the displaced seriously and affirms international standards."

**UN HRC, 15 April 2008:**

"31. Among the most disadvantaged groups of IDPs are those continuing to live in tent camps, railway wagons, and mudbrick houses 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. Most IDPs in urban areas reside in rundown, overcrowded dormitories or public buildings, including former schools. Entire families including an

additional young generation now growing up are cramped into single rooms which do not offer any privacy. These substandard shelters lack sufficient or adequate sanitary facilities, access to potable water, or waste disposal. A 2005 Government survey found that the sanitary conditions (sewerage systems, toilets etc.) in the dwellings of 41.2% of IDPs did not meet even the most basic requirements. The Representative hence concluded that these conditions were clearly not in accordance with the right to an adequate standard of living, including the right to adequate housing, as provided for by Guiding Principle 18...

63. Significant progress has been made in resettling internally displaced persons from some of the most precarious shelters to specifically constructed compact settlements. However, the majority of displaced persons continue to live in substandard shelters, including in tents, mud huts and railway cars.

64. The Representative encourages the Government to realize its intention to close remaining tent and railway camps by the end of the year. In order to increase the success of its resettlement programme, the Representative recommends that the Government 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 communities of internally displaced persons in advance of the conditions awaiting them. The location of new settlements should be chosen so as to avoid endangering the physical security of displaced persons due to proximity to the ceasefire line. Likewise, internally displaced persons should not be cut off from their current places of employment. The Representative also suggests revisiting settlements already in use to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed. He encourages international agencies to lend their expertise and other support for this purpose."

**UNDP, 30 September 2007:**

"It is no coincidence that 79.39% of refugee and IDP women and 69.17% of men see their homes as "poor", whilst only 4.06% of women and 6.25% of men in that category stated that their home interior was "good". As a rule, refugee and IDP households own a more or less random assortment, if any, of furniture items; some families have to make use of makeshift furnishings...

Survey outcomes show a worrying tendency of an economic gap between the capital and the rest of the country. This digital divide informs of a serious lag in information and communication technologies (ICT) in the regions. Only 4.5% of all respondents had a personal computer (all of them reside in Baku) and 4.1% had a modem for a dial-up Internet connection. Among refugees and IDPs, only one household (headed by a woman) reported having a computer and a modem."

**CoE, 24 May 2007:**

"...In addition, these [refugees and internally displaced] persons still experience great difficulties in the economic and social fields, partly linked to a high unemployment rate amongst them...Housing is another area where the situation needs to be improved. Some families still live in inadequate places such as tent camps, railway carriages, public buildings including schools, etc."

**Praxis, 31 January 2008:**

"...During one of the mobile visits of Praxis legal team to the Hostel no. 23/59 in 2nd Micro district of Sumgayit, around 200 residents of the hostel complained that the roof of the building was very old as it had not been rehabilitated for more than 20 years. As a consequence, the small gutter in the corner of the building was destroyed and all the rain water entered into the rooms causing infectious diseases among the children. Inhabitants mentioned the need for rehabilitation of the building in their appeal.

"Praxis" lawyers lodged a collective appeal to the Executive Committee of Sumgayit city on behalf of 200 inhabitants. They also held advocacy meetings with representatives of Sumgayit Ex Com

and jointly visited the building. Plan of rehabilitation of the building was prepared and adopted after the visit of Ex Com representatives to the site.

As a result, with the efforts of Sumgayit Ex Com the building has been repaired and the right to health and adequate living conditions of vulnerable groups of people was ensured. Another important impact is that infectious diseases among children will decrease significantly."

***See also the Norwegian Refugee Council's Public Building Rehabilitation, Project Review Report, 30 November 2007.***

### **Poor housing conditions of IDPs in cities set to improve (2008)**

- IDPs in cities live in crowded conditions in multi-storey buildings with no heating and share toilets, showers and kitchens
- To date, focus on IDPs in cities has been on renovation of housing where IDPs are living
- Renovated buildings deteriorate quickly because overpopulated and waste of utilities
- Government adopted additional programme in 2007 to improve living conditions of IDPs, and it includes provisions for IDPs living in cities
- Measures include construction of new buildings, houses and villages with infrastructure
- Not all IDPs want to be resettled from cities to new villages

#### **UN HRC, 15 April 2008:**

"20. ...As the next step, the Government planned to address the housing needs of internally displaced persons living in urban collective centres, such as public buildings. According to the Deputy Prime Minister, the rehabilitation of over 100 collective centres is planned, and will be swiftly implemented if funds became available. Although the Government stressed that the rapidly rising national income reduced the need for international humanitarian assistance, such a need nevertheless persisted owing to the magnitude of other problems confronting the Government, such as poverty and unemployment...

31. Most internally displaced persons in urban areas reside in run-down, overcrowded dormitories or public buildings, including former schools. Entire families, including an additional young generation now growing up, are cramped into single rooms which do not offer any privacy. These substandard shelters lack sufficient or adequate sanitary facilities, access to potable water, or waste disposal...

65. Many internally displaced persons living in urban centres continue to suffer from substandard conditions of buildings, in particular the lack of sanitation and harmful overcrowding. The Representative welcomes the Government's plan to address the needs of urban internally displaced persons whose basic needs are not met and who are not targeted by the resettlement programme. It may be expedient to adopt a comprehensive programme for displaced persons in urban areas, centring on the rehabilitation of collective shelters and the provision of appropriate alternative accommodation."

#### **IDMC, 12 December 2007:**

"...Displaced people in semi-rural and urban areas live in crowded conditions in multi-level buildings with no heating systems. These buildings were formerly used as dormitories or kindergartens. Although individual households are separated, families occupy one or two rooms with no separation of the sexes or age groups. All IDPs repair their housing at their own expense, though the government and international organisations have renovated communal areas in some public buildings. All IDPs reported that they had electricity free of charge, that was more or less

always available, and those without gas supply receive fuel on a regular basis for five months in the winter from the government...

Displaced people living in public buildings in urban areas share communal facilities such as water access points, toilets, cooking and laundry areas. Users of the facilities took turns cleaning these facilities on a rotational basis. The government or international organisations had renovated the common areas approximately five years ago, but there was little sense of ownership of the facilities among the users. Maintenance of the areas was an issue as the need for general repair was immediately apparent, though none of the residents felt it was their responsibility to repair the common areas."

**DRC, 30 November 2007:**

"Dormitories/hostels in Baku have been occupied by IDPs. In 2005 the government decided to renovate the dormitories, 67 dormitories were renovated, but due to economic and financial restrictions others have not been renovated yet. IDPs settled in 260 schools, 1,500 IDPs lived in classrooms, for families it is not acceptable to live in schools and it interferes with normal school life. 67/268 dormitories have been renovated, an operational plan has been included. Next year the further renovation of dormitories will begin."

**NRC, 30 November 2007:**

"An estimated 55% of IDPs that fled Nagorno-Karabakh and surrounding regions between 1992 and 1993 settled in urban areas, with 40,915 families (totaling 169,609 persons) coming to Baku. In the chaos of the war years, large groups of the displaced were placed at the so-called public buildings (PBs), or collective centers: former university hostels, factory dormitories, sanatoriums, schools and kindergartens. Some unfinished facilities were occupied spontaneously, including the one still known as the worst IDP-populated public building in Baku, half-built hospital in Binagadi district. Currently 87 thousand IDPs live in hostels and the rest in other types of public buildings.

Although buildings vary in size and number of residents, they are similar in terms of scarcity of space per occupant and lack of functioning facilities. The capacity of shared sanitary facilities and kitchens is overstretched. One room is sometimes occupied by several generations of IDPs. Lack of space and privacy, insecurity, poor sanitation, humidity, and non-functional infrastructure plague most of the IDP-populated public buildings. In fact, the greatest gap between the quality of life of local population and that of IDPs is due to the precarious housing conditions of the latter group...

Room occupancy at public buildings is quite dynamic. Many IDP families are moving out of the buildings. They usually build own houses in Sulutepe – a Baku outskirt, where most of the constructed private houses are not sanctioned or registered. The emptied rooms are in some cases given to local families or those moving to Baku from other regions, but usually to other IDPs. According to the building superintendents, IDPs sell their rooms to relatives or friends. Yet some also lock their rooms and keep them as a storage space.

Obviously, families who can afford to leave the public buildings are those who managed to establish some livelihoods and are relatively well-off. This is also confirmed by NRC's experience in a current shelter project in Garadagh, where about 15% of the potential house beneficiaries residing at hostels in Sahil settlement have moved out since the project started in 2004. Some of them moved to unregistered private housing, some could afford to rent proper apartments. Thus, without doubt, the remaining occupants of the public buildings still belong to the most vulnerable stratum of urban communities...

The current physical condition of rehabilitated buildings is very diverse. About a quarter of all visited buildings were in a good condition. Condition of about a half of the reviewed buildings was classified as average and another quarter was quite bad.

Malfunctioning sewerage was most often cited as the greatest current problem in the buildings. Plastering, floors and ceilings in toilets and bathrooms are damaged in most places due to the careless use of water and lack of hydro insulation. Other common problems include shortage of water, leaking roofs and the ensuing humidity. The most durable output of NRC's work is electricity systems (including transformers and switchboards) and new roofs (rehabilitated only in some buildings). As acknowledged by some informants, the project was not always successful in solving problems with the water supply, since a durable solution would require dealing with the malfunctions outside the building, which was beyond the scope of the project. Cooking stoves and faucets installed in the rehabilitated buildings have very short life span as well, which is natural given the number of people using them. As witnessed previously in Sumgayit, the fact that the government covers the utility expenses of IDPs contributes to the wasteful consumption of gas, water and electricity resources, which also results in the fast wear and tear of the common-use facilities and equipment...

Attitudes [of IDPs living in cities] to the possible resettlement plans are predictable: IDPs would like to move somewhere close to Baku, but not to the countryside. In fact, most of the PB residents have managed to establish some kind of livelihoods at the places of temporary settlement: that was particularly evident in the densely populated larger building clusters located closer to the city center. For example, the yard of the State Oil Academy hostels was busy with a plenty of petty businesses, such as hair salons, fruit and vegetable stalls, eateries and game rooms."

**NRC, 31 October 2006:**

"[In Sumgayit] as some IDP families choose to move out of the buildings, local residents in the area have moved in, taking their place, depending on local governmental approval. In this way, poorer local families have unexpected opportunities to an improvement of living conditions. There is no indication that IDP families have been moving out of the buildings in question involuntarily, thus the above-mentioned effect should be regarded as positive...

Concerning the moving out by IDPs and possible moving in by local residents, there are no overarching, relevant trends. Though, in some instances, there seems to be a big shift in the composition of the public house population.

The overall assessment of the rehabilitated buildings is that they are worn down rapidly, which indicates problems with reaching the long-term goals of the projects. The rapid deterioration of the rehabilitated buildings is linked to the fact that they are occupied by much greater number of people than intended originally. Most of the buildings were designed as hostels, where 1-2 people were to share a room, and approximately 20-30 to use the shared facilities. As IDP families started to settle in these buildings, currently, they accommodate a much greater number of people, ranging from about 70 to well over 300 per building.

Also, the fact that IDPs do not have to pay for the utilities (water, gas, electricity) creates perverted incentives and results in the waste of energy and water resources. In some buildings, high-pressure water was running on all floors and gas stoves were on without any use. This puts additional pressure on and contributes to the rapid wear and tear of the equipment and facilities installed by NRC (such as gas stoves, faucets, pipes, ceilings and floors). The difference in physical living standards are progressively worse, in regards to number of years since project implementation...

Lack of sufficient upkeep has, most notably, led to problems with malfunctioning kitchen stoves and the reappearance of leakages from roof and walls and a general degeneration of physical living conditions in many of the buildings. The non-existing upkeep/replacement of malfunctioning gas stoves in the kitchens has led to widespread use of the hallways as kitchen areas, including

the use of small, private stoves. This, in turn, might lead to fire hazards as the hallways are also used for storage of different private belongings and furniture and at the same time are crowded with inhabitants, most notably children"

**Amnesty International, 28 June 2007:**

"A different set of problems confronts the urban internally displaced population. Following displacement internally displaced populations in urban centres found shelter in public buildings, schools, kindergartens, student halls and dormitories and unfinished apartment blocks. State Committee officials acknowledge that urban displaced population has received less targeted programming than those in rural collective centres. However, according to the Second State Programme 268 public buildings housing the urban displaced population are due for rehabilitation by the end of the Programme, and 77 have already been renovated..."

Urban IDPs have been relatively neglected by the state, and although they have more opportunities to find work in the urban economy, they are particularly vulnerable to housing shortages...Urban IDPs have been relatively neglected in Azerbaijani state policy on displacement. Displaced people in the capital Baku and its suburbs told Amnesty International that they are ignored by the state and have to pay for various services they are entitled to receive for free under Azerbaijani law. Many eke out an existence in informal trading, while others work without a residence permit, forfeiting local access to a number of services to which they are legally entitled, as they are unable to re-register."

**Government of Azerbaijan, 3 April 2008:**

"On October 31, 2007 Additions to Decree No. 298 "State Program for improvement of living conditions of refugees and IDPs and Employment Promotion" was adopted. This document contains some measures to tackle the problems of IDPs living in urban areas:

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 Defense.

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."

**Displaced children have grown and married, and continue to live with family (2008)**

- Displaced children have grown up and established families of their own
- They are not given a house of their own and often live with the parents of the husband
- Many IDPs therefore live in crowded conditions with a lack of privacy
- Some new families managed to acquire empty houses

**NRC, January 2008:**

"The family of Jamil Abishov fled Fizuli as thousands of other compatriots to find refuge in safer parts of the country. They re-established their lives in 1993 in one of the Bilasuvar camps. In 2003, the family of 5 relocated to new Harami settlement where they received a two-room house. In 2006, Jamil's oldest son got married and established his own family, which continued living in

the two-room house with the parents. With the family growing bigger and space getting tighter, the Abishov family started to apply to various governmental institutions for additional living space. As their enquiries bore no fruits, the Abishov's decided to address NRC's ICLA [Information, Counselling and Legal Aid] project team during one of their regular mobile visits to the Harami settlement. ICLA staff have studied the situation and subsequently identified dozens of extended families who were in a similar situation. Upon relocation from camps to new houses, the families had been allocated space according to the family size, but the number of family members has increased in the meantime. It has been repeatedly acknowledged that crowded housing and lack of privacy are among the crucial problems for IDP families in the new settlements.

At the same time, many houses in the new settlements were not occupied, as their formal tenants were apparently living elsewhere, most frequently in Russia or Baku where they economic opportunities are more favorable. The IDPs themselves have started to collect information on uninhabited houses whose number was estimated at up to two hundred. The ICLA project staff in Fizuli region collected applications from extended families and involved in extensive advocacy work with the local authorities, as a result of which the local executive power organized a special commission devoted solely to the issue that in the end compiled a list of empty houses and started their reallocation. Since September 2007, 128 young families have already received new dwellings, some of which had been locked up and unused for years."

**NRC, November 2006:**

"During displacement the composition of families hasn't been taken into account, i.e. persons who established new family are registered under the patronage of their parents and they haven't been provided with new apartments. It should be mentioned that resettlement of IDPs in new settlements is conducted according to the old statistics. Thus, if we would compare the number of IDP family members in 1993 and now, many of the children reached the mature age, some of them found family, but haven't been separated from the parents housing registration book. That is why there is already one or two more families inside the family displaced in 1993. During settlement in the new areas, just the number of family members is taken into account. New families inside the old ones do not receive separate housing."

**Balikci, Asen, May 2004:**

"In our sample, family rooms are generally small, about half are under 20 m2. In one 12 m2 room seven people were sleeping on mattresses on the floor. Crowding is common and people have absolutely no privacy. These conditions have determined two important trends. The first concerns the extreme difficulties experienced by the young who wish to marry. Simply they have no space, no room, no accommodation where to establish an independent family household as the custom requires. Immediately after I entered a family room and explained our aims, my attention was directed to some young man or/and woman of marriageable age: "He is working and saving money for his marriage, he has a fiancée and they would like to marry but where would they go? You can see how small our room is, they cannot stay here and they have no money to find another room, so they sit and wait for something to happen..." Our sample corroborates this tendency: in our data there are 21 young men and 19 young women of marriageable age and who cannot marry. Further, many of these are over 30 and have already been waiting for a long time... It should be noted that the vast majority of marriages that have taken place in displacement are contracted among IDPs, in only half a dozen cases is an IDP girl married to a resident who is inevitably very poor. It seems that civil status and social class are factors seriously constraining marital choice. Further, our census includes several cases of "Arab" marriage: a young man marrying his first cousin or father's brother's daughter who of course would be an IDP."

## **Housing and living conditions of IDPs in areas near line of contact worse than for locals (2007)**

- IDPs near the line of contact with Nagorno Karabakh live in settlements isolated from the rest of society
- Housing and living conditions of IDPs are worse than those of their non-displaced neighbours
- Many IDPs still live in crowded, makeshift housing and only a minority have property rights for their dwellings, whereas a majority of local families have property rights for their dwellings
- Most IDPs do not have bathrooms, whereas half of the local residents have bathrooms
- IDPs and locals access communal services on a similar level

### **DRC, 30 November 2007:**

"[In a study of IDP families and non-IDP families in areas near Nagorno Karabakh it was found that]

-The absolute majority of the IDP families living in the surveyed raions are isolated from the rest of the society, living in specific types of settlements where they communicate mostly with other IDPs.

-17% of IDP families still live in dwellings made of carton and tin.

-Slightly more than 70% of IDP families live in dwellings where they have less than 10 square meters per person.

-71% of local residents and only 15% of IDPs have property rights for the dwellings they live in.

-Half as much local resident families own cattle and/or poultry compared to IDP families; local resident families also have more ownership of basic durable household items.

-Local residents and IDP families have rather similar access to basic communal services, except land line telephones.

-More than 50% of IDP families use artesian wells for meeting their needs for water.

-95% of IDPs and 89% of local resident families do not have access to pipeline gas.

-84% of IDP families do not have bathrooms at all, compared to 48% of local residents.

-Overall, housing and living conditions of IDP families are worse compared to local resident families."

## **A displaced man takes initiative to get a new house (2007)**

- One IDP family managed to obtain a house in a new settlement after applying to the authorities with legal assistance

### **NRC, 23 July 2007:**

"...In October 2006, our program staff approached the local authorities in Agdam region to assist an IDP family of Mr. Suleyman Iskenderov, who used to live in a isolated area close to a newly constructed settlement. His family of five is originally from the occupied part of the Agdam district and had settled in an abandoned ravine between a railway and a road. A high voltage lines passed above their shabby house posing great risks for the lives of the family. Several years after the family settled in their temporary dwelling, a new IDP settlement was constructed nearby.

Following Mr. Iskenderov's request for assistance to the Information, Counseling and Legal Aid (ICLA) Centre at Agdam, the lawyers investigated the case and approached the local authorities with a formal request followed up by a meeting with the head of the local IDP Repatriation Department in Agdam who in the end agreed to provide one of the vacant houses in the new settlement to the Iskenderov family. The family consequently received appropriate registrations



and could move into their new house that was allocated for them when the official resettlement process was over."

### **Problems with location of new villages underscores need for proper consultation with IDPs (2008)**

- Some new settlements are located close to the ceasefire line
- Other new settlements are located in remote areas far from public services
- IDPs to be resettled should be involved in planning of new settlements

#### **UN HRC, 15 April 2008:**

"Approximately half of the displaced reside in urban areas, such as in Baku and Sumgait, either with relatives, in collective shelters and public buildings or in private accommodation; the other half live in rural and semi-rural settlements, including in remaining tent camps and railway wagons, with a majority clustered around towns in the south or in districts adjacent, and in some cases uncomfortably near, to the ceasefire line..."

34. Isolated, though seemingly regular, security incidents or threats had reportedly endangered the physical security of internally displaced persons settled near the ceasefire line. In accordance with Guiding Principle 10, which stipulates that internally displaced persons should be protected, in particular, against attacks against their camps or settlements and the use of anti-personnel mines, the Representative suggested that, where possible, new settlements near the ceasefire line

should be constructed at a minimum security distance of several kilometres...

64. The Representative encourages the Government to realize its intention to close remaining tent and railway camps by the end of the year. In order to increase the success of its resettlement programme, the Representative recommends that the Government 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. The location of new settlements should be chosen so as to avoid endangering the physical security of IDPs due to close proximity to the ceasefire line. Likewise, IDPs should not be cut off from their current places of employment. The Representative also suggests revisiting settlements already in use to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed. He encourages international agencies to lend their expertise and other support for this purpose."

#### **ICG, 14 November 2007:**

"The government demolished four camp towns in 2006 and built thirteen new settlements. Seven camps, home to 30,000 IDPs, are to be dismantled in 2007. Much of the new housing is built close to the front line. Baku uses this fact to argue it has no military intentions, since it is resettling IDPs where there they would be vulnerable if fighting resumed. Yet, IDPs do not seem convinced in light of the belligerent rhetoric. They also question the degree to which Baku has their interests at heart, as the new settlements are in "geographically remote, economically unviable and otherwise unsuitable locations, leading to segregation and isolation"."

#### **NRC, November 2006:**

"Presently, 8 settlements have been built on the territory of Agdam region, these settlements are situated very close to the firing line. There are such settlements which are 3 km far from the front line. If the cease fire will be violated these settlements will be under the threat and can be battered by the long-range (18-20 km) and other types of arms. All the new settlements are built

along the front or very close to it ... These people, i.e. IDP strata will always live in threat of displacement and will not be able to organize their life until big peace will not be achieved."

**Amnesty International, 28 June 2007:**

"Amnesty International visited a complex of new settlements in the region of Biləsuvar. The settlements were located some 50 kilometres away from the nearest major market town of Biləsuvar, and overwhelmingly populated by some 2,000 internally displaced from Cəbrayil region. Although minibuses run four times a day to Biləsuvar, informants in the settlements told Amnesty International that they have very little contact with Biləsuvar, forming instead a sort of 'subsistence micro-economy' of their own. Internally displaced people in many of the new settlements experience extreme feelings of isolation. In one settlement in Goranboy region, Amnesty International was told that outsiders came to this settlement for the first time only two years ago and that this was the first ever visit by a foreigner.

Resettlement in remote and barren parts of Azerbaijan, resulting from the official policy of maintaining community coherence, is resulting in violations of the right to adequate housing – one component of which is proximity to public services. Large numbers of the internally displaced are being transferred to new regions which do not include the necessary infrastructure to support a meaningful economic or community life. In the words of one Azerbaijani human rights activist, the new settlements are 'open prisons', locking their inhabitants into a continued relationship of dependence on the state, contravening the stated aims of the Azerbaijani Government to restore livelihoods for the internally displaced and increase their self-reliance..."

**Government exempts IDPs from paying for certain benefits and services (2007)**

- IDPs are entitled to a range of government benefits and services free of charge
- They include monthly cash grants, food, utilities, heating fuel, higher education and income tax deductions
- These entitlements help IDPs maintain a standard of living similar to the non-displaced population
- The UN Representative of the Secretary General for the Human Rights of IDPs recommends maintaining such exemptions in addition to humanitarian assistance and grant allowances

**UN HRC, 15 April 2008:**

"The Representative observed that, except for the shortage of adequate housing and their lack of property, such as real estate and livestock, IDPs are not generally dramatically worse off than the nondisplaced population. This achievement, impressive given the magnitude of the problem, is mainly owed to sustained Government support, such as monthly allowances, free accommodation, and free services such as electricity and education for IDPs.

In order to alleviate their difficult situation, IDPs are exempt from paying income tax, higher education fees as well as certain court fees, and their access to bank loans is facilitated. IDPs enjoy free access to education and health services. Under the 1998 Labour Code, IDPs are included among the vulnerable groups benefiting from special protection against unemployment. They are also exempt from the obligation to present their employment record when seeking employment or registering for State pensions. A 1999 Cabinet decision outlawed the eviction of IDPs living in public buildings or private property, unless IDPs were offered alternative accommodation under adequate conditions. The State covers IDPs' expenses for communal services, such as gas, water and electricity supply, as well as transport costs. It also hands out a monthly food allowance of nine Manat (approximately USD 11) to every IDP, which is to be continued for three years following their return in order to facilitate

reintegration. The Government also assists IDPs living in communal settlements with other subsidies and donations, such as seeds, fertilizers and agricultural tools... IDP students benefit from free school bags, uniforms, books and stationery as well as free access to higher education...

At the same time, the Representative recommends that the Government, as well as international and nongovernmental organizations, continue to deliver direct humanitarian assistance, grant allowances in cash and in kind, and exempt them from payments for public services. These advantages have gone a long way in alleviating the often very difficult situation of IDPs and removing them would likely put IDPs in a situation significantly worse than the resident population."

**NRC, 31 October 2006:**

"As some IDP families choose to move out of the buildings, local residents in the area have moved in, taking their place, depending on local governmental approval. In this way, poorer local families have unexpected opportunities to an improvement of living conditions. There is no indication that IDP families have been moving out of the buildings in question involuntarily, thus the above-mentioned effect should be regarded as positive.

The fact that Hostel # 2 in Azizbekov street is partly inhabited by poorer local residents, means that the gas bill is not paid and the IDPs suffer accordingly. While IDPs are exempt from any kind of utility payments, local residents have to pay the bills. This IDP benefit often leads to excessive use of water, gas and electricity in the public buildings, thus accelerating deterioration of renovated areas and new equipment."

**UNHCR, December 2006:**

"Almost all IDP households sampled received financial allowances from the Government, 95% of them received free electricity, 86% kerosene, 60% food products, 26% drinking water, 14% education and 11% medical services."

## Health

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**Health of IDPs is worse than that of the non-displaced (2007)**

- The health of IDPs is worse than that of the rest of the population
- IDPs living in substandard housing in rural areas are at higher risk of catching diseases
- The conflict with Armenia has affected the health of more than displaced people
- IDPs go to the doctor more often than non-IDPs and spend more money on health care
- Surveys are needed on maternal and child mortality of IDPs

**UN HRC, 15 April 2008:**

"44. While public medical care in Azerbaijan was generally seen to be in need of improvement, some vulnerable groups among internally displaced persons are particularly affected. First of all, people living in substandard accommodation in rural areas are obviously at a higher risk of catching diseases owing to the lack of sanitary facilities and sewage systems and exposure to the elements. 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. According to the Government's plans, all recently constructed settlements were to be

provided with well-equipped hospitals; however, the Government admitted that shortages of medical supplies, as reported by international observers, might persist in remote villages.

45. In its 2005 report to the Committee for the Elimination of Discrimination against Women, the Government of Azerbaijan pointed out that mortality was generally highest among women of low levels of social development, and especially among refugees and displaced persons. During his mission, the Representative was informed that maternal and child mortality differed from one settlement to another and was perhaps not particularly high among the displaced. He noted that reliable figures on this important issue were not available and a survey would be needed."

**DRC, 30 November 2007:**

"[In a study comparing IDP families and non-IDP families in areas bordering Nagorno Karabakh] [m]ore IDP families spend on medical services and medicine, and average spending in these two categories is slightly higher for IDP families than for local resident families. This may suggest that the health of IDP families is worse than that of local residents."

**UNDP, 30 September 2007:**

"The military conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan however, adversely affected the mental and physical health of not only refugees and IDPs, but also the Azerbaijani people as a whole. Irrecoverable losses of 20,000 dead and 4,866 missing, enormous for a small country, could not fail to affect Azerbaijani women who had family members and relations among those. During the occupation of Azerbaijan's territories, women and children were taken hostage by the enemy. The war had strong psychological, physical, economic and social consequences for a high proportion of survey respondents including those not directly involved in it. 91.1% of the male respondents and 90.7% of the female respondents considered the psychological impact of the conflict "very strong" and "strong"..."

**Amnesty International, 28 June 2007:**

"The internally displaced in Azerbaijan typically suffer disproportionately from health problems, due to the increased levels of stress and trauma to which they have been exposed, reduced access to primary health services and essential medicines and the unsanitary conditions in which they live in displacement. In particular they suffer disproportionately from malnutrition, infant mortality, tuberculosis, diphtheria, anaemia and mental health problems..."

**CRRC, 31 January 2007:**

"...Although the percentage of sick people within the refugee and IDP population is higher than the percentage of sick people within the non-refugee population, a larger percentage of refugees and IDPs who were sick visited a doctor in comparison to non-refugees and non-IDPs. The percentage of respondents who have been sick but did not go to a doctor was over 17% for non-refugees and non-IDPs, whereas for refugees and IDPs it was slightly less than 12%."

**UNHCR, December 2006:**

"Health seeking behaviour of IDPs is often determined by financial constraints and they only seek health care when the situation is critical. Before this they tend to wait and see if the condition improves, try home remedies, or self-treat with medicines available over the counter at pharmacies. One of the common complaints made by adult male and female IDPs interviewed during this assessment was about their poor health status and the absence of free medical treatment."

## **IDPs in poor health because of trauma, poor living conditions and reduced access to medical care (2008)**

- Health of IDPs is worse than non-displaced population due to additional stress and trauma, poor housing conditions, reduced access to health services and medicines and malnutrition
- IDPs living in inadequate accommodation at higher risk of catching disease because of poor sanitary facilities and sewage, entry of rats and mice and uncollected garbage
- Poor health of IDPs also due to stress they have endured after losing their homes and belongings, and being displaced

### **UN HRC, 15 April 2008:**

"44. While public medical care in Azerbaijan was generally seen to be in need of improvement, some vulnerable groups among internally displaced persons are particularly affected. First of all, people living in substandard accommodation in rural areas are obviously at a higher risk of catching diseases owing to the lack of sanitary facilities and sewage systems and exposure to the elements...According to the Government's plans, all recently constructed settlements were to be provided with well-equipped hospitals; however, the Government admitted that shortages of medical supplies, as reported by international observers, might persist in remote villages."

### **CRRC, 31 January 2007:**

"...refugees and IDPs are, in general, more likely (67.9%) to be sick than non-refugees and non-IDPs (51.4%). The CRRC survey corroborates the hypothesis that a higher percentage of sick people within a refugee and IDP population can be explained by the relatively poor living conditions they have in comparison to the non-refugee and non-IDP population and the psychosocial stress they have undergone as a result of having lost their homes."

### **UNHCR, December 2006:**

"The male IDPs interviewed in the Finnish settlement in Saatli felt that their numerous health problems (diabetes, diarrhea, food poisoning, heart disease, high blood pressure, kidney stones, malaria, respiratory infections, rheumatism, skin problems, and swellings in glands on the neck) were directly related to their living conditions. They live in prefabricated buildings which were designed to be temporary accommodation when they arrived 15 years ago. The buildings are very hot in the summer and extremely cold in the winter. Members of the FGD all came from mountainous areas and felt that their health problems would improve if they were to return home.

Similarly, male IDPs interviewed in Galagayin village (Sabirabad) said that they suffered from a range of health problems, some of which were related to the salty soil leading to aches in their legs, as well as kidney and lung problems and rheumatism. The doctor at the dispensary was asked about the salty soil and confirmed that urine samples showed high levels of salt and this leads to rheumatism-like conditions and kidney problems. IDPs mentioned that they did not suffer from these health problems before they were displaced..."

### **Government of Azerbaijan, 2005, p. 46:**

"There are three factors which have a negative impact on the health status of IDPs: 1) the low level of sanitary conditions in the places settled by IDPs; 2) malnutrition among the IDPs, especially among children; 3) limited access to basic health care services."

### **Balikci, Asen May 2004:**

"Practically all our informants complained about health conditions in their families. Usually their testimony begins with a description of the initial shock: "We had to cross the river which was full with deep water, I didn't know how to swim, my sons barely saved me, something happened in

my brain at that time and ever since I'm sick in my head, my head turns, now I worry all the time..."

Another informant: " In our village I was very healthy, after we left the village for one month I was very nervous and my teeth fell, they just came out... my head was turning and I couldn't stand up, I had to lie down all the time... my daughter became sick after the Armenians bombarded our village, she was six at the time, the left side of her body became paralyzed, she had to lie down for four months, at the time she couldn't walk, her mother taught her how to walk again, today she is limping, she is an invalid..."

After these initial statements usually follow descriptions of the various ailments affecting family members in the head, liver, limbs, stomach, joints, eyes, blood, etc. And finally there is a global condition we called "general sickness", as an old woman complained: "I worry all the time, I think about my son who was taken hostage by the Armenians and who died soon after, probably they gave him an injection with poison. I worry all the time, every minute we have difficulties here about everything, we have very little space in this one room, now I have general sickness, my whole body hurts, I suffer from broken heart..."

Invariably informants consider their extremely poor living conditions as the principal cause of their diseases: the lack of space, the cesspool in the basement, the rats and mosquitoes, the refuse lying all around, the dirt everywhere, the bad food they get, etc. This is the context in which medical treatment begins and which is the source for endless complaints."

### **More research needed on sexually transmitted diseases and HIV among IDPs (2006)**

- Government has drafted a National Strategic Plan on HIV/AIDS
- HIV monitoring of at-risk populations will lead to programmes to combat HIV
- Data on IDPs living with HIV/AIDS unavailable
- Limited data that does exist does not feed into HIV programming
- Condoms not readily available free of charge at hospitals
- Further research required on sexually transmitted diseases among IDP population

### **UN Azerbaijan, 31 January 2008:**

"A Demographic Health Survey (DHS) was conducted by the State Statistics Committee with support from UNICEF and USAID to provide comprehensive data on health, education, and child protection, disaggregated by sex, economic region, income, and other sub-groups. Important new features include modules on child discipline and domestic violence and a men's questionnaire. Once available in early 2008, DHS data will greatly strengthen the strategic information base for policymaking and programming. The involvement of the Ministries of Health and Education in writing the report and the Cabinet of Ministers' recognition of its importance are early indications that the DHS might become the first nationally-owned health survey.

The UN Theme Group on HIV/AIDS chaired by UNICEF brought together the expertise of UN agencies and partners to support policy formulation. A draft National Strategic Plan on HIV/AIDS has been developed and is currently under consideration by the Government. Under the guidance of the Theme Group and with funding from five UN agencies, a second-generation surveillance on HIV underway among at-risk populations in seven sites is expected to provide an evidence base for HIV/AIDS-related programming for the populations of Azerbaijan at highest risk. The Theme Group also supports Government and civil society in formulating the country's progress report for the UN General Assembly Special Session on HIV/AIDS (UNGASS) which monitors the Declaration of Commitment made at the Special Session in 2001. A draft UN Joint

Implementation Support Plan defining the roles and responsibilities of UN Agencies in supporting the national response to HIV/AIDS was prepared jointly by UNHCR, UNICEF, UNDP and WHO."

**UNHCR, December 2006:**

"No data were available on the number of registered PLHIV who are IDPs and who inject drugs, sell sex or IDP men who have sex with men. There were anecdotal reports of IDPs injecting drugs and a needle and syringe distribution programme in Baku is located in an area where IDPs live and about 30% of their clients were IDPs. Whether IDPs are under or over represented amongst IDUs is not known as studies of IDUs do not currently report on IDP status. There were also anecdotal reports of female IDPs selling sex.

According to Anti-narcotism which implements four needle distribution services...to about 1,200 IDUs, between 300 and 600 needles are given out each month. ...One of their programmes...is located in an area of Baku where many IDPs reside and is open from 11.00 to 18.00. Since 1st March 2006 IDUs have made a total of 2526 visits of which about 600 were from first time clients - all male aged 16 upwards and an estimated 30% were IDPs.

Data on registered PLHIV [people living with HIV] by IDP and non-IDP status are collected at the time of diagnosing HIV infection, but has not been systematically analysed or verified...Previous data from 2003 found that 15 IDPs had been registered with HIV - this represented 2.1% of all PLHIV at that time which is lower than the percentage of IDPs per general population - variously reported at between 8 and 13%. It would therefore appear that IDPs are under-represented in the registered cases of HIV, but the data needs to be verified.

IDPs interviewed as part of this assessment were reasonably well informed about HIV and their main source of information was the television. In Sumgayit, IDPs who had received information from the young HIV educators at the Youth Centre were very well informed about HIV. Adolescent male and female IDPs in Bilasuvar identified the need for more information on health in general as well as HIV, and were extremely interested in learning more. Whilst there was little evidence of HIV risk behaviour in the ural IDP settlements (STI rates and injecting Drug use) and many of them did not consider themselves to be at-risk of HIV, it was noted that STI/HIV risk behaviour was most likely to occur when young males visited urban areas.

There is a lack of evidence on the situation of HIV amongst IDPs and refugees and the data that do exist do not feed into HIV prevention programming...The existing policy environment is not conducive to working with most at risk populations and the needs of IDPs, refugees and asylum seekers are not reflected in national HIV programme documents.

IDPs and refugees do not appear to be over-represented amongst HIV risk groups when attention has been paid to develop programmes for them in conditions as close as possible to their geographic area of origin and with appropriate housing, social and economic support. However, in those cases where IDPs and refugees from rural areas have been placed in large urban centres without appropriate support systems, then the chances of them engaging in HIV risk behaviour increases. This is most marked amongst male IDPs injecting drugs in Baku and Sumgayit and in male (predominantly Chechen refugees) having unprotected sex with FSWs in Baku...there is evidence that IDPs inject drugs in both Sumgayit and Baku where there is a needle and condom distribution programme in an IDP area with about 30% of IDP clients. In interviews with IDPs in other more rural regions they said they did not know people who injected drugs.

Both national and international NGOs working within IDP communities reported that sex work is entrenched within many of their communities.

The Ministry of Health law permits every hospital to test blood for HIV. However, the quality of HIV testing is insufficient and health workers need more training in voluntary counseling and testing (VCT) and hospital laboratories require upgrading.

According to the Director of the Republican AIDS Centre, data are collected on IDP and refugee status when taking HIV tests at the Republican AIDS Centre and regional AIDS laboratories...

#### **HIV in the Autonomous Republic of Nakhchivan**

No data were available

The availability of condoms in health facilities used by IDPs was a major problem. None were available at the IDP hospital and dispensary in Djabrayil village, Bilasuvar, nocondoms had been received since 2004 by the IDP clinic in the Finnish settlement of Saatli and even the Reproductive Health department of the raion hospital in Sabirabad had not received any supplies since 2005. Health workers expressed their frustration of having motivated couples to use condoms for contraception they were now faced with the situation that no free of charge condoms were available....It was unlikely that condoms would be purchased from pharmacies by IDPs due to the cost

#### ***Sexually transmitted diseases***

An analysis of registered STI cases (generally recognized as grossly under-reported) by area of IDP residence conducted as part of this assessment ... does not show that IDPs are over-represented amongst the STI data. However, the numbers are very small and further research is required to establish more accurate data on STIs by IDP and non-IDP status....STI data are not routinely collected by IDP status, although IDPs were reported to be amongst the clients attending Sumgayit Dermato-Venereology dispensary. This appears to be more of an urban phenomenon as no cases of STIs had ever been seen by health care workers at the clinics providing services to IDPs in Saatli Finnish settlement, or in Djabrayil or Galagayin villages. This does not mean that STIs do not exist in rural areas, as IDPs would be likely to consult doctors in another geographic location due to the stigma attached to STIs, or to self-treat. However, the health care workers thought that the population they served were strict Muslims and therefore were not likely to have exposed themselves to STIs"

**See also [Национальный отчет о выполнении Декларации о приверженности делу борьбы с ВИЧ/СПИДом, Азербайджанская Республика, 31 января 2008г.](#)**

#### **IDPs pay for medical care despite guarantees that it should be free (2008)**

- IDPs asked to make informal payments for health care, when basic services and medicines should be free of charge
- The 2007 government programme for IDPs foresees activities to improve medical care for IDPs

#### **CoE, 20 February 2008:**

"116. In principle, IDPs should benefit from free medical care. In practice, they often have to pay and can only access elementary health care. ...

Comments of the Azerbaijani authorities

74. The duty of provision of medical care and medicines to IDPs lies with relevant public agencies in accordance with Article 10 of the Law of the Republic of Azerbaijan of 21 May 1999 on Social Protection of IDPs and persons identical to them. The abovementioned Presidential



Order of 31 October 2007 envisages improvement of the medical care provided to IDPs as well."

**Amnesty International, 28 June 2007:**

"According to the Azerbaijani 'Law on the social and economic rights of Internally Displaced Persons' of May 1999, the internally displaced are eligible for free health care wherever they live. The implementation of this provision in practice appears to be variable. In a survey conducted by the International Medical Corps in 2000, utilization of local medical services in southern Azerbaijan was very low among the internally displaced, with 30.7 per cent of respondents claiming the lack of funds as the principal reason for not seeking medical aid. A 2003 survey, however, suggested that 85.2 per cent of respondents were provided with free medical services. However, internally displaced people consistently told Amnesty International that in practice most are in the same predicament as other Azerbaijani citizens of having to purchase basic medical consultations and medicine. One internally displaced doctor told Amnesty International: "I work in a state hospital and I know that the internally displaced pay".

**Balikci, Asen, May 2004:**

"IDPs apparently are entitled free medical services. Informants assert that according to government regulations IDPs suffering from TB, diabetes and cancer should never pay for treatment or medicines.

The real situation seems very different. Informants complain that they have to pay the doctors who however never ask openly for payment. "If you don't pay, they say they are busy and tell you to come tomorrow... you get this response for a few days and then you learn how to put 10 000 manats on the table and you get quick examination, the nurses also are waiting and expect something..." While this practice seems very widespread, in our record are several cases where patients were given proper medical examinations free. A similar situation prevails with the prescription of drugs. Patients complained they have to pay for all drugs. In fact, in a few cases, drugs were provided free. Some patients are very bitter about hospital care: "For treatment at the polyclinic in order to have a good examination you have to give money, from 10 000 to 20 000 manats on the table and nurses also expect something... sometime the doctors behave like wolves, you fell oppressed and don't want to go back there... you say it is better to remain sick at home and die in your bed than go to the doctor... even for the vaccination of the children you have to give money! But there are some very good doctors who do a good job and ask for no money!"

Operations are always subject to prior negotiations and occasionally some bargaining. Evaluations are made in USD. In our records the most expensive operation was evaluated at USD 500 with the understanding that patients will have to provide all necessary medicines.

Halay is from Minchan village in Lachin where he was store manager and sheep breeder. He has a wife and six daughters. The youngest one is epileptic. Two of the girls have eye problems, they wear glasses and need special treatment. The oldest is a war invalid. A year ago Halay spent three months in mental hospital, he worried too much and his head became no good, his head was turning all the time. He was suffering from "yurek agrisi" pain in the heart or broken heart. Soon after he got TB. There is no special clinic for adult IDPs, they can go to any polyclinic in town provided they pay. Halay went to Polyclinic Samashko downtown, he explained his case to a doctor who charged him 50 000 manats for an examination, X-Ray and a written diagnosis. The doctor then sent Halay to a TB specialist in another hospital, the specialist refused help. Then Halay by himself found another doctor called Fuad in the same hospital and told him he was an IDP and asked him in the name of Allah to help him for no money because he didn't have any! Doctor Fuad took care of him and told him he would need nine courses of special treatment at the cost of 400 000 manats each. Halay has completed six courses but cannot go on because he has

no money. There are no precautions taken in his household against contagion. His mother is regularly giving him her pension and his brothers help for his medicine. He has no money for the treatment of his daughters who are in danger of becoming blind. Somebody told him to go to UNICEF with his prescription but he couldn't find their office... "When we run out of flour for bread I cannot sleep and keep thinking (worrying) all night...when the situation becomes unbearable you begin to hate everything and you hate most your life!"

### **Mental health of IDPs is still suffering (2008)**

- Mental health of displaced adults and children has suffered from crowded living conditions, trauma from the conflict, poverty and a bleak view of the future
- The elderly, female-headed households, traumatized and mentally ill especially suffer from depression which stands in the way of their social integration and self-reliance
- Surveys and needs assessments on the state of mental health of IDPs and psychological counselling are needed
- Government plans to set up psychological support stations

### **UN HRC, 15 April 2008:**

"44. ...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...

46. Most of all, however, the Representative observed that mental health continued to be a significant problem among internally displaced persons, some of whom were traumatized by events during the conflict. As the Representative's predecessor had remarked during his mission to Azerbaijan in 1998, "the psychological stress experienced by the displaced is not only war-related, but also stems from the cramped and poor conditions in which many of them live, as well as from feelings of isolation and uncertainty about their future". There is a lack of adequate structures and services to properly address the mental health issue...

47. The Chairperson of the State Committee on Women, Children and Family Issues, whose Committee was about to establish psychological support stations in the country, stressed the need to increase the involvement of internally displaced persons in all social, political and economic processes. She believed that the protracted conflict situation had led to some (particularly middle-aged) displaced persons suffering from a certain "victim" or "immigrant" attitude, and it was important to encourage them to become fully active members of society again.

48. 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, whereas young males had reportedly often moved to the cities or emigrated to seek better employment opportunities. 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. Elderly IDPs seemed to have more and bigger health problems than the non-displaced of the same age group, 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...

70. The Representative noted with concern that the special needs of elderly, traumatized and mentally ill displaced persons were insufficiently addressed. Elderly internally displaced persons

seemed to be at a disadvantage compared to their non-displaced peers, owing to a variety of factors, such as difficulties in adjusting and diminished family support due to the impoverishment of their children. The Representative observed that serious mental-health issues were prevalent among the displaced population. He received indications that, in addition to trauma caused by the violence that triggered the displacement, feelings of insecurity, homelessness and anxiety about the future, as well as severe poverty and stressful, overcrowded living conditions lay at their origin; however, he was informed that reliable relevant data did not exist.

71. The Representative concluded that specific surveys and needs assessments, meeting international standards, into the situation of elderly and mentally ill internally displaced persons and their access to counselling and appropriate medical care needed to be conducted. He encouraged the Government, in close cooperation with competent international agencies, to take the lead in designing effective responses, and welcomed donor interest in funding programmes based on reliable data. Both general and specific Government programmes should pay special attention to particularly vulnerable groups among internally displaced persons, including by continuing and increasing humanitarian assistance to persons unlikely to become self-sufficient on their own."

**UNIFEM, July 2006:**

"Not surprisingly, researchers found that IDP-women suffer from post-traumatic stress compounded by the stress of difficult to intolerable living conditions. Their psychological trauma shows itself through decreased social activity, feelings of isolation and abandonment, an orientation towards the past – which they remember as incomparably better than the present – and a bleak view of the future. There is little interaction between IDP and local communities, and IDP women tend to believe that local residents feel more ill-will towards them than the local women themselves expressed. Researchers felt this isolation to both arise from and worsen the negative psychological state of the IDP women. At the same time, researchers were impressed with the resilience of the women they spoke to, and are convinced that despite their problems, IDP women have the strength and the creativity to find constructive solutions to the problems they face if given the opportunity."

**The Brookings Institution - University of Bern Project, 16 May 2006:**

"...although this is often treated as a luxury, addressing the psychosocial problems of IDPs should be part of durable solutions. Despite the passage of time, some IDPs do not overcome the trauma of displacement. Many become dependent on external aid and need help to regain their self-reliance. Programs of psychological counselling can be important."

**Displaced women and children face particular health issues (2007)**

- Internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing
- Displaced women and men go through enormous emotional stress that can lead to mental disorders
- Family violence is slightly higher in displaced families than non-displaced families
- Good healthcare is unaffordable, and leads to illnesses going untreated, reproductive health not being regularly examined and school absenteeism
- Illnesses of IDPs are not treated at an early stage, and this has the effect of increasing work burden for IDP women
- Children suffer from worm infestation and micronutrient deficiencies, as well as anaemia
- Displaced girls from poor families have been subject to early marriages

- Government efforts have helped displaced women and children, but further efforts are needed as overall quality of medical care remains low

### **Women**

#### **UN CEDAW, 2 February 2007:**

"31. While welcoming the State Programme on the Settlement of the Problems of Refugees and Internally Displaced Persons, the Committee notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing.

32. The Committee urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report."

#### **UNDP, 30 September 2007:**

"The collapse of the Soviet healthcare system undermined preventive health practices, and contributed to healthcare problems of the unemployed population, particularly children, retired and disabled persons, and the hundreds of thousands of refugees and IDPs. Women in certain circumstances became another vulnerable group for access to healthcare. Timely access to high quality health services is a matter of life and death.

Refugee and IDP women experienced enormous emotional stress, which, according to expert evaluation, had features of reactive or permanent mental disorder, because they witnessed atrocities, the annihilation of 900 communities, over 130,000 houses and over 1,600 educational, cultural and healthcare facilities, as well as a multitude of irreplaceable material losses and death of their loved ones. Hundreds of women and children were taken hostages. 73% of refugee women and 83.67% of IDP women thought that the conflict adversely affected their physical health. Outcomes of the present study show that 93.33% of female refugees and 100% of internally displaced women view the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan as an act of immense psychological pressure causing severe emotional stress.

It should be emphasized that Azerbaijani women became one of the first women in post-WWII Europe, and the first women in the former USSR to become victims of brutal ethnic cleansing. In this context, one may speak of physical, social and psychological violence to which refugee and IDP women were subjected. Women who found themselves in an unnatural, social stratum of refugees, deprived of their everyday living environment, job and social standing, living under constant psychological pressure, which, by definition, cannot be fully relieved even by the most comprehensive national aid programme. Furthermore, on the one hand, refugee and IDP status with unclear future prospects generates a certain dependency in the female setting; on the other hand, for various reasons, these women often become subjected to various forms of social or moral discrimination.

Many male refugees and IDPs also indicated they suffered from serious health problems and emotional disorders caused by posttraumatic stress syndrome. The survey showed that the level of family violence among refugees and IDPs was 7% higher than in other environments. Apparently, the process of social and psychological adaptation of refugee and IDP women is not an issue to be solved within one or two generations: The solution to this problem lies in the political realm - the peaceful settlement of the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan and resettlement of the displaced in their original homes.

Focus group discussions showed that participants considered only physical assault as a form of domestic violence, but often did not consider criminal prosecution or resorting to legal means possible. An IDP woman said, "If a woman tells the neighbours, or any outsider about it [beating] or goes to court, people will start gossiping about her. People will spread rumours, even if she is innocent. A woman should be able to protect herself"."

**UNIFEM, July 2006:**

"The Government of Azerbaijan, with the help of international humanitarian organizations, has taken some steps to protect the health of IDPs. The Ministry of Health established medical service stations in tent camps and other compact IDP settlements. Mobile medical centers are periodically available to conduct examinations and provide treatments. There are 169 health care centers, with 4,300 doctors and assistants to provide medical service to IDPs, with some medicines being distributed free of charge. However, these measures do not meet the demands of a large IDP population.

The number of hospitals, medical centers and dispensaries to which IDPs can turn is clearly insufficient. Moreover, most medical centers for IDPs are located in unsuitable premises and are insufficiently equipped with both medicines and other necessary supplies, and foster conditions that could help diseases to spread rather than prevent or contain them. Response to expert questionnaire, 15 June, 2005 In addition, according to the Living Standards Survey of Refugee and IDP Population, sanitary conditions in the living quarters of 41.2% of IDPs do not meet even the most necessary requirements; 87.7% of respondents to the survey said they did not even have a bathroom. "State Programme on Poverty Reduction and Economic Development 2003-2005: Azerbaijan Progresses toward the Achievement of the Millennium Development Goals, Progress Report 2003/2004", Baku 2005, p.53. Such unsanitary conditions contribute to the spread of infectious diseases in compact, densely-populated IDP settlements.

Given the deficiencies in health services available to IDP women and the unsanitary conditions in which many of them live, it is perhaps not surprising that data from the household interviews paint a grim picture of health among IDP women in contrast to their local counterparts. More than half of the local women surveyed said they get sick only once or twice a year, or not at all; half the IDP women said that they get sick at least once a month. Nearly all of them blamed their frequent illness on poor sanitation: the shortage and low quality of water, the absence of baths, the unhygienic conditions in hospitals and medical centers. Azerbaijan's 2004 CEDAW report also stated that mortality is "generally highest among women of low levels of social development, and especially among refugees and displaced persons".

To make matters worse, focus group participants said, the already inadequate health care system is marred by corruption that targets IDPs and local residents alike. They told stories of nurses hoarding medicines and even syringes to sell for profit and of doctors who refused to examine children unless they received some "informal" payment. Incidents such as these are particularly galling since all health services are supposed to be free for IDPs. Instead, the IDP women say they have to pay for all their health care needs upfront, which is not easy given their meager resources and this sometimes prevents women from seeing doctors when it is really necessary. Most IDP and local women said they go to the doctor only when an illness has developed serious complications.

The difficulties IDP women have in paying for health care are especially problematic when it comes to reproductive health, pregnancy and family planning. 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.

The unwillingness or inability to have illnesses diagnosed and treated at an early stage has a significant impact on both IDP and local women, though for IDP women the impact is more pronounced. More than 90% of the women interviewed said it is they who must care for family members who fall ill, including children and elderly relatives. Such home-based care only adds to the women’s other domestic responsibilities, especially when it comes to long-term or complicated illnesses. Thus not only does the medical system fail to provide women with appropriate care for themselves and their family members, its inadequacy also makes their lives more difficult by forcing them to take care of the people it neglects.”

**US DOS, 6 March 2007:**

“Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no effective recourse against assaults by their husbands or others; there are no laws on spousal abuse or specific laws on spousal rape. Rape is illegal and carries a maximum 15-year prison sentence. The government stated that 32 rapes and attempted rapes were reported during the year. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame.

There were no government-sponsored programs for victims of domestic violence or rape. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance for women. During the year the center provided services to 4,734 women, and 1,850 women called the center's crisis hot line. The institute also broadcast three public service announcements and short films in the regions, covering women's legal rights and court procedures.”

**Children**

**UNDP, 30 September 2007:**

“Social problems, such as adolescent and prepubescent marriages, kindred marriages, violence to girls, sexual coercion and exploitation constitute the dark side of reproductive health. 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. The health of these vulnerable groups is seriously threatened whilst opportunities for supporting their health are limited. “... In recent years girls experience growing problems. Girls marry at younger age; sometimes they are forced to. I think this is a big problem. Marrying off at the age of 14 or 15 early negatively affects female health. These things are harmful on the whole. Many such women live short, unhappy lives”, said an NGO activist.”

**US DOS, 6 March 2007:**

“The government provided a minimum standard of health care for children, but the overall quality of medical care was very low. During the year, the government began undertaking health sector reforms aimed at improving the low quality of care.”

**WFP, 30 May 2007:**

“...16,000 children from 6-11 years old have been treated at school for intestinal parasites, common among a high percentage of Azerbaijani children due to poor hygiene and a lack of awareness. Infections are particularly rampant among children 5-14 years old and if not treated can lead to reduced growth rates, learning problems and illnesses such as malnutrition, dysentery

and anaemia. The prevalence of worm infections, which was as high as 31 percent in 2005, has been significantly reduced over the past two years to only 3.2 percent in 2007. The treatment was accompanied by awareness-raising among children, teachers and communities, as well as capacity-building among medical staff."

**WFP, April 2006:**

***This report analyses the problem of school absenteeism for the resident and IDP population in 10 selected regions:***

"... Worm infections are also highly prevalent with more than one third of IDP and a quarter of resident respondents reporting that they think their child suffers from worm infection ... Prevalence of micro-nutrient deficiencies and worm infestation is high both among boys and girls and in IDP and resident households. The prevalence of anaemia (Hb<11.5g/dl) at 49.5% in IDP and in 54.8% in resident children, makes anaemia a severe public health problem in primary school aged children in Azerbaijan according to WHO standards ... Furthermore 2.8% of IDP and 3.7% of resident respondents said that their child cannot see properly during the time when it is getting dark, during or briefly after sunset. This observation indicates a problem of night blindness, a sign of Vitamin A deficiency ... In 27% of the IDP and 22% of the resident households, the respondent mentioned that at least one member of the household suffered from goiter (a possible symptom of iodine deficiency). Only 45% (IDP) and 54% (resident) of the reported cases had gone for treatment... The health status of children and their nutrition are interrelated. Micronutrient deficiencies adversely affect the immune status and thus the morbidity from infections. Further, iron deficiency leads to impaired cognitive developments and lower school achievements. Also, iodine deficiency reduces the cognitive performance in school children. Besides cost associated with schooling, poverty makes good health care unaffordable for many households, thus further intensifying the problem of absenteeism."

**Healthcare facilities need strengthening (2008)**

- Additional medical personnel, equipment, medicine and funds for daily costs of medical care are needed, especially in rural areas and new settlements,
- International organisations are building and rehabilitating hospitals that IDPs can benefit from
- Government efforts have helped IDPs, but additional attention, support and funding is needed

**UN HRC, 15 April 2008:**

"According to the Government's plans, all recently constructed settlements were to be provided with well-equipped hospitals; however, the Government admitted that shortages of medical supplies, as reported by international observers, might persist in remote villages."

**CoE, 20 February 2008:**

"116. ...In addition, due to the conflict, a great number of the people have suffered psychological trauma. The authorities should bring greater financial support to the medical system and help overcome these psychological troubles, the Commissioner invites the authorities to allocate more funds for the provision of doctors."

Comments of the Azerbaijani authorities

74. The duty of provision of medical care and medicines to IDPs lies with relevant public agencies in accordance with Article 10 of the Law of the Republic of Azerbaijan of 21 May 1999 on Social Protection of IDPs and persons identical to them. The abovementioned Presidential Order of 31 October 2007 envisages improvement of the medical care provided to IDPs as well."

**Reuters, 17 July 2007:**

"More than 40,000 internally displaced people in the western region of Azerbaijan will benefit from the rehabilitation of a hospital, due to a partnership between the Embassy of Japan and World Vision...The physical status of the building will be improved, additional sanitation facilities and heating systems will be installed, so that the quality of medical care will increase significantly and a more conducive working environment for personnel will be created."

**IRC, 18 September 2007:**

"The IRC recently completed the construction of a hospital providing much-needed health services to thousands of displaced people in Azerbaijan. The IRC's country director Pam Flowers said that the hospital will serve residents from over eighty settlements in the Lachin Winterground, a vast resettlement zone housing some 17,000 people displaced by the conflict in Nagorno-Karabakh, a predominantly ethnic Armenian region within Azerbaijan.

"Previously, the people in Lachin were forced to travel to a hospital in Agjabedi, some 30 kilometers away, to receive essential health care services," Flowers said.

Due to dirty water and poor sanitation, diseases such as malaria, brucellosis, diarrhea and respiratory illnesses are widespread in the Lachin settlements. Apart from managing the construction process, the IRC has also organized health trainings for nearly 300 people in Lachin."

**Amnesty International, 28 June 2007:**

"Amnesty International is concerned that Azerbaijan is failing in its immediate obligation to give the highest priority to ensuring that the whole population, including those in a particularly vulnerable situation such as the internally displaced, have access to, at the very least, minimum essential levels of health services, including reproductive health care, as required under Article 12 of the ICESCR, and Article 12 of the CEDAW. Although resources have been expended on providing basic health care infrastructure for the internally displaced, Amnesty International is concerned that this has not been matched by a commensurate investment in health care professionals, creating a significant disjunction between the quality of basic infrastructure and the quality of the health care provided..."

In urban contexts the availability of a wider range of health services and infrastructure may alleviate this situation, but for the internally displaced in new settlements the health infrastructure provided caters only for the most elementary of health care and patients must still pay. For those still inhabiting tent camps only rudimentary health care is available within the grounds of the camps. For medical care beyond basic needs and first aid, such as reproductive health care, internally displaced people are frequently required to travel long distances at their own expense.

With regard to those in new purpose-built settlements, Amnesty International is concerned that while significant resources have been allocated and expended on the creation of basic infrastructure, there are insufficient numbers of health care professionals to staff them. Inadequate salaries for health professionals are part of the problem in more remote settlements populated by the internally displaced. Without additional weighting of salaries there are few incentives for health professionals to seek employment in the remote and often harsh locations in which many settlements for the internally displaced have been constructed. According to healthcare professionals and human rights activists interviewed by Amnesty International this problem is compounded by an informal 'principle' that public sector posts in these settlements should be reserved for the internally displaced, thereby in theory maintaining community coherence. Adherence to this principle ignores other considerations of the rights of the internally displaced to access quality medical services. The deficit between the expenditure of resources and strategic planning for their effective use is aptly illustrated in the words of one Azerbaijani



human rights activist: "internally displaced people in these new settlements have hospitals but no doctors, schools but no teachers".

A further concern is that there are insufficient funds to support the services necessary for the health care infrastructure to properly function, for instance funds to pay fuel costs for ambulance services. These costs are passed on to the internally displaced. In new settlements in the Goranboy region, for instance, they must travel 35 kilometres to the regional capital Goranboy for many health services. Amnesty International was told in one settlement in Goranboy region that although transport links did now exist with the towns of Goranboy, Gənjə and Barda, this was at the internally displaced's own initiative. Prior to that they had lived in complete isolation.

Clusters of new settlements are typically equipped with one hospital and a number of first-aid stations staffed by one nurse and a medical assistant. For example, in Biləsuvar, 2,000 internally displaced people are served by a 50-bed clinic and five first-aid stations. Although new settlements are provided with infrastructure to provide medical care and some feature sparkingly clean hospitals and surgeries, the quality of the health care delivered is reportedly poor. According to an ExCom in exile official in a new settlement in Goranboy region, the newly constructed clinic "has equipment but no expertise". The absence of healthcare expertise also has a particular impact on women. Female health care is a problem attested by human rights activists and on-site health professionals in the new settlements, for instance, the absence of elementary gynaecology.

In the same settlement in Biləsuvar Amnesty International met with the doctor at the clinic. Himself displaced, he was the only qualified health professional in the town. He told Amnesty International that his key problems were a lack of qualified staff and the absence of equipment and medicine. One of the consequences of affiliation with a particular ExCom in exile is that his clinic must apply directly to the Ministry of Health for medical supplies, rather than the hospital in the nearest large town of Goranboy. The clinic is equipped with two ambulances, but only 20 per cent of the allowance for petrol is typically received. Clinic staff are therefore obliged to pay for the remainder out of their own pocket, a cost ultimately transferred to the patient through informal charges. The consequences for internally displaced residing in remote new settlements are that they must cover long distances at their own expense to receive anything more than elementary health care, which they must in any case pay for out of their own pocket."

**UNHCR, December 2006:**

"There are a total of 169 Ministry of Health (MoH) health facilities and 4,300 doctors and nurses providing health care to IDPs. It has been reported that these are inadequate to meet the needs of IDPs and that health facilities are often located in unsuitable premises and are ill-equipped with medicines and other supplies. During this assessment it was found that clinics located in IDP communities did not have adequate medical supplies and IDPs complained about their lack of access to free of charge health care...Not only was the absence of medication a problem in Saatli, but even if IDPs could afford to buy the drugs at a pharmacy they have to walk three kilometers to do so. They also mentioned sometimes having to pay up to US\$10 for consultation with a doctor at the *raion* hospital...

The government has been trying to improve health care facilities available to IDPs and in 2003 used oil money to construct new housing, health dispensaries and a hospital for IDPs in Bilasuvar. The 50-bedded hospital appears to be over-staffed (with eight doctors and 66 staff) and on the day visited there was only one in-patient. In Bilasuvar health staff claimed that the health situation of IDPs had improved since the construction of the new houses, whereas when IDPs were living in tents there were many problems with hepatitis, malaria, respiratory infections, rheumatism and tuberculosis...In contrast, the 280-bedded *raion* hospital in Sabirabad was well-

equipped and provides referral services for 13 dispensaries as well as having Cabinets for Dermata-Venereology, Narcology, Reproductive Health and a sanatorium for Tuberculosis. Health workers in the Gynaecology department admitted charging patients - about US\$3.50 for consultation, diagnosis and treatment of STIs...

IDPs in older communal centres experiences considerable problems in accessing free health care. This has resulted in high levels of self-treatment, or the absence of any treatment...Both adult male and female IDPs interviewed during this mission complained of their poor health status, the cost of health services and difficulties in obtaining treatment for existing medical conditions...Some health facilities in IDP settlements visited as part of this assessment did not have a stock of essential medicines (including condoms, contraceptives, gloves, disposable needles and syringes and consequently IDPs do not seek health care from them as they know that treatment cannot be provided. Health seeking behaviour in IDPs may be determined by these financial constraints resulting in them only consulting health workers when the situation is critical. Also a high level of self-treatment by IDPs was reported for a range of conditions with medicines available over the counter at pharmacies, including self-injection of vitamins and anti-biotics."

**Government of Azerbaijan, 2005, p. 109:**

"16 new health facilities (14 health stations, 2 out-patient facilities) have been built at the newly established settlements and provided with necessary equipment. In addition, repairs of 8 medical institutions in Goranboy region and 3 medical institutions in Khanlar region were completed in May 2004. Furthermore, 2 hospitals with 47 beds and 5 health stations, including 4 rural out-patient facilities were provided with the the necessary furniture and medical equipment. This has lead to improved access for 30000 persons to health care services. The SDFIDP has rehabilitated the health centre in Barda region providing services to IDPs through the soft loan allocated by the WB. As a result, access of 1272 IDPs to the health care services has been improved. In addition, a health station has been built in the settlement with 65 houses in Yevlakh region."

# ACCESS TO EDUCATION

## General

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### Quality of education for displaced children needs attention (2008)

- More than a thousand educational institutions were destroyed during the conflict
- Education of displaced children hampered by poverty of their families, poor condition of schools, lack of qualified teachers and poor psychological state of children
- Conditions are not much better in schools for non-displaced children
- Poor living conditions negatively affect school performance of displaced children
- Displaced girls sometimes held back from going to school because of distance or poverty
- IDPs being housed in schools and this disrupts the educational system
- Literacy rate among IDPs is the same as the general population
- IDPs score higher on university entrance exams than non-IDPs

### UN HRC, 15 April 2008:

"40. Overall, internally displaced children in Azerbaijan have access to schools. The literacy rate among IDPs equals that of the general population..."

41. Nevertheless, problems in the educational sector persist. Pointing out that education in general required significant Government attention, the Minister of Education indicated to the Representative that the longlasting conflict did indeed have a negative impact on the quality of education for displaced children. The financial and social hardship of their families, the material condition of schools, the quality of teachers, and the psychological condition of IDP children all played a potentially adverse role. According to the Minister, teachers working in IDP schools were often themselves stressed and suffering from psychological problems due to their displacement. Some were in need of updating their professional skills, but the Government was unable to organize special courses for them. Despite the Government's efforts, many IDP schools remained in worse shape than local schools, some of which also suffered, for example, from a lack of heating during winter months. The precarious, overcrowded living conditions in IDP homes contributed additionally to lowering the performance of IDP children in school. The Minister also suspected that displaced children 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."

### DRC, 30 November 2007:

*"Question Beyaz Zaynalova [NRC]*

Last year according to the report of the Asian Development Bank issued in June, one of the main problems of the millennium goals was related to education and the unsatisfactory state of education, due to the IDPs being in the school buildings. When does the government plan to move the last IDP from the school buildings?

### GOV Response

In the state program it is planned to be done in 2008, 2009. In regards to education, despite poor conditions, in the majority of schools, IDPs are interested in the education of their children. Just this year, 35% of children applying have been admitted to the universities, and the exam scores

for university entrance are much higher among IDPs than those of the local population. Since they are poorer they study harder to be able to improve their life conditions. Humanitarian organizations employ these IDPs."

**UNDP, 30 September 2007:**

"In looking at Azerbaijan's educational system, it is worthwhile to mention the serious consequences of the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan. The military operations on the territory of Azerbaijan resulted in the destruction of more than a thousand educational institutions; a great number of secondary and pre-school educational institutions are situated in the occupied territories. 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 were temporarily housed in the buildings of kindergartens and schools."

**Praxis, 31 July 2007:**

"703 schools were organized in order to involve children in school. Some of these schools operate in wagons, self-constructed houses and other non-suitable buildings. Due to the lack of classrooms, 2-3 shifts are organized in a school day. All these affect the education process negatively."

**UNIFEM, July 2006:**

"The women also affirmed that educational resources are scarce in IDP settlements: there are not enough schools, not enough teachers, not enough teaching supplies, and few opportunities for extra-curricular activities for the children.

Despite these inadequacies, the IDP women stated that unlike the local women from neighbouring communities, the quality of teaching in settlements is good. Most IDP women believe education to be immensely important for their children – girls as much as boys – since it is seen as an escape from the poverty and other burdens of life in the settlements.

... experts painted a grim picture of education in IDP communities, particularly for girls. They said that school attendance among girls is especially low since families are more anxious for their sons to obtain higher education. And household interview data showed that girls are sometimes kept out of class because of the long distance they must travel to get to school...They are pitted, however, against a series of obstacles. Limited resources mean that there are not enough schools or classrooms in IDP communities, and classes must be held on rotation to accommodate all students. School premises are run-down, teaching materials are in short supply and there are very few opportunities for IDP students to participate in any extra-curricular activities. And while efforts are being made to remedy the situation, these are primarily targeting cities rather than tent camps and other compact settlements. The situation is little better in local schools. Two thirds of both local and IDP women interviewed rated school conditions from just mediocre to very bad. An expert interviewed from the Ministry of Labour and Social Protection stated that while efforts in place are commendable, more is needed for schools to meet existing requirements.

The Government of Azerbaijan has recognized that education is a high priority for the IDP community and has taken key steps to ensure that IDP children are not neglected despite living in temporary shelters. The government maintains 699 Secondary schools in IDP communities, with 90,000 students and 12,000 teachers, and makes some effort to ensure that they function normally. Moreover, recognizing IDPs' strained economic circumstances, a 2003 presidential decree exempted IDP students from tuition at state higher and specialized secondary schools. This commitment to education is a key reason why teachers in the IDP community have found their skills so much in demand."

**WFP, April 2006:**

"Almost all urban and rural children, both of the IDP and the resident sample have to walk to school. There are only a few exceptions. Practically all children reach their school in half an hour or less. Only a few households seem to be living more isolated and further away...There is a higher percentage of children among the IDPs who get free school items in form of school bags and uniforms, particularly in rural areas. It may be concluded that IDP children get more benefits in form of school bag and school uniform than resident children. On the other side all children benefit from free textbooks."

**Some displaced children do not attend school (2008)**

- In 2006 the government reported near 100 per cent attendance in elementary and middle school, and 88 per cent attendance in high school
- Some displaced adolescents work instead of attending school since their families could not afford clothing and supplies
- Girls more often do not go to school than boys

**US DOS, 11 March 2008:**

"Public education was compulsory, free, and universal until the age of 17. The Ministry of Education reported 100 percent elementary school attendance, 97 percent middle school attendance, and 88 percent high school attendance in 2006; UNICEF reported the elementary school figure was approximately 88 percent. Figures on attendance during the year were not available at year's end. The highest level of education achieved by the majority of children was high school. In impoverished rural areas, large families sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to beg rather than attend school...A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school."

**NRC, 29 February 2008:**

"Children in both [returnee] villages have full access to education provided by the government. Social and children activities in the villages were supported on the basis of preferences and needs expressed by the communities. Karate courses, English language, computer courses, trainings on human rights, NGO work, and participation in various sports competition ranked among the most popular activities."

**NRC/IDMC, 12 December 2007:**

"Almost all [displaced] children were going to school, with isolated reports of children dropping out of school at age 14 since the family lacked money for clothing and school supplies. These children were working in construction and cotton picking."

**Praxis, 31 July 2007:**

"There are two more indicators for vulnerability of children among IDP population. One of them is increased number of children in public institutions (orphanage, internat schools etc.). The second problem is related to street children, as many of them have either left public institutions and finished public schools within these institutions. Some IDP children start working at earlier ages in order to support themselves and their families...Although access to education is a problem for all IDPs, in majority cases women and girls suffer from this more due to various obstacles. Traditional obstacles decrease the number of girls at schools. Despite this fact, international human rights law outlines the importance of ensuring equal access to education for women and girls."

**CoE, 24 May 2007:**

"ECRI regrets that, since the adoption of its first report in June 2002, conditions are not yet in place for the peaceful return of refugees and internally displaced persons to the place where they previously lived. In addition, these persons still experience great difficulties in the economic and social fields, partly linked to a high unemployment rate amongst them. Their dire living conditions also have a negative impact on access to education for their children. For example, they do not always have the means to pay for transport to school or to buy the necessary school supplies."

**US DOS, 6 March 2007:**

"A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school. The law requires the government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children..."

**Government of Azerbaijan, 2005, p. 48:**

"According to the LSSRIDP, although the majority of the school age (96.9%) IDP children are enrolled in schools, there are also children who do not get education for one reason or another. It would be wrong to say that there is an absolute link between non-involvement of children in the education process and inadequate material and physical infrastructure of IDP camps (for example: absence or lack of the relevant educational institutions, limited seats, lack of school materials, as well as teaching staff and etc.). Although the above-mentioned factors have a certain negative impact on access of IDP children to education, the LSSRIDP data suggest that both kindergartens and general education schools operate in most areas settled by IDPs. Also, there are no serious problems with provision of free school materials. According to the LSSRIDP, in most cases the reason for non-attendance among school-children is linked to the low-income status of the household. 58% of parents interviewed claimed that they cannot afford the expenses associated with school education for their children..."

According to official data, gross enrollment ratio of children in primary schools increased from 98.8% in 2002 to 102.4% in 2003. This indicator shows the number of pupils enrolled in a primary education (grades 1-4), regardless of age, expressed as a percentage of the population in the theoretical age group for the same level of education (ages 6-9). The figure exceeding 100% is caused by enrollment of children not in the usual age group for primary levels of education, i.e. in some cases children go to school at early or later ages and there are students re-taking one grade. The increase in primary school enrollment is associated mainly with measures implemented for improving access to education, particularly with distribution of free textbooks to all public school students in grades 1-5 and to IDP and refugee students in all grades in the 2003/2004 school year. Gross enrollment of children in urban schools is higher than in rural ones: 113.4% and 93.2% respectively. Some families from rural areas prefer their children to attend urban schools (if they live close to a Rayon Centre, or have financial resources for transportation) and this situation leads to the difference in gross enrollment rates between urban and rural areas. It is important to note, that the share of girls and boys at the level of primary education is almost equal both in urban and rural areas."

### **IDPs receive school supplies free of charge and are exempted from paying tuition (2008)**

- The government provides internally displaced students with free school bags, uniforms, books and stationery as well as free tuition for higher education
- Some parents report that they have to pay for textbooks and clothing to send their children to school
- Over 700 schools had been built or renovated to ensure displaced children could go to school

#### **UN HRC, 15 April 2008:**

"40. ... internally displaced students benefit from free school bags, uniforms, books and stationery, as well as free access to higher education. The Representative was impressed to learn that, since 2004, 700 schools had been built or renovated by the Government with the support of UNICEF and UNFPA, many of them for the purpose of ensuring continued access to education for displaced children. He was satisfied that the issue was a priority for the Government and one causing little concern to displaced parents, in contrast with many other countries the Representative had visited. He concluded that the problem lay primarily in the quality of the education provided rather than in ensuring access as such."

#### **NRC/IDMC, 12 December 2007:**

"Schools existed in all areas visited, but attendance was not always free. The school in the informal settlement in Sumgait had opened on the initiative of an IDP, who contributed funds of his own and raised funds externally. IDPs in resettlement areas reported that they must pay for textbooks and clothing for children in order to send them to school, which was in their opinion a considerable family expense. One group in an urban settlement reported that textbooks were provided free of charge by the state.

Some schools had received computers as part of a government school computerisation programme, but did not have the space or the training to operate them. Some schools accommodated only displaced children, for example in resettlement areas, whereas other schools in semi-rural and urban areas were mixed with displaced and non-displaced children. There were enough teachers in all areas visited, but teachers in one rural area reported that there were not enough books and textbooks."

#### **Trend, 6 September 2007:**

"The Heydar Aliyev Foundation will distribute school uniforms and supplies for internally displaced persons for the beginning of the new school year. The Foundation implements reconstruction and supplies of all necessary modern equipment for newly-constructed schools in Azerbaijan within the framework of the project 'Renovated Azerbaijan-new schools'. Some 15,000 internally displaced children from Sabirabad, Bilasuvar, Imishli, and other regions of Azerbaijan will be provided with school uniforms and supplies."

#### **Government of Azerbaijan, 2005, p. 109:**

"IDP and refugee students studying on a paid basis in the State Universities and schools of general education have been exempted from tuition fees starting from the academic year of 2002-2003 till the end of their education period, in accordance with the relevant Order issued by President of AR (August 4, 2003). This state support has been provided to IDP and refugee students, taking into account the social and economic status of their families, in

order to enable them to continue their education in the universities and schools of vocational education...

About 15.2 bln. AZM was allocated from the state budget to provide all children in the I-V grades, as well as refugee and IDP children in the I-XI grades with free textbooks for the academic year of 2003/2004 to facilitate equal access to primary and secondary education and to improve educational resources. The textbooks have been published and distributed. This continued for the academic year of 2004/2005. An open tender was held for publishing textbooks for the I (ABC-book), VI and VII grades. Purchase agreements were concluded with 5 publishing houses<sup>56</sup> for publishing 2864000 copies of 35 types textbooks. A total of 1100000 children in the I-VII grades of the state schools of general education and about 32000 refugee and IDP children in the VIII-XI grades were provided with the free textbooks<sup>57</sup>. In total, 23.3 bln. AZM were allocated from the state budget for the publication of textbooks. The 2005 state budget envisages allocation of 44 bln. AZM to provide the children in the I-XI grades of the schools of general education with free textbooks in 2005/2006 academic year."

**Azernews, 22 August 2003:**

"President Heydar Aliyev issued a decree to exempt internally displaced persons (IDPs) studying at universities and colleges from paying tuition, Spokesman for the State Committee on Refugees Qabil Abilov told AssA-Irada According to Abilov, IDPs admitted to universities and colleges last year will get free education until they graduate. Currently, a total of 5,000 IDPs are studying at universities and colleges in Azerbaijan."

**Separate schooling is an obstacle to local integration (2008)**

- Some displaced children are schooled separately from resident population
- Separate schooling of displaced children obstructs local integration of IDP families
- However, school principals, teachers, parents and children prefer separate schools for displaced children
- There is a need for reliable data on the separate education of IDPs in Azerbaijan
- International experts on internal displacement and children's rights recommend mixed schooling

**UN HRC, 15 April 2008:**

"42. Recalling the recommendation of the Committee on the Rights of the Child that States ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration, the Representative inquired into the logic and current status of separate educational facilities, above all in urban areas. He learned that the Government was trying to preserve the social fabric of communities, which would eventually facilitate reintegration upon return. This led to some schools in Baku accommodating regional schools from Fizuli, Kelbajar or Lachin, so that in effect two schools were housed in one building and classes were held in shifts or in separate classrooms. In line with the view of his predecessor, the Representative agreed with the Government that keeping communities together could indeed constitute an advantage in a situation where return was imminent or where these communities



were living in isolation. In this way, the overcrowding of local schools could be avoided, and children in isolated rural areas would not have to commute to distant schools. Over time, however, the social segregation and potentially lower quality of education became problematic.

43. The Representative was informed that schools currently under construction were intended to cater to both local and displaced children, and that parents were free to choose which of the surrounding schools to send their children to, regardless of their displacement status. The Representative was pleased to see mixed schools in Sumgait reflecting the Government's new policy...

68. The Representative welcomes the Government's new policy of moving forward from segregated schools for internally displaced persons in urban areas. Although there are indications that such persons attending separate schools are disadvantaged, despite notable Government efforts, by an overall lower quality of education provided to them, and that displaced children may make less use of higher education opportunities than the resident population, the absence of reliable data does not permit unambiguous conclusions nor, more importantly, targeted reforms.

69. The Representative supports a suggestion by the Minister for Education that the level and quality of education of internally displaced persons be studied, with the aim of filling remaining gaps through specific programmes implemented in cooperation with the international community. He encourages mixed schooling with local children wherever feasible."

**NRC, 30 November 2007:**

"IDP children in Azerbaijan can attend either an IDP or a local school. One discussed unintended effect of helping set up IDP schools could be encouragement of segregated education for locals and IDPs. However, school principals, teachers, parents and children, unanimously stated their preference for separate IDP schools. Teachers report a significant increase in the level of education after separation from local schools and IDP parents prefer to send their children to the IDP schools. As one school principal put it, "numerous payments are exacted from parents at local schools. IDPs cannot afford that, and that is why they are better off at our schools. Here we all are equal, and we do not put extra pressures on children and parents." According to one teacher, "local children make fun of IDPs. Even many of these IDP children were born here, they are better off at schools of their original regions". Another issue related to this is the maintenance of the regional identity: "We do not want to lose our roots. We are from the same region and should keep together". Beyond question, NRC's work with IDP schools had a great positive effect on the level of education of IDPs, while the possible negative impact of segregation is debatable and requires a deeper research."

**UN Committee on the Rights of the Child, 17 March 2006:**

"58. In particular, the State party should...ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration"

**The Brookings Institution - University of Bern Project, 16 May 2006:**

"Integration into the political, social and economic life of the country is also essential...Nor should IDP children be segregated in separate schools."

**Schools in Nagorno Karabakh need support (2007)**

- Many schools in Nagorno-Karabakh were destroyed during the conflict and are badly in need of repair
- The de facto government of Nagorno-Karabakh and Armenian charities have given money to rebuild schools

- Stepanakert schools host half of all students in Nagorno-Karabakh
- Poor state of schools has negatively affected the performance of students
- Teachers need support and to update their skills

**IWPR, 8 March 2007:**

"Schools managed to continue working during the war of 1991-94 but the conflict severely damaged the schools of Karabakh, with many destroyed in the fighting. In the last year both the government of the unrecognised republic and Armenian charitable organisations have stepped up efforts to help the struggling school system. The government increased its education budget by around a fifth for this year to five billion drams [around 14 million US dollars], while far-flung Diaspora charities have made a crucial difference.

And the money is badly needed, especially in the villages outside the capital, Stepanakert, where the situation is particularly hard. A total of 206 of the republic's 238 schools lie in the regions, but only half the 21,000 pupils study there, with the other half going to schools in Stepanakert.

The small village of Nngi, with a population of just 327, is an ancient settlement in the south of the republic. The village is surrounded by wooded hills on three sides and has a fine healthy climate. But the local secondary school is in bad shape. It's a two-storey structure that looks like a temporary shelter, but was actually built in 1931. On the first floor is a gym that does not function, because the floors are rotten and the plaster is peeling off the walls – meaning that the children play chess or drafts instead of doing physical education. There is no science laboratory, no library, a lack of textbooks and only one working computer. ...There are 54 pupils, with the largest class having just 12 children in it and the first and second classes studying together. There are 17 teachers, many of them part-time, but a lack of qualified specialists. English teacher Nanan Gasparian comes from Stepanakert, 20 kilometres away, to give lessons and gets paid 50,000 drams [about 140 dollars] a month, of which she spends 10,000 drams on transport. Given the situation, there are no outstanding students in Nngi. Grigorian said that the state of the school had a negative impact on its pupils and on the village as a whole, which already lives under the threat of landslides that threaten all its buildings and could mean Nngi will have to be relocated.

The secondary school in Khramort in eastern Karabakh is in a much better situation, in large part thanks to charitable support from the Armenians of far-off Argentina. Most of the buildings in the village, including its school, were destroyed by artillery shells fired from the Azerbaijani town of Aghdam during the war, but a lot of rebuilding work has been done since then. ...Khramort has a much larger younger population than Nngi and also has a kindergarten with 25 children in it. There are jobs here and little emigration – in fact people are returning to the village – something Karabakh president Arkady Gukasian is actively encouraging. "We have two objectives – for Karabakhis to live in Karabakh and for villagers to live in the villages," he said. "Because the best traditions are preserved in the villages," he said on a visit to the village of Norashen last year.

To encourage villagers home, several dozen schools throughout Karabakh have been rebuilt in recent years, and schools have been re-equipped, though more expensive items such as lab equipment and computers are still a luxury for most schools. Charitable support is helping a mass re-equipment programme. More than five thousand students from four Armenian universities are involved in a programme which has equipped the villages of Karabakh with more than 12,000 books. The French charity Shen plans to supply 400 computers to villages in Karabakh.

Shen is also involved in perhaps the most important work – giving support and training to Karabakh's hard-pressed teachers. More than 82 per cent of schoolteachers of Karabakh are women. The profession is still low-paid, with teachers getting around 150-160 dollars a month. This means that there is still a constant deficit of people willing to go into the profession. The education ministry is embarking on its own reform programme to re-train teachers in line with

international standards and to overhaul the structure of the school system. That includes the transition of schools to a 12-class system, with children starting at six rather than seven in a preparatory year."

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## Self-reliance

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### Poverty and unemployment are common among IDPs (2008)

- Poverty
- About 65 per cent of displaced live below the poverty line
- In 2004, 40 per cent of people in Azerbaijan were living under the poverty line
- In 2008, the poverty rate had decreased to 20 per cent
- Highest poverty levels were among IDPs and refugees in rural areas
- 
- Unemployment
- In 2005, the government reported 20 per cent of IDPs were fully employed, while in 2008 they reported that 89 per cent of IDPs were employed
- DRC found that IDPs living in border areas are more often unemployed than their non-displaced neighbours
- Unemployment problems are particularly acute among IDP women
- Overall national unemployment was 6.8 per cent in 2006
- Lack of income opportunities is the main challenge for IDPs in rural areas
- IDPs find jobs more easily in cities, but mainly in the informal sector

### UN HRC, 15 April 2008:

"35. According to UNHCR, some 63 per cent of the displaced (including refugees) live below the poverty line. Unemployment, at a rate of 10.7% in 2005 according to Government figures based on a survey done in accordance with ILO standards, was a general problem in Azerbaijan, which affected youth disproportionately, and was also higher among IDPs, of whom only 20 percent are fully employed. The reduction of the officially reported overall unemployment rate to 6.8% in November 2006 may have had some, albeit unknown impact on the employment of IDPs.

36. Guiding Principle 22 provides that IDPs, whether or not living in camps, shall enjoy the right to seek freely opportunities for employment and to participate in economic activities. The Representative concluded that in Azerbaijan, second to the impossibility to return and inadequate accommodation, the lack of economic opportunities seemed to be the main remaining challenge, most of all for IDPs in rural areas.

37. Employment opportunities in rural areas are extremely scarce, making IDPs rely almost exclusively on donations and allowances as well as on income from agricultural activities. The latter, however, is limited in view of the size and quality of allocated lands. Jobs created in settlements in agriculture and in the few medical, educational and production facilities benefit but a minority of IDP families with steady employment and wages. The Government's resettlement programme includes microcredit and income generation projects, but these did not yet seem to have been fully carried out nor to have yielded visible results.

38. The Representative was deeply concerned about this absence of livelihoods and economic opportunities for IDPs living in rural areas. According to the Government, a 2005 survey found only 12.7% of displaced women to be in formal employment compared to 92.8% of rural local women. The Representative was concerned that a significant part of rural IDPs seemed to suffer from a dependency syndrome, which in itself now diminished their prospects to become self-sufficient. He remarked that experience in other countries has shown that people who have been idle for a decade or more would hardly be able to rebuild their houses and be self-sufficient upon return.

39. In urban centers, IDPs seemed to find employment more easily but often in low-paying jobs and in the informal economy. IDPs can sometimes be at a disadvantage in relation to resident populations, stemming partly from their predominantly rural origins and related specialized skills, as well as their lack of key information, of established networks and of initial capital to start a business..."

**UNHCR, 29 February 2008:**

"Despite Azerbaijan's growing economy, national unemployment remains high, impacting on the ability of IDPs and refugees to find employment and to generate sufficient income to live in dignity. Lack of adequate income contributes to poor health, low school retention rates and other protection risks associated with insufficient food and non-food items. Displaced women and youth are the most affected."

**UN Azerbaijan, 31 January 2008:**

"In 2007, Azerbaijan continued to experience phenomenal economic development, powered by soaring production of oil (+29% over 2006) and gas (+82%), growing export capacity of the Baku-Tbilisi-Ceyhan oil pipeline, the start of large-scale gas exports through the Baku-Tbilisi-Erzurum gas pipeline and rising global oil prices.

As a result, Azerbaijan remained the fastest growing economy in the world for the third year running, with real GDP growth of 25% and a further strengthening of Azerbaijan's net external position. At the same time, non-oil real GDP growth, excluding oil and gas transportation, is estimated to have decelerated to 6.9% year-on-year from 8.2% in 2006. The state budget went up about 70% in 2007, having grown more than 80% in 2006.

The transformation of Azerbaijan into a middle-income country of growing prosperity is reflected in official poverty figures which show a fall in headcount poverty from 46.7% in 2002 to 20% in 2007. ODA is no longer relevant, and the country has started providing international assistance as an emerging donor.

Although the oil sector accounts for about 56% of GDP and 94% of industry, the hydrocarbon sector employs less than 1% of the workforce. Despite massive Government investment, the country still suffers from uneven regional development, growing inequality, high unemployment and underemployment, and inadequate social services and infrastructure. The poverty rate has fallen by more than half in the last four years due to wage and pension increases, social transfers to the poorest households, job creation and remittances from abroad."

**Government of Azerbaijan, 4 March 2008:**

"14,000 IDPs formerly employed by state continue receiving salaries"

**Government of Azerbaijan, 1 February 2008:**

"At present in the territory of the Republic of Azerbaijan 33 thousand of 293 thousand able-bodied IDPs are unemployed. Because of the shortage of workplaces, financial insufficiency preventing the formation of new workplaces and in spite of the work carried out in agrarian industry, the full sanction of unemployment encounter a number of barriers. As a whole, in 2001-2007 263

thousand refugees and IDPs were provided with work, 2062 of them received the status of unemployed, 932 were involved in the paid social work, 710 were involved in the rates of vocational training, 5099 families were paid social aid. More than 27814 workplaces were formed in new settlements, more than 5 thousand of them work in the allotted plots of land, and 1000 persons work in budget organizations."

**DRC, 30 November 2007:**

"[In a study of IDP families and non-IDP families in areas bordering Nagorno Karabakh it was found that]

- Unemployment rate among IDPs is 40% compared to 29% for the local population. Both groups experience much higher unemployment than the official countrywide unemployment rate (6.8%).
- 81% of local residents and 74% of IDPs who don't have their own businesses are interested in establishing one, preferably in agriculture and trade."

**UNDP, 30 September 2007:**

"Women, in particular IDP women, remain one of the most vulnerable groups-with higher unemployment and greater marginalization in economic activities due to lack of access to economic resources, (including credit, and land ownership), and their low participation in decision-making processes...Their exclusion from employment, leading to loss of professional qualification and male unemployment, has exacerbated the economic plight of their families and psychological problems of every family member."

**Asian Development Bank, 31 August 2007:**

"Gross domestic product grew at 32% in 2006 and is expected to grow significantly in 2007 as well. Despite this impressive growth, poverty remains high, about 20%, depending on the method of measurement...Percent of population living below the national poverty line 40.0 (2004)"

**European Commission, 7 March 2007:**

"...the overall percentage of Azerbaijani population living in poverty is still above 40%. These data indicate that, despite the steady two-digit growth of the Azerbaijani GDP in recent years, poverty is not decreasing as speedily as might be expected, pointing to increasing inequalities among the Azerbaijani population. In addition to this, there is significant disparity among regions. The income level in Baku is 30 percent higher than in the region of Nakhichevan, which has the lowest income, even though the capital city has the highest percentage of persons living in extreme poverty, which probably reflects the difficulty of absorbing internal migrations."

**Amnesty International, 28 June 2007:**

"Most internally displaced people that Amnesty International spoke with identified securing employment as their most urgent problem. Most collective centres, camps and many of the new settlements are situated in central Azerbaijan or outlying regions where there are few opportunities for work. Many in urban contexts are employed in informal trade and construction. While survey data again can only give the broadest of indications, in 2004 surveys indicated that only some 30 per cent of IDPs of working age were employed. Estimates of those in permanent employment put the figure at 19.3 per cent, with 55 per cent of employed respondents working in state-owned enterprises. In collective centres and new settlements the only options for employment are within administrative structures or infrastructure belonging to their settlement, where the internally displaced typically benefit from a recruitment system favouring their appointment over outsiders, or seasonal agricultural work. Outsiders in any case have few incentives to work in the poor and often remote regions where settlements for the internally displaced are located.

Unemployment plays a central role in the disproportionate levels of poverty among the internally displaced compared to the rest of the population. Estimates of poverty levels in 2003 suggest that poverty levels among the local population are slightly lower than for internally displaced people

and refugees (44.1 per cent and 50.3 per cent respectively). The difference grows significantly, however, when the data is disaggregated into urban and rural categories. The highest poverty levels are found among the internally displaced and refugees living in rural areas (60.6 per cent), whereas those in urban zones have a poverty incidence of 41.2 per cent (compared to an average of 44.4 per cent among the local population). The internally displaced population has been particularly disadvantaged as a result of losing out in the privatization of land: 12.4 per cent of local populations work on their private farm as their main source of income, whereas only 2.8 per cent of the internally displaced do so. Internally displaced people also show a much higher rate of continued dependence on benefits as their main source of income: 8.5 per cent compared to less than 0.1 per cent of local residents."

**UN RSG on the Human Rights of IDPs, 6 April 2007:**

"Having listened to displaced persons in different settlements, the Representative left with the impression that their basic needs had been addressed to a significant extent. The main challenge now lay in the creation of livelihoods. Jobs were even more difficult to find than in the rest of the country, because settlements were often isolated from local markets, and agriculture was not always an option. For this reason, he stressed the importance of continued Government support, through monthly allowances and subsidies, for the victims of forced displacement. In the same vein, Mr. Kälin encouraged the authorities to strengthen and expand programs to increase the self-sufficiency of the displaced, and to give them a real chance of becoming active and productive members of society again. "Persons who have been dependent on external assistance for many years will hardly be able to muster the energy necessary to rebuild their towns and villages once they can return", he added.

*See also [Представитель генсека ООН: "В ближайшем будущем перспектива решения Нагорного-Карабахского конфликта не видна" from 9 April 2007.](#)*

**Unemployment is also an issue in new villages (2008)**

- The government maintains it has created almost 30,000 jobs in new settlements
- However, the UN and Amnesty International report there are few jobs in new settlements because they are located close to the frontline, the land is infertile and public transport is absent

**Government of Azerbaijan, 1 February 2008:**

"More than 27814 workplaces were formed in new settlements, more than 5 thousand of them work in the allotted plots of land, and 1000 persons work in budget organizations...Plots of land are allocated to refugee and IDP families, settled in reconstructed settlements, and gratuitous financial help in the amount of 1 million manat is rendered to each family. More than 60 farms are created in these settlements."

**Government of Azerbaijan, 2005, p. 108:**

"Work aimed at addressing the employment problems of the IDPs resettled in new settlements has been completed: it includes allocation of plots of land (1 ha) to 5081 families for farming purposes and grant assistance (1 mln. AZM). All the families resettled to the new settlements received this grant. As a result, more than 6000 jobs were created in the new settlements. More than 5000 people (provided with new jobs) are working on the plots of land allocated to them, while 1000 persons are working at the budgetary organizations. To encourage the micro-credit provision for the development of small and medium entrepreneurship among the IDPs, 1107 credits to legal entities and 8021 credits to individuals have been provided within the framework of the credit programme of the SDFIDP as of November 1, 2004. In total, about 7000 IDPs benefited from the micro-credit programme."

**UN HRC, 15 April 2008:**

"18. As job opportunities are scarce in remote settlements, only a minority of internally displaced persons living there have found employment in schools, clinics or small factories constructed by the Government. While pilot projects for upgrading skills and vocational training, free of charge to internally displaced persons, have been initiated and there is the intention to expand them in the near future, the vast majority of internally displaced persons in rural areas remain unemployed. In urban areas, they were reportedly more likely to benefit from general measures such as the creation of around 340,000 jobs since 2004, as a result of which the absolute poverty level fell from 49 per cent in 2002 to 20 per cent in 2006. The Heydar Aliyev Foundation, in cooperation with the State Oil Company of the Azerbaijan Republic, reportedly created special workplaces for internally displaced women. The exercise was deemed successful by the Government and is to be replicated...

67. The Representative urges the Government to ensure that new settlements are suitable for agricultural purposes and that economic opportunities are foreseen in the planning. He reiterates his predecessor's recommendation that efforts be made 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, with the aim of reducing their vulnerability, increasing their self-reliance and preparing them for return and reintegration. The Representative appeals to the Government and to international agencies to ensure that the needs and concerns of internally displaced persons are adequately reflected in general policies and programmes, including those for poverty reduction."

**Amnesty International, 28 June 2007:**

"Public sector employment in the structures of the relevant ExCom in exile and agricultural activity represent the only forms of livelihood in the new settlements visited by Amnesty International. However, several informants 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. A few individuals are able to survive as informal traders in sundries such as cigarettes, beverages and so on, others as taxi drivers. The only alternative is for male family members to emigrate as migrant workers to Turkey or Russia; in Russia, Azeris and other Caucasian nationalities face routine discrimination and harassment at the hands of police and in wider society.

Central to the problem of unemployment is the choice of location for the new purpose-built settlements for the internally displaced. Location decisions are taken by government officials in Baku with little regard or even knowledge as to the suitability of the locations involved. These decision-making processes are in any case non-transparent and do not include opportunities for consultation, let alone genuine participation, in violation of Committee on Economic, Social and Cultural Rights General Comment 4 on Article 11(1) of the ICESCR: the right to adequate housing, paragraph 12.81 Officials making these decisions reportedly do not visit proposed locations, and some locations, such as those within close range of the line of contact, are manifestly unsuitable for human habitation. Some new settlements in Agdam and Tartar districts are located within sniper fire range of the line of contact, making agricultural activity impossible. Other locations suffer from other problems, including the lack of irrigation, salty soil unsuitable for agricultural activity or the absence of transportation links to relevant markets. Representatives of some international organizations attest to reports that some new settlements remain standing empty due to their unviable nature. According to data gathered by the Azerbaijani NGO Aran, long distances between new settlements and district centres results in substantial travel expenses for families to obtain the allowances to which they are entitled, expenses sometimes comparable to the amount they are eligible to receive."



## **Residence registration is a barrier to official employment for IDPs who move (2008)**

- The government is keen to slow migration to cities and so IDPs who move from rural to urban areas struggle to change their residence registration, and usually only do so by paying bribes
- As a result they have problems accessing employment, communal services, courts and bank loans at their new residences
- They also have to return to their registered residence to receive government benefits
- Data on the residence registration of IDPs does not reflect where IDPs are actually living
- The government is reforming the residence registration system to improve the right to freedom of movement and choice of residence for IDPs

### **Amnesty International, 28 June 2007:**

*"Everyone wants a residency permit for Baku, and it's very difficult to get one precisely because everyone wants to come here. So the authorities stop people from coming here by making them eligible for their benefits only where they are registered. What happens is that part of the family stays there and the men come here to work'. - Displaced Azerbaijani man, Baku.*

The propiska system was inherited by Azerbaijan and other post-Soviet states from prior Soviet practice. The propiska consisted of a certification in the internal passport of the holder's right to reside in a given location. It was a system 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. 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.

The retention of the system has particularly negative implications for internally displaced persons, since it restricts them and their eligibility to receive aid and social services to a fixed residence. For many internally displaced people this residence was determined by chance as they were re-registered as resident in their new locations immediately following displacement. Such locations were often in economically depressed regions in central Azerbaijan. With the authorities keen to stem rural to urban migration, residence permits for large cities, above all the capital Baku, are notoriously difficult to obtain. 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. As a result many internally displaced families have been broken up as husbands move without a propiska to Baku to work, while other family members remain behind in the place where they are registered. In these cases internally displaced persons working in major cities must return monthly to the place they are registered in order to receive their food packages. The internally displaced are further obliged to circumvent the law in order to receive health care or to work in locations for which they do not have a propiska. This typically requires the payment of bribes for services which according to Azerbaijani legislation, the internally displaced are entitled to receive for free.

Changing one's propiska, and in particular re-registering in order to move to the capital Baku, is a cumbersome process surrounded in corruption. Government officials do not disguise the fact that they are keen to stem migration of the internally displaced to Baku. Amnesty International was told by representatives of international organizations of government plans to move internally

displaced communities out of Baku to new purpose-built settlements in Sabirabad and Saatli. Government officials explained this policy to Amnesty International by referring to the explosive growth in Baku's population and resulting strains on the city's infrastructure and resources. They also emphasize that the internally displaced population is easier to count and provide for when they are settled compactly in purpose-built settlements, whereas in Baku or Sumqayit internally displaced people "disappear and run their own businesses and livelihoods".

In addition to the authorities' reluctance to see further population growth in major cities, re-registration is also made difficult for internally displaced people 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. Movement from Baku to rural regions also appears to be a complicated process. Reregistration may reportedly be secured, however, through the payment of bribes to officials, reportedly in the region of US\$ 50-100.

The de facto retention of the internal registration (propiska) system despite its abolition in the Azerbaijani Constitution interferes with the exercise of the internally displaced's right to work, and serves to neutralize some of the beneficial conditions established to alleviate their situation. The internal registration system prevents them from moving around the country in search of gainful employment. In most cases those who move from rural areas to work in urban centres must do so without being able to change their internal registration, thereby obliging them to return to their registered residence to receive benefits, or they must pay bribes in order to do so.

Although the internal registration system applies to all citizens, the situation of the internally displaced is qualitatively different due to their lack of contractual ownership of housing, the tying of their eligibility to receive aid to their registered residence and the reluctance of the authorities to see movements of the internally displaced around the country. On account of these factors, Amnesty International is concerned that although Azerbaijani legislation in this field is not in itself discriminatory the retention of the internal registration system results in discrimination against the internally displaced in practice. It is difficult to see what objective and reasonable justification could be offered for treating the internally displaced in the same way as the rest of the population when their situation is different."

**UN HRC, 15 April 2008:**

"51. It was brought to the Representative's attention that the Government is in the process of reforming legislation relating to registration requirements, with a view to improving the rights to freedom of movement and choice of residence for internally displaced persons. He welcomes this step and hopes that it will reduce problems formerly experienced related to access to communal services and bank loans as well as to judicial procedures, particularly concerning property rights. Procedures for registration are regulated on basis of the Law on Registration of Citizens according to Place of Residence. Legal procedures for registration at the place of residence as well as re-registration and thereby access by internally displaced persons to communal services is often prevented by corrupt practice by local authorities (executive committees)."

**NRC, 29 February 2008:**

"Availability of up-to-date information is linked to flexible registration procedures, however complicated in the context of hundreds of thousands displaced all over the country. The relatively rigid system of IDP registration, the so-called "propiska" regime that requires the IDPs to register and live in approved areas, as well as lack of economic opportunities that maintain the internal economic migration at a high level, lead to a distorted picture when the official registration data do not correspond with the actual places of IDP residence. The system of registration according to the place of origin does not at all prevent the undesired urbanization, but only deforms the IDP

registration data, whereas registration of IDPs according to the actual residence of their choice would enable the Government and non-governmental agencies to track the IDP movements, locations and needs more easily. Also, one recurrent discriminatory measure has been identified in terms of registration of children from mixed (IDP and non-IDP) marriages, where the status of the child depends on which of the parents is an IDP."

### **IDPs face difficulties accessing land and using it as a livelihood (2008)**

- More than a third of irrigated land is salty, leading to poor harvests, and the influx of IDPs and their animals has led to overgrazing of pasture lands
- Some IDPs who move to new settlements are given land and a one-off starting up subsidy, but subsidy goes towards paying other expenses
- Access to land for IDPs became a problem after land reform because they are seen as temporary residents and cannot afford to rent land
- 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

### **Amnesty International, 28 June 2007:**

"Another internally displaced family in Bilasuvar told Amnesty International that while their allocated plot of land allowed them to feed themselves it was not sufficient to produce crops for sale. They remained dependent on state benefits to make ends meet. Internally displaced households in new settlements receive land plots of up to 1,200 square metres; in addition in some cases they may also receive plots of up to one hectare outside the perimeter of the settlement. Yet they were not supplied with agricultural equipment to farm this land. The one-off starting up subsidy (in the region of US\$220) is insufficient to purchase tractors or other equipment, and in any case is often expended on securing diplomas, identity documents and other bureaucratic charges."

### **DRC, 30 November 2007:**

"GOV response

Only 2 settlements were initially granted separate land plots – each family was granted 1 hectare of the land plot, afterwards the amount of settlements increased and there was not sufficient land. In the last settlement in Agdam, IDP families did not get the opportunity to get additional land plots. Now investigations are going on to provide them with additional employment activities. Before the land reform took place, the owner of the land was the state, and it was easy to allocate the land plots to IDPs for temporary time. After municipalities took over, land was distributed as private property, and as IDPs are seen as temporary, they have not been given land plots, and in accordance with the land court they are only entitled to use the lands of the municipality and the state. Even from the Municipality reserve fund they do not want to allocate land to IDPs, because they (the municipalities) prefer to make income from renting the lands, and IDPs do not have funds to rent lands. Access to land for IDPs has become a problem, bc no one will give them land free of charge as was done earlier."

### **DRC, 30 November 2007:**

"[In a study of IDP families and non-IDP families in areas bordering Nagorno Karabakh it was found that]

- In spite of the fact that most of the families interviewed live in rural areas, only 16% of IDP families have land plots, and only 29% have property. This situation is radically different among local resident families; 73% have land plots, and 83% of them own the plots.
- In addition, 86% of local resident families and 59% of IDP families have household land plots and, again, IDPs en masse do not have respective property rights.

- 62% of IDP families grow agricultural production for their own consumption, compared to 39% of resident families. Respectively, more local resident than IDP families are able to sell their agricultural production on the markets both within their own raion and in other raions.
- Limited access to the land further worsens the poor economic conditions of the IDPs.

**Table 27: Access to land other than household plots by raions, in %**

Region	Local resident families	IDP families
Agdam	92	22
Beylagan	53	5
Fizuli	97	34
Ahjabedi	65	7
Barda	76	1
Ganja	6	0

The table above shows that it is only in the Fizuli raion that a relatively high number of IDP families have a land plot (34%). This is due to the fact that a large number of IDP families in Fizuli are in fact returnees (they came back to their own pre-conflict houses), while still holding IDP status. After coming back to their homes, they were able to register land plots as their property, in line with the governmental land reform.

62% of IDP families produce agricultural products for own consumption; the respective figure is 39% for local resident families. One explanation for this difference might be that IDPs produce in general fewer agricultural products, hence, a bigger share being consumed by themselves. However, there is not enough data to prove this.

Limited access to the land does not enable the overwhelming majority of IDPs to cultivate land and use it as a long-term source for sustaining their livelihoods. Instead, IDPs often make their living by working on other people's land as hired workers."

**Government of Azerbaijan, 1 February 2008:**

"Due to the limitation of financial opportunities there are difficulties in the productive use of the lands allocated to IDPs for temporary use. There is a great need in the creation of new fine industry fields, for the development of small and average business, for the realization of agriculture work, for micro financing, etc...60 thousand hectares of plots of land are allocated for IDPs' temporary use. 760 farms, for are created for 47 thousand IDPs. In these farms more than 800 thousand heads of small cattle and livestock are available."

**UN HRC, 15 April 2008:**

"37. Employment opportunities in rural areas are extremely scarce, making internally displaced persons rely almost exclusively on donations and allowances as well as on income from agricultural activities. The latter, however, are limited by the size and quality of allocated lands."

**NRC, 2 October 2006:**

"While housing is the most urgent problem in the villages, livelihood is the next. The villagers earn their living through agriculture, but their access to agricultural inputs and machinery is limited."

**UNHCR, October 2005:**

"The lack of maintenance of Soviet-era irrigation systems has contributed to the build-up of salinity, which now affects more than a third of all irrigated lands. IDPs have been allocated some of this land and the salinity severely undermines agriculture production and therefore IDP livelihoods... The influx of IDPs and their animals into the central regions has resulted in overgrazing of pasturelands."

### **Government allowances are main source of income for most displaced families (2008)**

- The majority of IDPs receive multiple forms of assistance, but they report this is not enough to cover basic expenses
- While assistance helps IDPs, it has not significantly improved their financial situation
- Rural IDPs seem to have become dependent on assistance as government allowances and pensions are their main sources of income; this stands in the way of their self-reliance
- Business training and developing infrastructure where IDPs live could improve their financial situation

#### **Government of Azerbaijan, 3 April 2008:**

"Number of IDPs receiving monthly allowances in 2007: 529,915 IDPs are benefiting from monthly allowances."

#### **Government of Azerbaijan, 1 February 2008:**

"During last years the size of the help of food and other goods rendered by donors to refugees and IDPs is substantially (4 times) decreased. In Baku, Sumgait and in the Absheron area more than 230 thousand of temporarily settled refugees have not been provided with food aid since 1992 - 1993. In general at present only 30 percent of more than 1 million refugees and IDPs at present are provided with food aid. In 2001 214 thousand of IDPs were suspended with food aid by the international humanitarian organizations."

#### **US DOS, 6 March 2007:**

"During the year the government received \$30 million in assistance from international and domestic humanitarian organizations for refugees and IDPs. According to the government, it also allocated \$110 million from the country's oil fund and \$100 million from the state treasury to improve living conditions for IDPs and refugees. During the year the government constructed new settlements under a 2004 presidential decree to improve living conditions for refugees and IDPs. The State IDP and Refugee Committee's estimated expenditures were \$87 million. IDPs received monthly food subsidies of approximately seven dollars (six manat) from the government."

#### **UN HRC, 15 April 2008:**

"37. ...Employment opportunities in rural areas are extremely scarce, making internally displaced persons rely almost exclusively on donations and allowances as well as on income from agricultural activities...The Representative was concerned that a significant number of rural internally displaced persons seemed to suffer from a dependency syndrome, which in itself now diminished their prospects of becoming self-sufficient. He remarked that experience in other countries had shown that people who had been idle for a decade or more were unlikely to be able to rebuild their houses or be self-sufficient upon return..."

66. ...Building on the Government's ongoing efforts to address prevailing housing problems, the main challenge now is the creation of livelihoods for internally displaced persons, particularly in rural areas, where employment opportunities are scarce. The Representative observed that many displaced persons seemed to be suffering from dependency syndrome."

#### **DRC, 30 November 2007:**

"The main source of income in IDP families named by the absolute majority of families (786) is allowances. Allowances bring an average 45.70 AZN to IDP families. Second most common source of income is pension, named by 363 families and bringing an average of 74.70 AZN to families. Temporary employment and permanent employment are the next most common sources of income, named, respectively, by 283 and 179 families and bringing in 71.93 and 96.32 AZN..."

Sources of income named by the families of local residents are quite different; allowances are named only by 13% of local resident families. Temporary employment is the most common source of income for these families, named by 374 families and bringing in an average 112.80 AZN, followed by pension, permanent employment and farming (Table 9).

Almost all IDPs receive a monthly allowance and at least some basic assistance such as food aid and fuel during the cold season. However, the monthly IDP allowance of nine AZN per person is far lower than both the SSC's estimated minimum subsistence level and the monthly amount needed to purchase basic staple items (set at 54.1 AZN and 58.2 AZN respectively, as of April 2007). Many IDPs live below the poverty level, with an average monthly per capita income of 35 AZN.

[In a study of IDP families and non-IDP families in areas bordering Nagorno Karabakh it was found that]

- Almost all IDPs are covered by some sort of assistance; the majority of them are covered by multiple sources and types of assistance.
- Assistance provided by government covers all IDP families, while assistance provided by international organizations does not cover all IDPs.
- In spite of being regular recipients of various types of IDP assistance, the interviewed IDP families still claim that the assistance they receive is not adequate.
- Experts claimed during interviews that, although the assistance certainly helps IDPs, this aid might create dependency on the aid provided...

Governmental monthly assistance does not result in long-term improvement of economic conditions of IDP families and has no durable positive effect on economic situation of IDPs. The assessment findings suggest that promoting economic and labour activity of IDPs, increasing their knowledge in the field of entrepreneurship, 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. Unless it can promote and lead to a sustainable income generation, the assistance can only be of a temporary effect, may create "assistance dependency" and is an ineffective means of poverty alleviation."

**CoE, 24 May 2007:**

"ECRI regrets that, since the adoption of its first report in June 2002, conditions are not yet in place for the peaceful return of refugees and internally displaced persons to the place where they previously lived. In addition, these persons still experience great difficulties in the economic and social fields, partly linked to a high unemployment rate amongst them. Many refugees and IDPs are still dependent on government aid, including the small monthly allowance paid to them."

**WFP, April 2006:**

"In a study of 507 IDP households and 693 resident households, IDP households name State benefits (46.4%) [as their main annual income source], although urban IDP rely relatively less on State benefits than rural IDP households. Urban IDPs rely more on 'casual employment' (22.8%), "state employment" (19.6%) and "other employment" (8.2%) and "petty trading" (7.6%). However 44.4% of IDP households name State benefits as their second most important source of income thus reflecting their narrow income source. Rural IDP households depend more on State benefits and State employment and rely less on casual employment (9.5%), state employment (16%) and other employment (2.9%). They are also less involved in petty trading (4%). Resident households are much more self reliant with only 12% naming state benefits as their main source of income. For the sample of resident households, "crop production" (25.7%), "casual employment" (16.3%) and "state employment" (19%) are more important than the "State benefits"...Around 10% of IDP households are involved in farming, an activity mainly confined to rural settings...There are 11.8% of IDP households involved in gardening both in urban and rural settings. Further, less than one third of them do have fruit trees. This pattern is in sharp contrast to the resident

households, which are more often involved in farming (39.4%), gardening (50.4%) and fruit production (72.3%). This again shows the lack of productive assets for most of the IDP households.

Percent distribution of main source and second most important source of income of households

Source of Livelihood	IDP households			Resident households		
	Urban (n=158)	Rural (n=349)	Total (N=507)	Urban (n=176)	Rural (n=517)	Total (N=693)
	%	%	%	%	%	%
<b>Main source</b>						
State benefits	35.4	51.3	46.4	9.7	12.8	12.0
State employed	19.6	16.0	17.2	31.8	14.7	19.0
Casual employed	22.8 13.6		9.5	21.6	14.5	16.3
Petty trading	7.6 5.1		4.0	9.1	2.9	4.5
Other permanent employment	8.2 4.5		2.9	8.0	2.9	4.2
Crop production	0.6	4.0	3.0	0	34.4	25.7
Animal keeping	0.6 4.5		6.3	0.6	14.3	10.8
Self-employed	1.9	3.2	2.8	6.3	1.4	2.6
Regular employed	0.6	1.4	1.2	4.5	0.8	1.7
Business/trade	0.6 0.8		0.9	6.8	0.4	2.0
Fishing	0	0	0	0	0.2	0.1
Other	1.9	0.6	1.0	1.7	0.8	1.0
<b>TOTAL</b>	100	100	100	100		100

### **IDPs deal with poor financial situation in various ways (2008)**

- IDPs take out debts in order to make ends meet from relatives and/or friends, who are also sometimes IDPs and not much better off themselves
- There are isolated cases of child marriage and child labour
- Displaced family finances are often not prepared for medical crises

### **Child marriage**

#### **US DOS, 11 March 2008:**

"Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families."

#### **UNIFEM, 24 July 2006:**

"The true extent of early marriage in Azerbaijan is difficult to determine since such marriages are usually kept hidden. Early marriage is another problem that girls can face as a result of

unbalanced gender roles. In Azerbaijan, only girls 17 and older are officially allowed to marry. Gender disparity is evident even in the official marital age: for boys, it is 18. And while most focus group participants said 22 or 23 is the best age for a woman to marry, they acknowledged that it is not unusual for brides to be much younger. In one group, some women even pointed to a case in which the bride was a girl of 13. "It is common in our region," said one woman. "Girls are given early for marriage." The number of early marriages has sharply increased throughout the Commonwealth of Independent States (CIS), but there are no accurate statistics measuring this phenomenon since most of these marriages – illegal according to national law – are registered only in mosques or churches. In Azerbaijan, the registry of marriages in mosques, or *kebin*, is currently permitted only if a legal state marriage certificate is produced, thereby making it more difficult to bypass the state and have girls marry early. The age at which women or girls marry can, however, be inferred by analyzing birth rates: in Azerbaijan, the birth rate for women aged 15-19 has increased, this is the only age group in which fertility is increasing. Moreover, the number of children born out of wedlock is also on the rise in Azerbaijan, especially in rural areas. It is hypothesized that this increase is due to a rise in early marriages, which have not been registered by law. The highest rates of children born out of wedlock – ranging from 17-28% of the total number of live births – are found in the following regions: Lankaran, Astara, Balakan, Samukh, Masally, Jalilabad, Goranboy, Imishli and Gadabay, and it is thought that the highest number of early marriages also occur in these regions.

Early marriage often occurs where poverty is endemic, particularly where there is a tradition of dowry, and may at times be the only means of survival available to both the girl and her family. But while early marriage can be economically beneficial, it can be difficult or even dangerous for the young bride. Many girls abandon their education once they are married in order to take up household duties, particularly where gender roles in the home are rigidly divided, as they traditionally are in Azerbaijan. If she is later obliged to look for work - for instance if her husband dies, is disabled or loses his job - a young bride's lack of education can become a significant handicap, preventing her from finding a well-paying job. At the same time, early pregnancy increases health risks for both mother and child. And early marriage can also mean a lack of legal protection in case of divorce, particularly if the marriage is never legally registered. The link between poverty, education and early marriage works the other way as well: Poor families are often forced to keep their children out of school or provide only some of their children with an education. Prevailing gender roles can mean that boys' education is prioritized, leaving girls less able to compete for well-paid jobs, and leaving them with fewer choices for their future. One of those choices is early marriage."

### ***Child Labour***

#### **IDMC, 12 December 2007:**

"Almost all children were going to school, with isolated reports of children dropping out of school at age 14 since the family lacked money for clothing and school supplies. These children were working in construction and cotton picking."

#### **Praxis, 31 July 2007:**

"Some IDP children start working at earlier ages in order to support themselves and their families."

### ***Borrow money or take debts***

#### **DRC, 30 November 2007:**

"[In a study of IDP families and non-IDP families in areas bordering Nagorno Karabakh it was found that]

- Both IDPs and local residents have to borrow money in order to cover basic daily expenditures. Majority of them have had to borrow money in the past as well.



- Both groups of families borrow money from informal, rather than from formal sources. As a rule, no interest is paid when money is borrowed from relatives and/or friends.
- Situation with debts does not differ for IDP and local resident families, nor are there any differences observed for IDPs living in different types of settlements."

**CRRC, 31 January 2007:**

"...refugees and IDPs are more likely (58.0%) to evaluate the current economic condition of their household as poor than non-refugees/non-IDPs in Azerbaijan (43.2%)...[O]ver 24% of households have taken loans, debts or credits more than 100 USD during the past year in Azerbaijan. Moreover, the percentage of households taking loans, debts or credits is considerably higher for refugees and IDPs than for non-refugee/non-IDP households. This can be explained by the relatively poor economic condition of refugees in comparison to the non-refugee population in the country."

**UNIFEM, July 2006:**

"For most of the IDP women surveyed, the way out is to borrow. Of the 190 IDP women who gave household interviews, 161 – or nearly 85% – are in debt. For the majority, repayment is seen as a personal obligation. The women are indebted primarily to local shop owners (for food or clothing), neighbours or relatives. A small number of the women received loans from NGOs; an even smaller number obtained bank loans. And two have been victims of usury, a risk likely to increase in proportion to the desperation of the borrower. It should be noted as well that, especially in tent camps and other compact settlements, the majority of lenders are also IDPs and are not much better off than the recipients of their loans. For IDP women, the financial insecurity of their creditors is just one more potentially destabilizing factor in their lives."

**Balikci, June 2004:**

"Our informants recognize two kinds of debt ("borch"). The first is related to the various small shops in the vicinity of the public buildings. IDPs rarely pay cash for their daily grocery purchases. As I mentioned previously they contract a running debt with one of the grocery shops for "bakalya" or groceries and pay back at the end of the month when pensions and bread money arrive. Practically all IDPs have "bakalya" debts of variable amounts which occasionally reach up to 300 000 manats. In our records, only two families expressed some worries about their ability to repay their debt on time. The "bakalya" debts together with the operational debts of the traders can be considered as structural because of their regularity, continuity over time and systematic nature.

The second kind of debts lacks this structural characteristic. These debts are contracted in a context of emergency and concern primarily some urgent medical crisis. Such crisis can have a catastrophic effect on the stability of family budgets based on the relationship: structural debt - regular government payments. Faced with the need to urgently borrow money for a medical emergency the family inevitably turns towards its relatives and close friends for help. These generally respond positively, they do help and like Imam Ali take no interest. The family later makes a serious effort to pay back in irregular small installments. Debt practices related to medical emergencies are best understood in the full context of the global health conditions affecting IDPs...

It seems IDPs have adapted to conditions of extremely limited resources by drastically reducing expenses and developing some specific responses to absolute poverty. This relative equilibrium can be broken anytime by some health hazard leading to increased indebtedness and despair"

**Better prospects for work in Baku (2008)**

- Limited income generation opportunities in rural areas push IDPs to find jobs elsewhere
- But they maintain registration at their approved place of residence, rendering the residence data inaccurate
- Many young displaced males have reportedly moved to cities or left the country to find jobs
- Salaries in Baku are more than twice what they are in rural areas

**NRC, 29 February 2008:**

"A full-fledged livelihood (poverty-reduction) strategy for newly resettled IDPs is as important as the new housing they can benefit from. In the current situation however, the income generating opportunities of rural IDPs are very limited while their dependency on direct governmental assistance is growing and their economic migration rate remains high.

Availability of up-to-date information is linked to flexible registration procedures, however complicated in the context of hundreds of thousands displaced all over the country. The relatively rigid system of IDP registration, the so-called "propiska" regime that requires the IDPs to register and live in approved areas, as well as lack of economic opportunities that maintain the internal economic migration at a high level, lead to a distorted picture when the official registration data do not correspond with the actual places of IDP residence. The system of registration according to the place of origin does not at all prevent the undesired urbanization, but only deforms the IDP registration data, whereas registration of IDPs according to the actual residence of their choice would enable the Government and non-governmental agencies to track the IDP movements, locations and needs more easily."

**NRC, 29 February 2008:**

"The sustainability of NRC's intervention in Fizuli is confirmed by the increase in the village population throughout the project period and strong desire of the returnees to stay in the villages. NRC approach has inspired additional, spontaneous return, which has been higher than in other villages in the area, even those with those more centrally locate and with better economic opportunities. Some of the obstacles that NRC has faced were related to the fact that the return process had already taken place, was spontaneous and with limited resources. For several years the returnees lacked necessary inputs and investments to reintegrate and re-establish their livelihoods. As elsewhere in the country, socio-economic opportunities in the rural areas will in the end play the decisive role in the future prospects for younger generations. Unless sufficient attention is paid to income and employment opportunities in the rural areas, migration to urban areas, particularly to Baku, in search of employment opportunities, is likely to remain a preferred option."

**UN HRC, 15 April 2008:**

"48. 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, whereas young males had reportedly often moved to the cities or emigrated to seek better employment opportunities."

**EurasiaNet, 26 September 2007:**

"Two separate worlds uneasily coexist within Azerbaijan. One is Baku, the country's oil boom capital, a metropolis increasingly slick with skyscrapers, ritzy clubs and high-end boutiques. But travel not too far outside this city of 2.9 million, and the picture suddenly changes. Azerbaijan's regions -- especially in rural areas -- are trapped by the twin troubles of unemployment and underdeveloped transportation. Monthly salaries here (about \$120-\$150) are less than half what they average in Baku, according to official statistics. Driving a private taxi is one of the most common jobs for local males.

An irregular rate of economic development drives the disparity. Jobs for qualified specialists may be hard to come by in Baku, but opportunities for ordinary workers in construction, restaurants and retail abound. While official data does not exist, young people are increasingly coming to Baku for university, and then staying in the capital for work afterwards.

"As a result, we have an abnormal economic misbalance when up to 90 percent of the country's GDP is being produced by Baku, while the rest of the country produces about ten percent," commented Rasim Huseynov, a Baku-based independent economic expert...

The State Program on Social and Economic Development of Regions, introduced in 2004, aims to address these imbalances by promoting the economy's non-oil-dependent sectors. Huseynov and other experts see the program's main value as introducing competition between local government heads. The Program's 2006 report states that 80 percent of the 174,000 new jobs created in Azerbaijan last year were located outside of Baku. At the same time, state spending is building new roads, factories, schools, hospitals, and making some improvements with utilities."

**Balikci, June 2004:**

"According to the restricted sample of 40 families all able bodied men are working full time or part time or are actively searching for remunerated work. Construction and street peddling are the main employment activities. In the context of small trading, micro-credit is very important. ...The construction boom in Baku has attracted during the last few years a large number of IDPs and resident workers from many parts of Azerbaijan. Our data indicate that many young men from the newly constructed rural settlements for IDPs leave their "Hollywood" style houses and move to Baku in search of work mainly on the construction sites."

**Micro-credit is available for IDPs, but programmes are not always accessible or advantageous (2008)**

- The government and international humanitarian organisations have micro-credit programmes for IDPs
- Some credit programmes for IDPs were unsuccessful because of high interest rates
- IDPs can only secure loans from banks where their residence is registered
- The UN RSG on the Human Rights of IDPs recommended that the Government improve and expand micro-credit programmes for IDPs and ensure they include women

**UN HRC, 15 April 2008:**

"37. ...The Government's resettlement programme includes microcredit and income-generation projects, but these did not yet seem to have been fully carried out nor to have yielded visible results...

67. The Representative urges the Government to ensure that new settlements are suitable for agricultural purposes and that economic opportunities are foreseen in the planning. He reiterates his predecessor's recommendation that efforts be made 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, with the aim of reducing their vulnerability, increasing their self-reliance and preparing them for return and reintegration."

**Government of Azerbaijan, 1 February 2008:**

"...According to the Decision of the Ministry of the Republic of Azerbaijan no. 204 of November, 6, 2000 "on the statement of rules and conditions of giving out credits to IDPs for agriculture employment", in 2001-2002 at the expense of the sum of 2 billion manats, allocated from budget,

more than 1000 IDPs were given out micro credits for agriculture employment. For expired time the Fund of social development of the IDPs has given credits in the amount of 2,5 billion manats to 950 IDP families. And also credits in the amount of 3,4 billions manats was given to 150 families by the National Fund for Entrepreneurship Support. Approximately 17 million US dollars are spent by international and local humanitarian organizations under different projects, micro-credits in the amount of 9,7 million US dollars are granted to 31.013 refugees, IDPs and needy population groups through the line of non-bank credit organizations founded by them."

**NRC, 29 February 2008:**

"NRC's micro-credit program established a branch office in the district but did not specifically work with the two target villages as the selection of beneficiaries was more targeting those who can afford the loans, rather than the specific area within the district. More systematic work with the returnee families as well as possibly alternative approaches, and even lending terms would be necessary to bring the desired impact. The micro-credit program was completely handed over to an expert agency in 2006 and has been functioning independently since then concentrating on other areas of Azerbaijan. Several attempts were made to introduce small loans by various agencies but they failed allegedly because the local population could not afford the terms (interest rates). Expensive loans were mentioned as one of the factors hindering agricultural development during the focus group discussions: "We can't afford the loans that are necessary to buy agricultural machinery and inputs."

**Amnesty International, 28 June 2007:**

"Furthermore, the internal registration requirement restricts enjoyment of some of the privileges established to enable self-reliance among the internally displaced population. The internally displaced are legally entitled to special measures to enable self-employment. For example, enterprises managed by the internally displaced enjoy a preferential 0.2% profit tax rate in rural areas. They also pay lower rates of income tax. However, these advantages are outweighed by de facto discrimination arising from their status as IDPs. They face problems in securing loans from local banks because they are not officially registered as residents; they may only receive microcredits, usually from international organizations. This makes it difficult for them to make purchases with significant outlays, such as cars or homes."

**Several barriers to local integration still exist for IDPs (2008)**

- Obstacles to local integration include fixation on return, separate schools, separate health facilities and perception of tension with host community
- NRC argues that the settlement of IDPs in areas separate from the non-displaced population and the separation of the IDP agenda from other socio-economic issues is preventing IDPs from integrating where they are currently living
- UNHCR states that IDPs are better integrated than refugees, but adds that some IDPs access schools and health care separate from the non-displaced population
- Displaced women feel like strangers in their communities, but it is to some degree self-imposed exclusion
- While there is some isolated tension between IDPs and their non-displaced neighbours, there have been some instances of marriage between the displaced and members of host community

**NRC, 29 February 2008:**

"The fact that almost fourteen years after the cease fire, over a half a million IDPs are still dependant on direct assistance from the Government requires implementation of additional measures to ensure the sustainability of governmental efforts and to provide a better basis for

temporary or even permanent reintegration of IDPs. Promoting IDPs' right to live a decent and dignified life by enhancing their self-reliance and providing them with the same opportunities as the average citizens will not undermine the governmental priority of return but rather strengthen the IDPs' skills and motivation to return once this becomes possible. The separation of the IDP agenda from other socio-economic issues and physical separation of living quarters however, does effectively prevent IDPs from becoming full-fledged members of the Azerbaijani society. This could be ameliorated for instance through programs equally targeting vulnerable IDPs and local communities, enhanced integration of IDP-children into the Azerbaijani school system and allocation of land plots for new IDP settlements within existing local communities."

**CoE, 24 May 2007:**

"ECRI is aware that there is still a long way to go before the situation of refugees and IDPs in Azerbaijan can be deemed satisfactory, particularly as regards the exercise of the right to a voluntary return to the place where they previously lived. While they rightly hope to be able to return home as soon as possible, which means that their present places of residence are temporary, ECRI believes that it must at all times be possible for them to feel fully part of the Azerbaijani population."

**UNHCR, 31 December 2006:**

"Compared to refugees from third countries, IDPs are better integrated into the local community and attempts have been made to keep them together as community groups in settlements near to their place of return. In some places IDPs have separate schools and health facilities as part of their settlement and separate Executive Committees (Ex Com)."

**UNIFEM, July 2006:**

"IDP women reported feeling like "strangers" in their host communities. They said they felt abandoned, unneeded and unprotected. When asked the reason, many replied that it was because no one cared about them. Others linked it to separation from their original homes. Still others could not point to any specific reason; their feeling of abandonment was just one more expression of the psychological trauma of displacement.

Responses by IDP women indicate that they are still suffering from post-traumatic stress. They displayed anxiety, hesitation, passivity, excessive verbosity and other signs of post-traumatic stress. They also expressed a wide range of fears, from financial instability and unemployment to a resurgence of violent conflict. Such anxieties impede IDP women from being able to integrate smoothly into either the life of their own community or the larger socio-political life of the country. This self-imposed exclusion can only reinforce the sense that they are strangers in a strange land.

There is envisaged in popular opinion some tension between IDPs and the neighbouring local communities. Conversations with local and IDP women revealed that this view does have some truth to it, but it is not held universally. In general, focus group participants seemed tolerant of the IDPs within their midst and generally accepted them. Some described personal links with IDPs, including marriage. Others said they saw no difference between IDPs and their local neighbours. And many said they sympathized strongly with IDP women, whom they see as both economically and psychologically depressed. "We are one nation," one woman said. "It does not matter [whether you are a local resident or an IDP]."

Despite these encouraging signs, however, researchers did see evidence of strain. Participants of one focus group completely avoided the topic of local-IDP relations, suggesting that it was an area of some tension. One IDP woman insisted that local residents blame IDPs for taking over their land and for consuming funds that could be used to solve the problems of the local population. Others accused IDPs of behaving aggressively towards the local population in the regions where they have settled. And one participant acknowledged that some local residents do

“look down on IDPs”. An IDP woman confirmed this statement. “I am married to a local,” she told interviewers. “Even now, my sisters-in-law remind me that I am a migrant with no dowry, and often humiliate me before other members of the family and before my husband.”

Responses in both focus groups and household interviews did, however, make clear the relative mutual isolation of these two groups: nearly two thirds of IDP women and three quarters of local women said their circle of communication is basically limited to relatives, and fewer than 10% of the IDP women interviewed said that they communicate directly with local residents. Not only does this isolation potentially encourage IDP women to exaggerate the degree to which they are resented by the community, and allow local women to ignore the problems of their neighbours, it also prevents local and IDP women from working together to solve common problems and to support each other towards common goals.”

**The Brookings Institution - University of Bern Project, 16 May 2006:**

“For IDPs who cannot return, or choose not to, it is the government’s responsibility to assist them to integrate locally. In Azerbaijan, in recent years, the government has begun to help IDPs integrate, which is a welcome change from its previous policy of resisting efforts to improve their living conditions, fearing that this would signal abandoning the goal of return and regaining control over Nagorno-Karabakh and surrounding areas from which the displaced originate. Today, the government sees the displaced less as political pawns for pursuing national objectives than as citizens who need help to regain their lives. The government has also begun to recognize that eventual returns need not be incompatible with current resettlement efforts...Durable solutions for the Azeri displaced must therefore involve increasing food security for them as well as new and better situated housing. In addition, attention must be paid to their employment opportunities through micro-credit loans and training workshops, as well as access to land in rural areas. In short, a proper balance of continued humanitarian aid plus development programs must be established.”

**Balikci, Asen, May 2004:**

"IDPs have an ideology of war victims. In Baku, they form a ghetto society to a considerable extent physically and socially segregated from the majority population. They consider their presence in Baku as temporary and sincerely hope to return some day to their presently occupied native lands..."

**Vulnerability of IDPs as compared to the non-displaced population still unclear (2008)**

- There is no agreement on the vulnerability of the displaced population relative to the non-displaced population because of lack of current and comprehensive data
- Studies from the World Bank and the World Food Programme (WFP) showed IDPs were slightly better off as compared to the local population
- The UN RSG on the Human Rights of IDPs concluded IDPs are not worse off than their non-displaced neighbours, except for their lack of property and adequate housing
- DRC found that IDPs living in Agdam, Agjabedi, Barda, Beylagan, Dashkesen, Fizuli, Ganja and Goranboy raions are worse off compared to the local population, and that IDPs access services and experience economic challenges similarly to the local population
- NRC argues that most of the needs that IDPs have are similar to the needs of the non-displaced population
- There are still large differences in vulnerability even among the displaced

**UN HRC, 15 April 2008:**

"30. Widespread unemployment and economic and social problems affect large parts of the population. The Representative 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. This achievement, impressive given the magnitude of the problem, is mainly due to sustained Government support, such as monthly allowances, free accommodation and free services, such as electricity and education for internally displaced persons. At the same time, a number of additional needs, specific to internally displaced persons could be identified, some of which would require further investigation. They include the quality of education for displaced children, nutritional deficits, and mental and other health problems. The lack of relevant statistical data and surveys conducted in accordance with international standards makes it difficult to develop appropriate responses to these challenges."

**DRC, 30 November 2007:**

"Over the past decade, many IDPs have developed survival strategies to support their livelihoods, and today the mere fact of former displacement does not automatically serve as an indication of vulnerability. Certain segments of the IDP population in Azerbaijan, with government and donor support, have been able to develop sustainable coping mechanisms, to engage in economic activities by themselves, and to resettle in sustainable housing.

However, large numbers of IDPs remain vulnerable, and are still targeted with humanitarian assistance. They have been unable to improve their livelihoods over the years. Their circumstances may be similar to those of local residents, but IDPs may be additionally burdened by a lack of integration into the host communities. Consequently, they may experience a sense of insecurity and stress, which may be heightened by housing and economic concerns and the question of whether or not they will ever be able to return to their places of origin...

Overall, 1,570 family interviews were conducted during the assessment in eight *raions* of the country close to the border with Nagorno-Karabakh. These *raions* have been identified by DRC as future strategic areas of intervention (Table 1). In each of the selected *raions*, a number of IDP families proportionate to the total number of IDP families in the selected *raions* were interviewed. After the number of targeted families was determined, the families to be interviewed were selected based on itinerary sampling: interviewers were instructed to interview every 5th family on their way.

**Table 1. IDP population and number of interviews in surveyed *raions***

Raion	Number of IDP residents	Percent of the total IDP population in the 8 selected raions	Targeted number of interviews	Number of interviews conducted
Agdam	26 385	13.52	116	116
Agjabedi	19 452	9.97	75	75
Barda	49 095	25.16	201	202
Beylagan	17 319	8.88	87	87
Dashkesen	2 383	1.23	5	5
Fizuli	55 450	28.42	213	214
Ganja	16 669	8.54	63	63
Goranboy	8 357	4.28	30	30
Total:	195 110	100	790	792

As the assessment was designed to provide a comparative analysis of the livelihoods of IDPs and of local residents, the targeted number of IDP families and local families to be interviewed was equal – 800 families in each group. As a result of the fieldwork, 792 interviews were conducted with IDP families and 778 interviews with local resident families...

Interviews with IDP families were conducted in the three major types of settlements mentioned above: IDP camps and collective centres (dormitories, factories, etc.); self-built spontaneous settlements; and new government funded settlements (also known as “organized settlements”). Interviews with local resident families were conducted in settlements (predominantly villages) within five kilometres of the relevant IDP settlements. In all settlements, families to be interviewed were selected based on itinerary sampling (as in case of IDP families, interviewers were instructed to interview every fifth family on their way). Itinerary sampling enabled interviewers to pick respondent families within the defined community...

- In spite of governmental monthly assistance, the IDPs have less per-capita income than do local residents; this finding suggests that this assistance is not adequate and does not contribute to satisfaction of the basic needs of IDP families. Local resident families NOT having such assistance are still doing better than IDPs, although both types of families in the surveyed rayons live below official poverty line.
- The most common income sources for IDPs are allowances, pension, temporary employment, and permanent employment, while for local resident families it's temporary employment, permanent employment, pension and home farming. Hence, IDPs depend more on government subsidies, while local residents are more economically active in supporting themselves and their families.
- The same sources of income generally bring more income to local resident families than to IDP families. This is especially true in case of temporary employment and private business; pensions, however, are approximately the same for local residents and IDPs.
- Both local residents and IDP families report spending more than they earn, which results in negative disposable income; approximately the same share of both groups of families report having debt. However, families with more adults of working age have a better chance of having a positive monthly disposable income.
- Expense categories of local residents and IDPs differ due to the fact that some categories are covered by the government for IDP families (e.g., heating fuel); at the same time, both types of families report spending most on food.

The assessment demonstrated that IDPs living in Agdam, Agjabedi, Barda, Beylagan, Dashkesen, Fizuli, Ganja and Goranboy raions suffer worse economic conditions, higher unemployment, poor access to formal credit organizations and worse housing conditions, compared to the local population...

The assessment also clearly shows that these IDPs share many characteristics with the local, non-IDP population. For example, all have approximately the same level of access to services and they experience many of the same economic challenges. However, unemployment is more widespread, housing is worse, and per-capita income is lower among IDPs. IDPs spend a larger portion of their income on food and, consequently, spend less on other needs such as education. Assessment results confirm the obvious improvements in shelter conditions and land access for IDPs under the new state programs, but leaves questions about durability of this solution: More than 71% of local residents, but only 15% of the IDPs covered by the assessment, have property rights for the houses they live in. The low level of property ownership among IDPs creates challenges for this population. For example, the survey showed that 81% of local residents and 74% of IDPs who are not currently involved in private business are interested in establishing a business of their own, preferably in agriculture and trade. Lack of property 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 by the inability to present collateral for a loan."



**NRC, 30 April 2008:**

"In the absence of peaceful resolution to the Nagorno-Karabakh conflict, Azerbaijan remains to host one of the highest per-capita IDP populations in the world. In the context of the overall socio-economic development and increasing capacity and commitment of the Government to tackle the IDP-related issues, most of the needs have shifted from emergency to development and concern areas of intervention where NRC usually does not operate. At the same time, most of the pending needs, such as poverty reduction, are no longer IDP-specific and concern equally all population.

NRC sees the need for mainstreaming of the IDP group into general poverty-reduction programs and for gradual shift of emphasis in beneficiary definition from displacement- to needs-based. For urban IDPs there is an imminent need for adoption of a comprehensive policy ranging from continued improvement of their living conditions to search for durable solutions for those in various stages of reintegration. Similarly, a complex employment and income generation strategy is perceived the only possibility to promote self-reliance and self-sustainability of the resettled IDPs and to eliminate their dependence on external assistance and remittances. Needless to say, systematic involvement of IDPs themselves in all stages of planning and implementation of activities on their behalf will only prove value added."

**UNHCR, December 2006:**

"Some IDPs have become assimilated into the general population and their livelihoods and living standards are similar to those of the local population. However, there are still large numbers of IDPs living in camps or in hostels in urban centres, often characterized by absolute poverty (and vulnerable to engaging in HIV risk behaviour - selling sex and injecting drugs)...As in other countries IDPs in Azerbaijan are not a homogenous group and age, gender, having peers or parents who inject drugs, or living in extreme economic hardship, and urban residence are important vulnerability factors in terms of engaging in HIV risk behaviours for IDPs and the general population alike...The extent to which IDPs are represented amongst labour migrants is not known, but there is evidence of poor women (including IDPs and refugees) selling sex for economic survival.

Progress has been slower in addressing urban poverty and IDPs remain disproportionately affected 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. Where IDPs have become assimilated into the general population, their livelihoods and living standards are indistinguishable from those of the local population."

**UNIFEM, July 2006:**

"It is important to note that many of the needs and priorities of IDP women are not unique to this group, as many of the same challenges are faced by women in the local host communities. However, IDP women are doubly burdened by poverty and the overall trauma of losing their home, their communities and a way of life."

**UNHCR, October 2005:**

"The vulnerability of IDPs has been the subject of considerable debate among UN agencies, donors and international financial institutions in Azerbaijan, with no consensus on the relative vulnerability of the displaced population. The recent World Food Programme (WFP) survey has confirmed earlier studies which show that IDP households seem to be slightly better off than the population at large, because of the many benefits and subsidies received from the Government, as well as from the fact that IDPs tend to live in "free" or low cost housing. Should such support be withdrawn, IDPs would see their welfare considerably undermined. Similarly, the 2002 World Bank poverty assessment found that IDPs, on average are slightly better off than the local population, except for IDPs residing in Baku. However, once targeted humanitarian assistance

from both the Government and the international community was taken out, IDP household expenditures were consistently lower than those of other groups. The fact that IDPs live in “free” or low-cost housing also contributes to their above-average conditions.”

**Government of Azerbaijan, 2005, p.48:**

“It is still difficult to make strong conclusions about the living standards and specific vulnerabilities of the IDP and refugee population, due to the lack of a regular sample survey covering IDPs/refugees and the local population living in the same areas.”

## **Public participation**

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### **The right of IDPs to vote (2008)**

- As citizens of Azerbaijan, IDPs can vote in elections, though their right to vote is not explicitly mentioned in national legislation, including the Law on the status of Refugees and Forcibly Displaced Persons
- IDPs in Azerbaijan have had difficulties in exercising their right to vote due to problems including inaccuracies in voter lists, restrictions on the ability of candidates of opposition parties to interact with displaced communities, and language barriers
- OSCE election reports refer to IDPs' electoral participation however they do not go in depth into the obstacles IDPs face in fully exercising their participation rights
- IDPs will be able to vote in the 2008 Presidential elections

### **Trend, 20 January 2008:**

“The Azerbaijani Central Election Committee (CEC) took all necessary measures to enable all internally displaced persons (IDPs) to take part in the presidential elections. “The Azerbaijani IDPs will be enabled to take part in the presidential elections in Azerbaijan,” the chair of the CEC Mazahir Panahov said to journalists on 20 January. Some 4.6mln electors are registered in the electoral rolls in Azerbaijan. Since 20% of the Azerbaijani territories were occupied by Armenia, over 800,000 IDPs have been residing in Azerbaijan. At previous elections the names of several of them were not registered in the electoral rolls. According to Panahov, the CEC tries to do its best to secure the rights of the IDPs to elect and to be elected.”

### **Brookings Institute SAIS, November 2004, pp.14-18:**

“The electoral participation of IDPs in Azerbaijan is set against difficulties in the overall electoral process. Absentee voting is generally available for IDPs, enabling them to cast votes for candidates in their areas of origin. However, unclear procedural provisions adversely affect absentee voting arrangements, and it remains unclear the extent to which IDPs can fully and freely vote for candidates representing their current places of residence. In addition, inaccuracies with voter lists have impinged on IDPs' right to vote. Candidates, in particular from opposition parties, have also experienced restrictions on their interaction with displaced communities. Furthermore, the recent promotion of the Latin script has posed a language barrier for IDPs who wish to engage in the political process...”

A 2002 analysis by Azeri legal experts of Azerbaijan's laws in light of the Guiding Principles on Internal Displacement [...] found that national laws, on the whole, provide protection of the electoral rights of IDPs in the sense that all citizens of Azerbaijan are guaranteed the right to vote. Domestic legislation protects the political rights of all citizens and prohibits discrimination on any ground. There is, however, no explicit mention of IDP voting rights. Moreover, in outlining the rights and obligations of refugees and displaced persons, the Law on the Status of Refugees and

Forcibly Displaced (Persons Displaced within the Country) Persons speaks mainly to ensuring education, health, and employment, but does not articulate the right to political participation.

A further significant legal issue is the restriction on freedom of movement emanating from the *propiska* system of residency permits. A carry-over from Soviet times, this system means that citizens can only establish residency or change their place of residence with permission from the authorities. Consequently, it ties their right to vote to approved locations.

Parliamentary Election, 12 November 1995: The 12 November 1995 parliamentary election was held on the basis of a new election law, which had been passed earlier that year. According to the OSCE/UN Joint Electoral Mission in Azerbaijan, the law generally met international standards despite being vague and insufficiently detailed in certain aspects. In this election, displaced persons from Nagorno-Karabakh and adjacent areas also under Armenian military control voted in special polling stations for candidates from their home districts. It is unclear, however, whether IDPs had the choice of voting instead for a candidate from their current place of residence. There is also little information about the adequacy of the registration process for IDPs. Overall, the OSCE/UN mission reported numerous infractions and concluded that poor implementation of the election law led to a generally flawed parliamentary election that did not meet international standards.

Parliamentary Election, 5 November 2000: The parliamentary election held on 5 November 2000 was overshadowed by widespread election irregularities of such an extent that balloting had to be repeated in 11 constituencies on 7 January 2001. According to the OSCE, 250,000 displaced voters were registered and entitled to vote in this election. Displaced voter lists were compiled with information gathered from the Ministry for Refugees and Displaced Persons<sup>66</sup> together with local authorities “in exile” (local authorities displaced from IDPs’ areas of origin). Absentee polling stations were organized throughout Azerbaijan to accommodate IDP voting, and displaced voters cast their ballots for candidates from their places of permanent residence.

It is noteworthy that no absentee balloting needed to be repeated due to irregularities. However, the fact that the CEC did not issue detailed instructions on the procedures to be put in place for absentee balloting was a point of concern. According to the OSCE, this oversight “reduced the transparency of the process, led to an ad-hoc administration of the process, and prevented observers from following the registration and voting in IDP constituencies.” In particular, it is unclear whether IDPs had the option to vote for seats in their present place of temporary residence as an alternative to voting, by absentee ballot, for candidates in their area of permanent residence.

Following the election, on 14 November 2000, IDPs held political demonstrations in Baku and charged that the governing party had cut their supply of electricity owing to their support for the opposition Musavat party in the election, and they demanded that it be restored.

Furthermore, a study by the International Organization for Migration (IOM)’s Participatory Election Project (PEP), which based its findings on discussions with IDPs and a range of relevant actors, found several problems in relation to IDP participation in elections. For one, the IOM/PEP report identified the increased Government use and promotion of the Latin alphabet as a barrier to IDP voting. At the time the IDPs were displaced the Cyrillic alphabet was widely and formally used; since that time they had little opportunity to adapt to the change to the Latin alphabet. They therefore experienced difficulties in comprehending public information about elections from such outlets as the Government and the media. As such, IDPs were at a disadvantage in the political process...

Members of opposition political parties also raised concerns about the ability of opposition parties to campaign in IDP communities...They also questioned the transparency of the electoral process

and pointed out that IDP voting and registration was not open to local monitoring and as such could not be validated for authenticity and accuracy...

In an IOM visit to an IDP camp at Sabirabad, a group of forty IDPs (all men) did not convey any difficulties participating in the national elections and did not communicate concerns about the then up-coming 2003 presidential election. The IDPs informed IOM representatives that various party members had campaigned in their camp, that they had received leaflets about the election and that voting had taken place at 15 polling stations in previous elections in the presence of international observers. In addition, besides being knowledgeable in election procedures, several IDPs also reported having acted as members of the local Constituency and Polling Station Committees. Furthermore, some IDPs reported having access to various forms of media including radio, television, and newspapers, although the IOM reported that none of these forms of media were in evidence during their visit to the camp. Overall, the only concerns that were vocalized by the IDPs were that they did not feel qualified to run for public office, and that they wanted to return home. It must be noted that this meeting was in the presence of and facilitated by an official from the local Executive Authority.

Presidential Election, 15 October 2003: The 15 October 2003 presidential election, the OSCE concluded, also did not meet international standards, and signified a lack of political commitment for genuinely democratic elections. This was despite the fact that Azerbaijan had adopted a substantially improved election law on 27 May 2003. Developed with the assistance of the Council of Europe's Venice Commission and the OSCE, the new election law was deemed to now provide a unified framework for the conduct of referenda and presidential, parliamentary and municipal elections. The new election law did not, however, provide for sufficient oversight over the inclusion of IDPs in voter lists and indeed on election day, frequent inaccuracies were found with the voter lists. Furthermore, IDP voters were registered in constituencies on an *ad hoc* basis rather than according to a procedure regulated by law. Absentee voting arrangements were again made available for displaced voters from areas under Armenian control.

In the end, however, IDPs continued to experience difficulties in freely and fully exercising their right to vote. Many reported being coerced to back Government party candidates, while opposition party candidates were repeatedly prevented from campaigning and meeting with IDPs. Moreover, one scholar concluded that IDPs "remain a powerless force in domestic politics and few opposition parties have managed to reach out to these voters," as the governing New Azerbaijan Party had virtually excluded IDPs from domestic politics and prevented their involvement in the peace process with Armenia."

### **IDPs vote according to their former place of residence (2007)**

- IDPs elect members of parliament for their former places of residence
- The fact that IDPs fled in various directions means election candidates have to cover great distances in order to meet with their constituents
- Opposition candidates have reportedly been obstructed from campaigning in new IDP settlements or collective centres

### **Amnesty International, 28 June 2007:**

"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. The Azerbaijani Parliament (Milli Məclis) has limited powers in a strongly presidential system, and parliamentary elections in Azerbaijan have never been described by international election observation missions fielded by the OSCE as 'free and fair'.

The internally displaced are disadvantaged in terms of access to representation compared to other Azerbaijani citizens. The fact that the internally displaced vote for candidates to represent their pre-war regions in parliament – and not for candidates representing the region where they live now – creates significant logistical problems for candidates campaigning among their geographically dispersed constituents. Candidates campaigning in internally displaced constituencies must therefore travel great distances in order to meet with the relevant constituents due to scattered settlement patterns of the internally displaced. A parliamentary candidate for the Susa-Fizuli-Xocali-Xocavənd constituency in the 2005 parliamentary elections reported having to visit 37 districts of Azerbaijan in order to meet with this constituency's voters. He was forced to use his own funds in order to achieve this. Second, Amnesty International has received persistent 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, and in some cases it appears that only opposition candidates have campaigned among compactly settled internally displaced populations in urban areas.

Finally, at the community level the Karabakh Azeri community is headed by Nizami Baxmanov, head of the Susa Executive Committee in exile appointed by the president. However, his remit and functions as community leader do not appear to be defined in Azerbaijani law."

**See also IOM's report "[Electoral Displacement in the Caucasus: Georgia and Azerbaijan](#)", 19 September 2003**

#### **Internally displaced are not politically active (2007)**

- IDPs have little opportunity to make their views and concerns known to decision-makers, and those in camps are particularly vulnerable to political manipulation
- IDPs do not have a place in peace negotiations and have limited access to information on the process
- While some IDP women are former public decision-makers, many IDPs are unaware of their rights and entitlements
- The political activity of IDP women is limited to voting
- IDP women think political work is incompatible with domestic responsibilities

#### **Amnesty International, 28 June 2007:**

"The general absence of channels of communication 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. This is a violation of their fundamental human right to participate in public affairs without discrimination and to be consulted in decision-making processes directly affecting them."

#### **Praxis, 31 July 2007:**

"In many cases, women and children are not aware of their rights provided by the legislation and obligation of local executive authorities, which allows representatives of some local authorities to misuse this fact. IDP women, children, families and their members that do not have much knowledge about their rights and privileges based on the legislation face artificial problems in benefiting from their rights. There needs to be more projects and activities to strengthen the knowledge of IDP women and children on their rights, which could help them to better protect their rights and show more initiative in problem solving."

**ICG, 14 November 2007:**

"The IDP/refugee community has little participation in political and social life and scant access to information on domestic developments, let alone the peace process. Azerbaijan has a non-integration policy, mainly to make the point that the displacement is temporary. IDPs in camps are particularly vulnerable to political manipulation. The camps are typically isolated and tightly controlled, off limits to opposition or independent activists. No effort is made to give IDPs any representation in the negotiations. There is no elected IDP representative, and IDP activists argue that the authorities fear a well-organised, vocal IDP movement could present a challenge. The Minsk Group co-chairs occasionally consult with Nizami Bahmanov, head of the Shusha Executive Committee, who was appointed to represent the community in 1992 but is widely discredited among IDPs.

It is important for Baku to encourage IDP participation in the negotiations process. There are several IDP organisations in the capital but most are very weak. An Assembly of Nagorno-Karabakh Azerbaijanis was started in May 2007 to give the community an alternative voice and create a legitimate representative structure. It seeks a peaceful settlement and co-existence with Armenia, with Azerbaijan's territorial integrity as a precondition. There has been little improvement in social and economic rights since the early 1990s, however, despite the oil money. 61 per cent of IDPs and refugees in rural areas are at or below the poverty level. Health care is inadequate and work migration indicators high. Authorities say they have sought to improve social conditions since 2001. As oil money started filling the State Oil Fund, the government in 2006 allocated \$240.9 million for health and social care but no significant effect is visible. Analysts and many in the camps say corruption is rampant, and money often does not reach the intended destination."

**UN CEDAW, 2 February 2007:**

"21. While welcoming some recent progress, the Committee is concerned about the low level of participation of women in public and political life and in decisionmaking, and the lack of concrete steps taken to address the underlying causes, including prevailing social and cultural attitudes."

**UNIFEM, July 2006:**

"Researchers found that IDP women, like their local counterparts, are politically passive and tend not to seek out positions of leadership; their political activity is usually restrained to voting. The women did, however, express interest in leadership roles and said at the same time that municipalities have not consulted them on resolution of any questions at the local level. These responses indicate that IDP women need support and encouragement in running for and holding public office. Researchers also found that IDP women lack awareness on legal matters ranging from women's human rights to questions of business and land-ownership. While efforts have been made to raise women's awareness in these areas, more is needed to meet all the needs of the community.

Focus group discussions showed, however, that IDP women are not a homogenous group when it comes to awareness of their human rights. Researchers noticed that some of the women seemed to be confusing rights and obligations, as did the woman who told her focus group: "Women know their rights, they know they must bring up their children and think about the family's future." And while some women interviewed had a relatively strong understanding of their human rights and protections under the law, researchers found that even this group showed gaps in their knowledge of both the law and violations thereof. When issues such as trafficking in women and girls, prostitution and exploitation of children were raised, discussion became sluggish. The women claimed never to have heard of such cases. The interviews made clear that systematic human rights education is needed on a large scale among IDP women to develop their legal awareness and become better able to both identify human rights violations and act to prevent and remedy such violations. Past efforts to increase women's awareness of and ability to

advocate for their human rights have made some inroads, as the women themselves made clear. 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*. Upholding the principles of CEDAW and UNSCR 1325, both the Coalition and the Network work to link peace building with women's political participation and translate that political outreach to specific local and national actions. At present, *Coalition 1325* is the unique forum in which members of different strata of society come together to work on common issues. The *National Network of IDP Women* is comprised of IDP women from different occupied regions of Azerbaijan as well as inhabitants of Azerbaijani origin from Nagorno Karabakh. Existence of such a network provides an excellent opportunity for IDP 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. Experts say that like most local women, most IDP women do not play a very active political role. While IDP women do vote in elections, this is generally the extent of their political participation. They do not seek to participate as leaders in local governance and decision-making structures, nor do they seek more active roles in political campaigns. Instead, experts interviewed say most IDP women concentrate on their domestic responsibilities and their role as caregivers within the family sphere.

There are, however, former public decision-makers and highly educated specialists among IDP women who have enough experience to take on the role of leaders in the community. And 50% of IDP women surveyed (compared to only 31% of local women) said they would be interested in being a member of parliament or the head of a public organization. With so many women claiming interest in public governance roles, the question is why more have not put themselves forward when opportunities arise. Very few women stood as candidates in the municipal elections held in December 2004: women made up only 4.08% of the total number of candidates, and 5.01% of those elected.

Based on statistics of the Information Center of Central Election Commission of Republic of Azerbaijan, female candidates comprised 10.85% of the total number of the candidates during the Parliamentary Election held in 2005 in Azerbaijan. 13.04% of those were elected as MPs. One member of *Coalition 1325* and another one of the *National Network of IDP Women* were among the elected MPs...

The reasons both IDP and local women gave for their lack of interest in public leadership roles were also revealing, and could shed some light on the reason there are so few women in public office. Many of the women said they think public work is incompatible with their domestic obligations, and 12% said they had no faith in themselves or their abilities. Nearly a quarter gave no particular reason for their lack of interest; they admitted that their answer was not the result of long introspection and did not seem to want to delve into the gender stereotypes that might underlie their lack of interest. While these answers indicate that many women see political participation as a relatively low priority in their lives, they also suggest that this is not a deep-seated attitude... The last municipal election saw very low participation of IDP women voters. And a comparison of voting patterns among IDP women before and after their displacement shows that there has been a significant decline in their voting activity. Moreover, while IDP women are generally said to make up more than 50% of IDP voters, only 0.5% of IDP women who responded to the household survey said they actually went in person to the polling stations in the last municipal elections. Many delegated their vote to the head of the household (in nearly all cases a man), a common phenomenon among local women as well. And only half of IDP women surveyed said choosing which candidate to support is a decision they make independently; nearly a third said they consult their spouse before deciding which way to vote. This suggests that women's priorities, needs and concerns may be underrepresented among voters' demands, and that decision-makers may therefore be less attuned to and less interested in the needs and priorities of their female constituents... The vast majority (94%) of IDP women interviewed in

household surveys also said that they were not members in any public organization, and nearly two thirds said they do not participate in any community activities. 3.1% of respondents said their social activity consisted of participating in UNIFEM-organized events. The women did express strong opinions, however, that municipal powers did very little to respond to the needs of IDPs and stressed that: "whatever the municipal body does, it must be with our participation". This suggests that the women do want to be part of local governance, despite their present apathy, and underlines the importance of programmes to encourage greater involvement by IDP women in local power structures."

## **Access to courts**

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### **IDPs appeal to European Court to recognize their rights (2007)**

- Citizens of Azerbaijan have appealed to the European Court of Human Rights on issues relating to property, private life and discrimination
- The occupancy rights of a non-displaced citizen have been upheld by the European Court, and while the Azerbaijani courts have recognized these rights, they ruled that the rights are suspended until IDPs can return to their homes

#### **APA, 30 January 2008:**

"Internally displaced persons (IDPs) of Azerbaijan have sent over 1,000 complaints against Armenia to European Court by now, Azerbaijani government's representative to European Court Chingiz Asgerov said, APA reports.

"Only one of those complaints is considered in European Court. The other complaints will be considered depending on the results of consideration of this complaint. IDPs demand restoration of their violated rights, recognition of Armenia as aggressive state. Armenia is responsible side here," he said.

Representative said that the amount of indemnity which IDPs require from Armenia has not yet been defined. "We expect that IDPs will demand this amount due to precedent right of European Court in the next stage," he said. He said that NGOs, especially Eurasian Lawyers Association (ELA) played main role in the preparation of these complaints."

#### **Trend, 9 July 2007:**

"The European Court on Human Rights received over 800 appeals regarding Azerbaijan, the Azerbaijan Judge in the European Court, Khanlar Hajiyev, reported on 9 July. He noted that part of the appeals included lawsuits initiated by Armenian citizens in which Hajiyev described as untimely in consideration of the overloaded schedule of the European Court. "Presently some 85,000-90,000 appeals are under execution at the European Court. Consideration of the appeals is delayed as the Court does not have ample time and several appeals on Azerbaijan will be considered after the summer vacations," Hajiyev said.

Speaking of correspondence on the appeals by Azerbaijani citizens against Armenia and vice versa, the Judge noted that lawsuits were being dealt with restoring the right to property, the violation of Articles 8 (right to respect private and family life), and Article 14 (ban on discrimination) of the European Convention. Displaced persons from the Azerbaijani Lachin region applied to the Court against Armenia. The case is presently being considered."

#### **Trend, 26 December 2007:**



"The Azerbaijani report on the appeal by a group of citizen, who became the displaced persons from the territories occupied by the Armenian Armed Forces, was submitted to the European Court.

The displaced person, Chiragov from the Lachin region of Azerbaijan and the other five people appealed against Armenia. The investigation is under consideration...Armenia has already submitted its reports to the European Court. And Armenia must submit its response to the reports by Azerbaijan in January. In 2006, Askarov said that the Azerbaijani displaced persons submitted about 600 claims against Armenia. The cases of Chiragov and the other five people will be a pilot after consideration by the European Court, but later on the others will also be considered equally. The appeal by the displaced persons includes claims on the violation of their rights."

**CoE, 27 December 2007:**

"I. THE CIRCUMSTANCES OF THE CASE

6. The applicant was born in 1950 and lives in Baku.

7. By an order of the Narimanov District Executive Authority ("NDEA") of 2 June 1993, the applicant was issued, under the state housing policy, an occupancy voucher (yasayis orderi) to a three-room apartment in a state-owned residential building in Baku. The applicant did not move into her new apartment at that time, because the construction of the building had not been completely finished and the tenants had to undertake the repair works in their respective apartments at their own expense.

8. In 1997, pursuant to an oral agreement, the applicant allowed R., an acquaintance of hers, to use the apartment temporarily, free of charge. Under the arrangement reached by the parties, R. was to use the apartment in exchange for certain repair works that he would perform using the materials provided by the applicant. In addition, R. agreed to vacate the apartment whenever the applicant made such a demand.

9. Some unspecified time later, in breach of the existing oral agreement, R. allowed his relative H. and his family (hereinafter to be collectively referred to as "H.") to move into and live in the apartment. H. were internally displaced persons ("IDP") from Agdam, a region under control of Armenian military forces following the Armenian-Azerbaijani conflict over Nagorno-Karabakh.

10. When the applicant found out that her apartment was occupied by people unknown to her, she requested that they vacate it. However, H. refused to do so, stating that they had no other place to live. The applicant filed a lawsuit, requesting the court to evict H. from the apartment.

11. On 29 March 2000 the Nizami District Court granted the applicant's request. The court found that, prior to moving into the disputed apartment, H. had been living in the Barda Region and in the Khatai District of Baku where they had been registered as IDPs. They did not dispute the fact that they had settled in the apartment in 1997. The court further found that the applicant was the lawful tenant of the apartment and, as such, had a right to demand H. to vacate it. The court ordered that H. be evicted. H. appealed.

12. On 30 September 2002 the Court of Appeal quashed the district court's judgment. The court held that NDEA's order to issue an occupancy voucher to a partly constructed building had been in breach of the requirements of the domestic law. The court further held that the applicant had not concluded a social tenancy agreement concerning the apartment and, therefore, she could not have a valid claim to it. The court therefore quashed the first-instance court's order to evict H. from the apartment.

13. The applicant filed an appeal in cassation. On 13 December 2002 the Supreme Court reversed the Court of Appeal's judgment and partially upheld the applicant's request. The Supreme Court found that the Court of Appeal erred in judging on the validity of the applicant's occupancy voucher. It held that the applicant's tenancy rights were undisputed and that the proceedings only concerned H.'s right to remain in the applicant's apartment. The Supreme Court quashed the Court of Appeal's decision in this part.

14. The Supreme Court further ruled that H. should vacate the applicant's apartment. However, taking into account the fact that H. could not return to their permanent place of residence in Agdam and, in the meantime, had no other place in which to reside, the Court held that the execution of its decision should be postponed until they could return to Agdam.

15. Thereafter, based on the applicant's additional cassation appeal, the proceedings were reopened and on 27 January 2005 the Plenum of the Supreme Court quashed the Supreme Court's decision of 13 December 2002. The Plenum noted that, having found errors in the Court of Appeal's judgment, the Supreme Court had no competence under civil procedure law to deliver a new judgment on the merits and, instead, was obliged to quash the Court of Appeal's judgment and refer the case for re-examination by the Court of Appeal. Accordingly, the Plenum found that, although the conclusions reached by the Supreme Court were essentially correct, it had breached the procedural rules by delivering a new judgment on the merits. The Plenum remitted the case to the Court of Appeal.

16. On 7 April 2005 the Court of Appeal delivered a judgment identical to the Supreme Court's decision of 13 December 2002. It ruled that H. should vacate the applicant's apartment. It further held as follows:

"... the claim of V.B. Akimova must be upheld; however, having regard to the fact that the defendants are internally displaced persons from the Agdam Region and do not have another place in which to reside, the execution of the judgment shall be postponed until the Agdam Region is liberated from occupation."

17. At present, Agdam remains under the control of Armenian forces and the Nagorno-Karabakh conflict remains unresolved. At the time of the latest communication with the parties, H. was still living in the applicant's apartment...

34. The applicant complained that she had been deprived of her property rights in breach of the requirements of Article 1 of Protocol No. 1 to the Convention, which provides as follows:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."...

[The Court]

1. Holds that there has been a violation of Article 1 of Protocol No. 1 to the Convention..."

**Trend, 24 September 2007:**

"In the near future, the European Court on Human Rights will consider one more complaint from Azerbaijan regarding violation of the property rights. The European Court decided to accept the complaint of Valentine Akimova against Azerbaijan. The claimant testifies that the Protocol No 1 on property protection (article 1) and her rights on fair court proceeding (article 6) stipulated in the Convention on Main Rights and Freedoms have been violated. According to the information, an IDP family has inhabited in her apartment and she has not been able to use her property for a long time. She appealed to the court instance, but could not restore her property rights being violated. The [national] court recognized her property right, but made a decision that the internally displaced persons will live in Akimova's apartment until they return to their Native lands."

# DOCUMENTATION NEEDS AND CITIZENSHIP

## General

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### **IDPs face difficulty in securing documents (2008)**

- The documents of many IDPs were left behind or destroyed during the conflict; the archives were also destroyed
- 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
- Less than half of IDPs have IDP status cards, but most can access services without the card
- The UN recommended that documents should be issued at the local level

### **NRC, 29 February 2008:**

"...a significant number of beneficiaries lost their personal, property and other documents during their displacement from their original places of residence, which, together with lost archives created massive problems in their access to social and other services and, consequently, to basic subsistence. The lack of relevant documents and knowledge of how to access them has also played an important role in preventing the IDPs from local integration and returnees from full-fledged reintegration in the liberated areas."

### **UN, 15 April 2008:**

"50. According to information before the Representative, less than half of IDPs are in possession of IDP cards documenting their status and rendering them eligible to receive assistance and allowance as well as exempting them from payments for public services. The Representative gained the impression 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. While he welcomed this open attitude, it seemed important to him that the granting of IDP cards for persons wishing to become registered, for example in view of future measures such as return assistance, should not be overly complicated in what has at times been described as a lengthy, bureaucratic process centralized in Baku."

### **Praxis, 23 February 2008:**

"Rafael Allahverdiyev, an IDP from Gubadli region currently residing in Sumgayit had not been able to recover his labor book registration for 15 years. Although he had long working experience, due to the lack of labor book he could not claim for appropriate amount for the pension. His labor book was left in the occupied region when he fled with his family in 1993. Qualified lawyers of PRAXIS investigated the main issues of the problem, collected necessary documents and applied to the Gubadli district court on behalf of the applicant...Court restored Rafael Allahverdiyev's labor book and assigned to executive authorities to re-register his pension with consideration of his previous years of employment. Currently, Rafael started to receive his pension in increased amount and this has affected positively to the living conditions of his family."

### **NRC, 31 May 2007:**

"Many IDPs in urban areas continue to have substantial legal problems related to their IDP status. In approximately 25% of urban houses visited, IDPs spoke of cases either in accessing

documents, benefits, or of other problems that would meet the criteria for consideration by the ICLA project. This suggests a strong further demand for project services. Both in focus groups and face-to-face interviews, significant numbers of IDP families noted problems particularly related to accessing benefits and health care due to registration issues and documents lost during the war. A number of families also voiced concern that they had no legal right to their place of residence and could be evicted at any time.

In rural areas, some young women who had participated in the project in Fizuli noted that having access to legal assistance had helped them get documents in their own names that women in their community had never had before. In urban areas more women than men participated in trainings and seminars. This was because most men now worked during the day. Several women suggested that if men were to be included in the trainings or information sessions of the project, these activities should take place after regular working hours. The majority of cases were still registered by men, who tended to be the heads of households, and therefore more likely to have legal documents in their names."

**Praxis, 31 July 2007:**

"Low level of legal awareness, lack of knowledge on their rights before, during and after the marriage is also a serious problem among IDP women. If we look into the statistical data from the registration database of the information, counseling and legal aid project (Year 2005), then we can see that out of 1 103 applicants in Baku, 677 persons is woman. This is because women are more often subject to human rights violations and they face problems in solving own problems independently. The project has assisted a significant number of IDP women during the period of 2003 – 2007 in urban areas and women benefit from these services very frequently. Access to personal documents, social and medical services, education are the most frequently applied fields of the law."

**Amnesty International, 28 June 2007:**

"Policies on internal displacement are also 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. ExComs in exile are also responsible for the issue of registration and identity documents necessary in order to receive state subsidies and exemptions. ExComs were on the whole initially located close to concentrations of 'their' IDPs, although over time settlement patterns have changed. This means that in some instances internally displaced people must travel long distances to reach their ExComs. Internally displaced people have the right to vote in municipal elections in their current places of residence, but are prohibited from running for office there. There are no municipalities in exile..."

**Praxis, 30 April 2007:**

"Internally displaced persons either lost or left behind many of their personal documents during displacement. Some of their documents have been destroyed during or after the displacement. Archives of the occupied districts have been either burnt or destroyed. Therefore, it is complicated to acquire appropriate documents proving their labour registration. The legislator has made a number of concessions in favor of internally displaced persons regarding calculation of employment years considering the above mentioned facts."

**NRC, November 2006:**

"There are problems of IDPs in liberated villages of Fuzuli region related to the obtaining documents, including ID cards. These problems are created by the executive authorities responsible for provision of documentation. It is not occasional that it has been mentioned in the order of the President of Azerbaijan Republic on urgent measures related to the Parliamentary Elections that, Ministry of Internal Affairs should provide ID cards to all citizens. From here it is

clear that there are still citizens who do not have ID cards, majority of them are IDPs. There is Law of Azerbaijan Republic on citizens' ID Cards, which regulates obtaining ID cards. If we pay attention to the Article 1 of the Law, we would see that ID card is a document identifying personality of the citizen of Azerbaijan Republic on the territory of Azerbaijan Republic. There are two types of ID cards (article-2):

- 1) ID card provided to citizen before reaching age of 16;
- 2) ID card provided to citizen after reaching age of 16.

According to the Article 3, the series and No of the card, citizen's surname, name, name and surname of parents, place and date of birth, gender, blood group, place of residence, title of the organ issuing the card, and the date of issue is stated in the ID card of the citizens under age 16; in the ID card of the citizens above age 16 besides the abovementioned information marital status, military rank, height, color of eyes, personal signature and photo is stated, besides, instead of name and surname of the parents, father's name is stated. ID card is provided by the appropriate state body within 10 days at the request of the citizen or his/her representative on the bases of certificate of birth, photo of the person above age 16, receipt about the payment of duty in the necessary cases document certifying citizenship. The ID card should be changed when citizen reaches the age of 25, 35, 50 or his/her name, surname, father's name, marital status, or any other information in the card changes, or the card becomes unfit for use or is lost. The state duty is not paid for obtaining ID card for citizens under age 16. State fee for obtaining ID card for citizens above age 16 is one conventional unit – 5500 manats. According to the legislation responsibility is provided for officials for arbitrary refuse from provision of ID cards for persons by officials, request for documents not required in the law and procrastination, as well as spoling, theft, illegal preparation, falsification, and illegal use of the ID cards. For example, according to the Article 332 of the Azerbaijan Republic Code on Administrative Violations arbitrary refuse from provision of passport or ID cards to persons by officials, request for documents not required in the law and procrastination is punished with fine in the amount from 80 conventional units (5500 manats) to 90 conventional units.

There are also multiple problems in obtaining documents providing IDP status. Thus, during 12 years just about 42% of IDPs have IDP status certificate, the rest 58% still do not have this document and face various obstacles and requirement of additional documents. Provision of IDP certificates is conducted in a centralized form. Thus, State Committee on Refugees and IDPs is situated in Baku, IDPs residing in regions should come to Baku to obtain the document. This is very expensive for IDPs, because one visit is not enough. Because of such problems, IDPs avoid obtaining this document. According to the Charter (Basic Regulation) of the State Committee on Refugees and IDPs, adopted by the Presidential Decree No 187, on February 1, 2005: the State Committee is in charge of determining the status of persons applied for refugee or IDP status based on the law of Azerbaijan Republic on "Status of refugees and IDPs" and delivers documents to those persons certifying their status. And deprives them of the status. It is seen from the Charter that only one organ provides IDP status, this organ is State Committee on Refugees and IDPs. It would be better if provision of the status to IDPs would be conducted on the local level, not centralized."

**UN Committee on the Rights of the Child, 17 March 2006:**

"32. The Committee recommends that the State party continue developing and implementing an effective decentralized system of birth registration and take other measures to facilitate birth registration, in particular for children born from displaced persons, inter alia, by ending the practice of informal fees with a view to achieving registration of all children in the State party by 2010. The Committee further recommends that the State party control the accuracy of birth certificates and ensure the implementation of the applicable law in this respect."

### **Inheritance of IDP status only for children with displaced fathers (2008)**

- Children of IDPs only receive IDP status if their father has IDP status
- This practice has been called discriminatory by local and international NGOs

#### **Praxis, 31 July 2007:**

"Here we may witness that rights of an IDP woman is diminished, sometimes affecting negatively to the substance of these rights. Children of an IDP woman do not acquire IDP status if she marries non IDP man. But if an IDP man marries non IDP woman, then children from this marriage become IDPs. This kind of situations are not logical and do not respond to the international norms of human rights, principles of equality and non discrimination. The source of this discrimination is based on the Instructions regulating the distribution of monthly food allowances to IDPs approved by the State Committee on IDPs and Refugees on 05 February 2002. This document was agreed with the Ministry of Finance, National Bank, Universal Stock Bank and was registered at the Ministry of Justice of Azerbaijan Republic. The article 4 of this document brings clarification to the issues discussed above:

Article 4. 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;

IDP woman in order to receive appropriate food assistance shall either divorce their husbands (who is not IDP) or shall receive an act of a court declaring their husbands missing or dead. Divorce rate is high among IDP families, which is caused primarily due to social and psychological factors.

An average IDP family does not receive sufficient food or material support for normal living, suffer from lack of proper work and normal income.

But the legislation of Azerbaijan is also setting a trend of discrimination between men and women by providing IDP status to children based on the father's status. Children of an IDP woman who married non IDP man are not considered IDP as the head of the family is determined as man and not woman. But if an IDP man marries non IDP woman, then their children acquire the status of IDP. It is also interesting that if an IDP woman divorces non IDP man then children from this marriage may acquire IDP status as after the divorce woman is considered as a head of family."

#### **NRC, 29 February 2008:**

"Also, one recurrent discriminatory measure has been identified in terms of registration of children from mixed (IDP and non-IDP) marriages, where the status of the child depends on which of the parents is an IDP."

### **Government enables IDPs to receive labour pensions (2007)**

- IDPs are entitled to an old-age pension 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

#### **Praxis, 30 April 2007:**

"Pension right of internally displaced persons has been confirmed by the law. On 21 May 1999, the law on social protection of IDPs and refugees was adopted and according to article 8 social protection of IDPs are carried out in accordance with the rules and regulations of the law on Pension provision of citizens. Based on the article 17 of the law on Pension provision of citizens "refugees and internally displaced persons shall receive pension for age upon submission of documents on average monthly salaries. In case, this is not possible then appropriate executive authorities shall present them annual proof document on their previous work place and average monthly salaries based on what the pension shall be calculated. According to article 29, the same procedure goes for disability pension of refugees and internally displaced persons...

The legislation of Azerbaijan Republic has established a new legal norm in provision of pension to citizens. This section shall review determination of labour pensions to citizens, amount of pension and other questions related to the changes. These changes have been introduced by adoption of a law on Labour pensions of Azerbaijan Republic, which was accepted on 7 February 2006 and became effective since 01 January 2006. According to this law, labour shall be compensated to people considered in the legislation and insured by mandatory state social insurance. When determining labour pensions previous salary and other income of person shall be

taken into account. If the person has passed away, his/her family is entitled to receive this compensation on a regular basis. The following may be paid to citizens in accordance with the legislation:

- Labour pension for age;
- Labor pension for disability;
- Labour pension for loss of a family head.

Note: If the person is entitled to various pension options, then only one pension type may be paid to this person in accordance with his/her will.

According to article 7 of the legislation men reaching the age of 62 and women of 57 years age with minimum 5 years of insurance record, are entitled to receive labour pension for age.

Social insurance record – is a period of work or other activity that shall be taken into account when determining right to labour pension. This may also be sum of the period contained in the legislation and related to social experience.

Labour pension for loss of a family head is also determined to mothers with many children, with disabled children, mothers raising their children without husband. If a woman has 3 and more children, she raised her children until they become 8 years old and she has minimum 5 years insurance record, then these women has right to receive labour pension under the following conditions:

- women who has 3 children and reached 51 years age;
- women who has 4 children and reached 50 years age;
- women who has 5 children and reached 49 years age
- women who has 6 children and reached 48 years age;
- women who has 7 children and reached 47 years age;
- women who has 8 children and reached 46 years age;
- women who has 9 children and reached 45 years age.

Women with 10 and more children and 10 years of experience are entitled to labour pensions not depending on their age. Mothers with disabled children who raised them until they were 8 years old have right to labour pension when they reach 50 years age and have 5 years social record.

Fathers whose wives passed away or divorced their wives, or when mother is deprived of parenthood and father has not entered into a new marriage, raised their children alone until they

reached 8 years age are entitled to labour pensions when they reach 55 years age and have 5 years insurance record.

The legislation has determined category of persons with right to labour pension under privileged conditions. For example, irrespective of their final place of work, persons who worked in underground mines, and others who are in the list provided by the appropriate local authorities are entitled to labour pension when they reach 57 years age and have 25 years experience. 6 years of this period they should have worked in the above mentioned fields, women when reach 52 years age and with 20 years of insurance record and worked 10 years in the relevant field. Persons with hipofizganizm disease (lilliputs) and those with unbalanced dwarf height – men of 47 years age and women of 42 years age with 5 years insurance record are entitled to receive labor pension. In the field of civil flights and trial flights, men with 25 years insurance record and women with 20 years insurance record, men released from flights due to their health conditions, with 20 years insurance record and women with 15 years insurance experience are entitled to labor pensions. Persons served at the prosecutor's office for minimum 25 years are entitled to pension provision for age.

Amount of labor pension for age:

- Amount for insurance part of labor pension for age is calculated through the following method:  $SH = PS + (PSK / T)$ , here: SH – is an insurance part of labor pension for age; PSK – is a period of time when labor pension for age is calculated in insurance part at personal account of insured person.

- Amount of labor pension for age in all cases is determined according to the formula indicated in the article 7 of the present legislation:  $YH = PYK / T$ , here YH-is a basis of labor pension for age; PYK-is a pension capital collected until the period when labor pension for age is determined; T – is a number of months for expected pension payment period.

- Amount of labor pension for age in accordance with the following formula:  $P = BH + SH + YH$ , here: P – is a labor pension for age; BH – is a basis of labor pension for age; SH – insurance part of labor pension for age; YH – collection part of labor pension for age."



# ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

## General

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### **Some displaced families have been separated (2007)**

- Lack of jobs in rural areas pushes men to cities where they look for work
- Because of difficulties in registering one's residence in cities, women and children stay behind in order to receive government assistance, which they can only receive at their registered residence
- Displaced families have grown over time as children have grown, married and had children of their own
- But new families have reportedly been refused registration by local authorities, apparently because they do not want the number of families eligible for benefits to grow
- Some family members were settled in different areas

### **Amnesty International, 28 June 2007:**

"Restrictions on the freedom of movement have a knock-on effect on the enjoyment by the internally displaced of their rights to family life. Article 10 (1) of the ICESCR requires Azerbaijan to ensure that "the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society". Under Article 16 of the revised European Social Charter Azerbaijan has undertaken "to promote the economic, legal and social protection of family life" by such means as "social and family benefits, fiscal arrangements, provision of family housing, benefits for newly married", "[w]ith a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society". Principle 17 of the Guiding Principles clarifies that to give effect to the rights of internally displaced populations to family life, "family members who wish to remain together shall be allowed to do so".

However, the propiska system and lack of adequate housing have led to violations of the rights to family life of the internally displaced. As noted above, 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...

As Ayaz's case described above shows, the registration of new families as separate households is another problem. Over time internally displaced families have had children; as children grow up and marry, however, municipal authorities have reportedly refused the registration of new family units. Extended families have been therefore effectively forced to remain as one household and economic unit. Benefits allocated on the basis of households have consequently decreased relative to the number of heads in the household, with the result that welfare provision decreases in proportion to the number of heads per household. This in effect violates both the right of families to protection and assistance and the right to an adequate standard of living. According to representatives of international organizations interviewed by Amnesty International, the reasons for refusing the registration of new families are 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."

**NRC, November 2006:**

"Legal problems [of some of those resettled in Agdam region]:

·Families compactly settled in tented camps and formed communities and relatives have been separated and placed separate areas (concerning violation of Guiding Principles 28, 22(c))."

**Missing persons: family members still uncertain of their whereabouts (2008)**

- There are 4,176 people missing as a result of the conflict over Nagorno-Karabakh
- Thousands of people are still without information on the whereabouts and fate of those missing
- The government has made efforts to locate missing persons from Azerbaijan
- The issue of missing persons continues to cause tensions between Azerbaijanis and Armenians and stands in the way of a settlement to the conflict
- Solving the issue will require cooperation from all sides, including the de facto Nagorno-Karabakh authorities

**US DOS, 6 March 2007:**

"The International Committee of the Red Cross (ICRC) continued to urge the government to provide information on the fate of persons missing in action since the beginning of the Nagorno-Karabakh conflict; during the year the number of those confirmed missing increased from 3,400 to 4,176. The government estimated that approximately 4,850 citizens remained missing, allegedly held by Armenia. During the year the ICRC facilitated the transfer and repatriation of six persons between Armenia and Azerbaijan."

**ICRC, 2006:**

"Thousands of families remained without news of the fate or whereabouts of relatives missing as a result of the Nagorny Karabakh conflict...By the end of the year, the ICRC's list of missing persons from Armenia, Azerbaijan and Nagorny Karabakh contained 3,478 names"

**CoE, 20 February 2008:**

"...118. The question of missing persons seems to have generated much attention in this particular conflict situation. Efforts to collect evidence, draw up lists, enter into discussion with the other Party were presented to the Commissioner as well under way. According to the Azerbaijani authorities, as of 10 December 2007, 4 354 of their nationals were still registered as missing. They further reported that between 1988 and 2007, 1 393 Azerbaijani citizens had been released from captivity, while 414 persons of Armenian origin were still declared missing. There should be no awaiting for a global settlement before actively addressing the issue. Customary international law, humanitarian law and several articles under the ECHR (ART. 3, 5, 8, 10) protect the right to know what has happened to one's relatives and this right is not conditioned by the resolution of the conflict.

119. The Minister for National Security informed the Commissioner about efforts started in 1996 to identify and locate missing persons from the Republic of Azerbaijan. Commenting on the procedures used, he explained that upon their return people who had been missing were subject to an investigation in order to assess whether they were held captive with any other missing persons. According to the Ministry, who works hand in hand with the International Committee of the Red Cross, there is some evidence to suggest that several hundreds of the 4 354 people still missing were alive when taken into Armenian custody.

120. The Minister also gave some indications about efforts to respond to Armenian claims concerning a list of about 415 missing persons on their side. He claimed that only a very tiny number of those had disappeared in territories currently under the control of Azerbaijan and assured the Commissioner that efforts to locate them were still going on.

121. Whatever the exact figures and the validity of the claims, further efforts are obviously needed in order to clarify the tales of those disappeared on both sides. This is an important human rights issue and of fundamental importance to the relatives in all cases. The International Committee of the Red Cross is the competent body in this field and is carrying out admirable work. The Commissioner recommends both sides to continue their cooperation with ICRC in order to resolve the outstanding cases...

Comments by the Azerbaijan authorities

76. As regards missing persons and prisoners of war, the State Commission on the issues of Prisoners of War, Hostages and Missing Persons was established on 8 February 1993. As for 10 December 2007, 4 354 persons are still registered as persons missing in the conflict zone and currently in search. During 1988-2007 years 1 393 Azerbaijani citizens have been released from the Armenian captivity.

77. Information on 414 persons of Armenian origin who have disappeared during the conflict was submitted to the Commission by the ICRC. As a result of the inquiry done by the State Commission only 389 persons of Armenian origin were identified to have disappeared in the territory of the Republic of Azerbaijan. Most of these 389 persons disappeared in those Azerbaijani territories which are currently occupied by Armenia. The impossibility of Azerbaijan to enjoy its jurisdiction over these territories made it difficult to identify the fate of these people. According to the findings of the State Commission only 5 persons of Armenian origin disappeared in the Azerbaijani territories far from the conflict zone (Baku, Ganja, Oghuz). The Azerbaijani authorities are still carrying out their search.

78. In accordance with its obligations enshrined in the Agreement between the Government of the Republic of Azerbaijan and the ICRC, the State Commission on the issues of Prisoners of War, Hostages and Missing persons has established and further strengthens close cooperation with the ICRC."

**CoE, 24 May 2007:**

"1. The issue of missing persons in Armenia, Azerbaijan and Georgia continues to cause tremendous suffering for the families of missing persons. It also fuels tension in the region and hampers efforts to find a peaceful solution to the conflicts over the regions of Nagorno-Karabakh, Abkhazia and South Ossetia.

2. The parties to a conflict or situation of internal violence bear the primary responsibility for preventing disappearances, clarifying the fate of missing persons and responding to the needs of the families.

3. The issue of missing persons is a humanitarian problem with human rights and international humanitarian law implications. It should not be treated as a political issue and consequently should not be dependent on the political settlement of the disputes in the region.

4. Resolving the issue of missing persons could contribute to reducing levels of hostility, mistrust and intolerance, building confidence in the region and facilitating efforts to find a political settlement to the disputes in the region.

5. Time is of the essence when seeking to solve the issue of missing persons. Delays extend the uncertainty and suffering of the families and reduce the likelihood of finding, identifying and returning missing persons.

6. The total number of missing persons in the region of Armenia, Azerbaijan and Georgia can be calculated at 7 538 persons. This includes, according to the respective parties, 4 499 Azerbaijanis and 947 Armenians from the conflict over the region of Nagorno-Karabakh and 1 763 Georgians and 197 Abkhaz from the conflict over the region of Abkhazia. In relation to the conflict over the region of South Ossetia, the Georgian authorities have indicated the disappearance of 10 Georgians and 122 South Ossetians as a result of the conflict.

7. The right to know the fate of missing relatives is a fundamental right of the families concerned and must be guaranteed. The right to know is firmly entrenched in international humanitarian law. Furthermore, state practice establishes as a norm of customary international law, applicable in both international and non-international armed conflicts, the obligation of each party to the armed conflict to take all feasible measures to account for persons reported missing as a result of armed conflict, and to provide their family members with any information it has on their fate. The right to know is also anchored in the rights protected under the European Convention on Human Rights (ETS No. 5), notably Articles 2, 3, 5, 8, 10 and 13.

8. The Parliamentary Assembly, though acknowledging the efforts made by the authorities, regrets that the issue of missing persons in Armenia, Azerbaijan and Georgia remains largely unsolved, notwithstanding the passage of over twelve years since the end of hostilities in the region.

9. The Assembly is concerned by the continuing allegations of secret detention of missing persons and considers that all such allegations should be addressed to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in order that they be fully investigated. The persistent rumours serve only to raise tension in the region and cause further suffering for the families, in particular as the possibility of finding missing persons alive after such a long period of time is extremely remote.

10. The Assembly emphasises that the issue of missing persons cannot be solved unilaterally by one side to the conflict and that close co-operation and co-ordination is necessary between the different sides concerned. In this respect, the Assembly considers it essential to address its recommendations not only to Armenia, Azerbaijan and Georgia, but also to the "administrations" of the Nagorno-Karabakh, Abkhazia and South Ossetia regions through the authorities of the countries concerned. It reaffirms the sovereignty and territorial integrity of Armenia, Azerbaijan and Georgia and the recommendations outlined in this resolution do not imply any form of political recognition for the regions of Nagorno-Karabakh, Abkhazia and South Ossetia. "

#### **IDPs have a group identity (2004)**

- Internally displaced identity shaped by simultaneous loss and hope

#### **Balikci, June 2004:**

"We mentioned that in Baku, IDPs represent basically a ghetto society characterized by absolute poverty and structurally marginal to the resident majority. IDPs have a strong "we" feeling, a specific IDP identity which appears to include two important elements. The first represents the notion of "loss" illustrated by poverty, passivity, marginality and the second the notion of "hope" related to the traditional homeland (past and future) and carrying the promise of bliss. Openly, the IDPs reject the idea of remaining forever in Baku and integrating in a definitive way. Hasan

bay the komandant said: "There are here some who have made it in Baku with their golden hands and they wouldn't like to return to their homeland but we look down at them, we despise them, we hate them, and anyhow, they are very few of them..." In a different moment the same informant commented: "I have three sons and a good place here on the ground floor with a garden, when our village will be liberated I'll return immediately to my old house but I'll leave my eldest son here, it is good to have a son in Baku..."

### **Gender roles in the family have changed since displacement (2007)**

- Displacement has compelled many internally displaced women to assume new or at least increased responsibilities
- Men are heads of household and make most decisions
- Gender divisions in family common throughout country
- Some displaced persons consciously decide to have fewer children

#### **UN CEDAW, 2 February 2007:**

"15. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Azerbaijan, in particular in rural areas, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes found in school textbooks..."

27. The Committee is concerned that widespread poverty and poor socio-economic conditions in the country are among the factors that lead to the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women — in particular women living in mountainous and highland areas — which is characterized by precarious living conditions and lack of access to justice, health care, education, credit facilities and community services..."

29. The Committee notes with concern that, although legislation guarantees women equal rights with men in matters relating to marriage and family relations, in practice, discrimination against women remains widespread in those areas and can be seen, inter alia, in the persistence of unregistered religious marriages. The Committee is also concerned that the legal age of marriage is 17 years for girls, and may be lowered by one year under certain conditions, thus encouraging early marriages."

#### **UNIFEM, July 2006:**

"Azerbaijani families are traditionally very close, and the passing of values from one generation to the next is of great importance. In the unstable world inhabited by IDPs, family is an even more vital source of support. It is generally frowned upon to discuss private matters outside of this circle, despite the popularity of family-related problems as a topic of conversation in Azerbaijani society."

Focus group discussions did reveal that there are clear and unyielding gender roles governing family life, made in the classic patriarchal mold. One woman quoted a folk proverb to illustrate the gender dynamics in Azerbaijani families: "If the world is a house, then children are its light; and if a son is its foundation, a daughter is its ornament." While the proverb aptly illustrates the privileged position men hold within the family circle, it glosses over the women's heavy burden of work inside the home. Focus group participants acknowledged that while men are generally considered to be the heads of the households and, in most cases, provide the larger part of the

household income, women bear nearly the whole burden of caring for the family – including the ill and the elderly – and maintaining the home.

Gender roles can be understood by examining how first-grade things, like food, are distributed within the family. Such actions are often ritualized. For instance, when focus group participants were asked to whom they normally give the best portion of food, nearly 60% replied that they give it to their husbands, 30% to their children, and only 3-4% said they give it to the elderly or keep it for themselves. It is evident from the women's responses that they all play a service-oriented role, and that for the most part they privilege men.

Yet most of the women also said they agree with the thought of one of the focus group's participants on "delineation of the roles of man and woman, father and mother, son and daughter within Azerbaijani family", and they have no desire to change it. "I do not think it is discrimination," insisted one woman. Only a few dissenting voices – all the more noticeable because of their scarcity – called for greater equality between men and women in family life than tradition at present allows...

The gender divisions within the family seem to be widespread in Azerbaijani society. Recent figures show that economic inactivity is higher among women than men for all age groups from 25-29 years to 55-59 years. It is assumed that, since the average marriage age for women in Azerbaijan is 23.7 years, most of the economically inactive women are married. And women make up all of those who are economically inactive due to home care, child care or care for the sick and elderly. 30.3% of the economically inactive population, and 44.2% of economically inactive women, are engaged in home care, child care or care for the sick and elderly. Their economic inactivity may be because of choice, lack of opportunities, or the result of gender stereotypes that discourage women from working outside of home once married, especially in rural areas.

Although the women generally supported the notion of family life guided by traditional gender roles, they did emphasize that women face specific problems as a result of these strictly regimented roles. And while the nuclear family is considered the basic unit of household life, extended family can play a large role – not always for the good. Female roles within the family circle are clearly stratified, for example, with the wife on one level and her female in-laws – her mother-in-law in particular – on another. Focus group participants stressed that mothers- or sisters-in-law can make women's lives extremely difficult, if not dangerous. One woman said that her husband, provoked by his mother and sister, often beat her while she was pregnant, and that her child was born "ill" as a result. Another woman noted, "In families, mothers-in-law, husbands and other relatives are not pleased when a pregnant woman often visits doctors." Nor are female in-laws necessarily any more sympathetic than male family members to the heavy workload on the shoulders of a young wife in an extended family. And tradition keeps many of these women silent in the face of abuse. As one woman said: "Not only did I have to be a daughter-in-law, but also do all the housekeeping as though I were a servant. I could not object to anyone. My husband beat me unmercifully when he came home in the evening. My rights in this family were violated not just as a woman, but as a human being. And I had no right to complain..."

**Balikci, June 2004:**

"Throughout these peregrinations the family, usually comprising three generations, behaved as an autonomous social unit. It seems that from the moment when the native village was abandoned until the arrival in Baku, the family head took the decisions about where to move and where to settle. In our sample with the possible exception of one case there is no instance of two or three closely related nuclear families moving together as a group. Each family acted independently and followed a different route selected on the basis of rapidly changing circumstances. And for the ten families with relatives in Baku, the help they received was short

lived. The Baku relatives helped somehow the newly arrived in their search for a room, preferably in a hostel, and there the help ended. The autonomy of the family acting as an independent socio-economic unit was a constant factor throughout the internal displacement process.

In our family composition survey we have taken into consideration only family members living in the room under observation. Married siblings and various collaterals residing elsewhere have generally been excluded from our sample. With this limitation in mind, we can notice that 20 families consist of two generations and 18 families of three generations. Married female descendants do not reside in their parents' room. They live at their husbands' place. Residence is rigorously patrilineal. No elders reside alone. Elders usually reside with one of their married sons. Even in this case, it is the elder man who is legally and practically the head of the family. Unmarried daughters always reside in their father's room. After the death of their mother, it is the unmarried daughters who look after their elderly father. Assuming that an elderly couple has three married sons, only one will remain in the family room, the other two will have to move out to some other accommodation. This move is determined mainly by the exiguity of the original family room, simply there is not enough space in a 18 m<sup>2</sup> room for several nuclear families to cohabit. However, finding rooms for married sons and daughters is an extremely difficult task...

The second trend concerns the reduction of family size in the displacement context. In many cases we enumerated collaterals residing outside the family room. In one case nine married siblings resided in different places in Baku, in another eight, in still another six and three additional groups of five married siblings are included in our genealogies. With a single exception these 38 members of very large families had only two children each. This reduction in the number of children born after displacement rests on a conscious choice. As an elder informant explained: "We had a good life in our native village. I had cattle and sheep, a good house and a good job, free education for my children and free medical care. We like children and we had large families, we didn't care, we thought that the good time will last forever. Then came Gorbachov who destroyed the country and the Armenians completed the destruction ... now in this miserable situation the young understand about modern life with its difficulties, they talk about children among themselves and decide to have only one or two..."

Strangely enough, according to our data, close relatives like married siblings do not live in the same building, they are usually located in different hostels or unfinished buildings in different part of the city. Again, the family behaves as an anonymous residential unit. There are exceptions however. One man had an exceptionally large room in a hostel while his sister with her family was living in a dark basement. He divided his room in two with a makeshift partition in order to accommodate his sister's family. And there is the unique case of an extended family occupying a basement in a semi-finished building. The family is from Agdam town and consists of five brothers and one sister, all married with children. The eldest brother was already established in Baku before the war. The second brother arrived soon after the Armenian occupation of Agdam, followed by the other brothers and the sister. They all stayed initially in the small house of the eldest brother, about 30 people. Together they searched for accommodation, discovered this empty basement and moved in together after rebuilding the premises."

UN Commission on Human Rights 25 January 1999, para. 38, 39:

"38. Within the family, the experience of displacement has affected gender roles. According to the traditional family structure in Azerbaijan, men are responsible for providing income while women act as the principal family care-givers by undertaking all household chores, cooking and caring for the children, in addition to whatever economic activity they may have been engaged in. Displacement has compelled many internally displaced women to assume new or at least increased responsibilities for financially supporting the family, because of the death, disablement or unemployment of the men in the family."

39. The changes in gender roles, however, are not fully reflected in the social structures of internally displaced communities. A difference was noticeable between the internally displaced populations visited in urban and rural areas. In urban areas, men and women alike were represented in the groups of internally displaced who came forth to meet with the Representative; indeed, the women tended to be the most outspoken and assertive in communicating the community's concerns. By contrast, in several of the camps it was predominantly, and sometimes exclusively, men who assembled in public areas to meet with the Representative; the women remained close to their homes, although efforts were made by the women comprising his delegation to consult with these women on an individual basis. Even when gatherings of camp populations were mixed, the men and women tended to be clustered separately."



# PROPERTY ISSUES

## General

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### **IDPs have limited access to land and ownership of property (2007)**

- IDPs do not own land that government allocated to them
- Land often infertile and/or far from current residence and IDPs lack agricultural inputs
- Low home ownership among IDPs, as compared to the general population

#### **Access to land**

##### **DRC, 30 November 2007:**

"The assessment results show that 73% of local resident families, vs. 16% of IDP families, have land plots. Of these, 83% of local resident families and only 29% of IDP families claim that this land is their property; 16% of local resident families and 19% of IDP families say they use this land without any rights. In both groups of population, 97% of the land is fit for agriculture. The table above shows that it is only in the Fizuli raion that a relatively high number of IDP families have a land plot (34%). This is due to the fact that a large number of IDP families in Fizuli are in fact returnees (they came back to their own pre-conflict houses), while still holding IDP status. After coming back to their homes, they were able to register land plots as their property, in line with the governmental land reform.

The average size of the land plot local resident families cultivate is 171 ares, and for IDPs it is 243 ares. However, there are several outliers in the latter variable, significantly affecting the mean (namely, in two cases size of land plot is recorded as 5 000 and 6 500 ares, while in case of local residents the maximum size of land plot is 1000 ares).

86% of local resident families and 59% of IDP families have household land plots (a "household land plot" is different from a "land plot" and constitutes small plot of land surrounding a house or individual IDP shelter). Of these numbers, 93% of local residents and 17% of IDPs have property rights for household land plots at their disposal. As the results show, 90% of local residents' household plots and only 60% of IDP families' household plots fit for agriculture. The average size of household plot of local resident families is 16 ares, while in case of IDP families it's only nine ares."

##### **UNIFEM, July 2006:**

"Government statistics show that IDPs have been given 60,000 hectares of land from state and municipal land funds for their temporary usage. The Government also created 760 farms which provide livelihoods for 47,000 IDPs. Ali Hasanov, "Information on about one million Refugees and Internally Displaced Persons formed as a result of ethnic cleansing policy in Armenia and occupation of 20 percent of territories of Azerbaijan by Armenian armed forces (1988-2005)", Baku, Azerbaijan, 2005, p.120. Official sources suggest, however, that much of the land is used inefficiently simply because IDPs lack the capital they need to obtain credit in order to establish factories, develop small and medium sized businesses or implement micro-projects in any field – agricultural or otherwise. Experts blamed the lack of land ownership among IDPs combined with an undeveloped system of credit for the economic problems that plague the IDP community as a

whole, and therefore IDP women as well. This issue was raised in every focus group discussion conducted for the Assessment."

**UNHCR, October 2005:**

"Access to land is also limited among IDPs, despite Government efforts to allocate land to those living in rural areas, including IDPs who have moved to the new, Government-sponsored settlements. According to studies, only a minority of IDPs own (9-17%) or have access to (22% outside Baku) land, while almost half of non-IDP citizens own or have access to land. Even those who have access to land are constrained, in terms of agricultural production, by the distance from their homes to the allocated land, the poor soil conditions in parts of the central Kura-Arak valley and floodplains, and the lack of agricultural inputs. In view of the small plots and poor lands allocated to IDPs, they tend to consume less home-produced food than the locals.

The 2004 WFP survey found that 50% of the IDPs stated that they have been allocated a piece of land, yet only half of them are using it. The Government allocates half a hectare of land plus USD 200 per family. One of the problems is the distance from the house to the allocated land, the size of the allocated plots and the poor quality of the soil, as the allocated land is usually left over from the privatization process. During the mission's meeting with the Ombudsman, she also noted the inadequacy of the land plots allocated to IDPs.

In a few instances, some IDPs were able to bring significant moveable assets, in the form of livestock, into displacement. These IDPs are the ones that traditionally used winter pasturelands in regions outside the occupied areas. More specifically, these are IDPs originating from Lachin region and currently settled in the so-called Lachin winter lands. Also, they have been able to settle in grazing lands over which they had usufruct rights prior to the displacement. However, on average and when compared to the local population, IDPs tend to have less livestock (as shown in the 2002 World Bank poverty assessment)."

**Property ownership**

**DRC, 30 November 2007:**

"Assessment results confirm the obvious improvements in shelter conditions and land access for IDPs under the new state programs, but leaves questions about durability of this solution: More than 71% of local residents, but only 15% of the IDPs covered by the assessment, have property rights for the houses they live in. The low level of property ownership among IDPs creates challenges for this population. For example, the survey showed that 81% of local residents and 74% of IDPs who are not currently involved in private business are interested in establishing a business of their own, preferably in agriculture and trade. Lack of property 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 by the inability to present collateral for a loan."

**UNIFEM, July 2006:**

"The local women interviewed had economic problems of their own, but they nevertheless made a point of saying that they were better off than IDP women. One of the main reasons they gave was that they own property whereas usually IDP women do not..."

Property ownership is indeed one area where the lives of IDP and local women diverge drastically (see Diagram 1). 80% of the local women interviewed own their houses or other property, whereas of the 190 IDP women interviewed, only 11.5% owned their own property. The most common form of private property among the local women is housing, but they also own land, small businesses and dachas; some may use their property only in the summer as a place to vacation, others not at all. Housing is also the most commonly owned property for the IDP 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. Lack of land ownership for IDP women thus has

a double impact: being dependent on the state for their housing deepens the sense of impermanence and instability that permeates their lives; and since their livelihood is so closely connected to the land, such feelings of instability would be all the more stressful."

**UNHCR, October 2005:**

"As a World Bank study of displaced populations in Europe and Central Asia concluded, housing is perhaps the greatest difference between local populations and displaced persons. Not only are housing conditions significantly better for the local population but home ownership is also greater among the non-IDP population. In Azerbaijan, home ownership among IDPs is extremely low (15% according to the 2002 World Bank data), particularly when compared to that of local families (83%)."

**Some IDPs are illegally occupying apartments (2008)**

- Some 70,000 IDPs are squatting in apartments left by ethnic Armenians and other minorities
- There is a government order to prevent the eviction of IDPs from where they settled between 1992 and 1998, regardless of ownership
- As a result, appeals to reclaim the occupied dwellings have been rejected by the courts
- A displaced family was evicted from a school to make way for repairs, and was offered housing in a kindergarten

**Government of Azerbaijan, 3 April 2008:**

"Number of IDPs living in various types of housing

...

Occupied apartments 70,151

...

The Ombudsperson Apparatus have received 421 complaints from IDPs in 2007...Some IDPs don't accept the decision of courts concerning their eviction from buildings where IDPs are temporarily settled."

**UN Human Rights Council, 15 April 2008:**

"The State Programme proposes a range of measures and assigns deadlines and concrete responsibilities to competent ministries and State agencies, with the expectation of quarterly reports tracking implementation. A major component of the Programme is the closure of substandard shelters and the allocation of adequate alternative housing and land plots for agricultural purposes. It is further stipulated that relevant officials must not tolerate attempts to evict IDPs from public buildings, apartments and land they temporarily occupied between 1992 and 1998, regardless of ownership questions, until the displaced return or move to new temporary settlements or houses...A 1999 Cabinet decision outlawed the eviction of IDPs living in public buildings or private property, unless IDPs were offered alternative accommodation under adequate conditions."

**CoE, 24 May 2007:**

"ECRI notes with concern that according to several reports, some refugees and IDPs are illegally occupying private properties belonging to ethnic Armenians as well as to members of other ethnic minorities. In the Decree of the Cabinet of Ministers no. 232 of 4 November 2004, the Cabinet of Ministers recommends that the Azerbaijani courts take the necessary steps to prevent evictions of IDPs from their non-permanent living places in public buildings and "other items regardless of their property status". On the basis of this decree and others, the courts have until now rejected the claims concerning the right to reclaim the illegally occupied goods, particularly arguing that this right will be suspended as long as the conflict over Nagorno-Karabakh remains unsolved.

Such a status quo has apparently put the private owners of properties occupied by refugees or IDPs in a very difficult situation. To ECRI's knowledge, no measures have been taken to ensure that financial or material compensation be awarded to the victims of such illegal occupations."

**Trend, 31 August 2007:**

"The family of the teacher who was internally displaced from the Shusha region of Azerbaijan, has been moved from her place of residence on the basis of a lawsuit by the Azerbaijani Education Ministry. Rooms were therefore allocated for the family of Valida Bagirova in the Yasamal district Childrens Home 18 by the decision of the Court. However, Famil Mammadov, Bagirova's attorney, said the family were dissatisfied with state of the rooms. The Judge of the Yasamal District Court, Tair Ismaylov, said no appeal has been submitted to the Court as yet. Yasamal District Court made regulations on the lawsuit of the Azerbaijani Education Ministry to move Bagirova and her family to a Children's home. Two rooms were allocated at the childrens Home No. 18."

**Trend, 18 August 2007:**

"The lawsuit of the Ministry of Education of Azerbaijan regarding eviction of an IDP family from the territory of school was ensured, said the judge of the Yasamal District Court, Tahir Ismaylov, on 17 August. Due to the lawsuit of the Education Ministry, Yasamal District Court passed a resolution evicting the internally displaced person (IDP), Valida Bagirova, from secondary school No. 20 and transferring her to the kindergarten No. 18. According the resolution, two rooms allocated in the kindergarten will be repaired and issued to the use of Bagirova. Bagirova's lawyer Famil Mammadov said that they are dissatisfied with the resolution of the Court and will appeal to Baku Appeal Court.

According to the accused IDP, the territory has been issued to her in 1994 by the Director Talib Sharifov. The Executive Power of Yasamal District expressed dissatisfaction with this fact. Bagirova appealed to the Parliament of Azerbaijan and the Parliament imposed a ban to evict the IDP family. Due to the beginning of repair work at school in January of this year, the Education Ministry decided to evict the family from school. The Ministry argued its decision through the issue that the family prevents the repair work. According to Bagirova, she heard this in hospital and as a result, incurred shock, fainted and broke her leg by falling down.

Defendant said the decision of the Ministry caused worsening of her health. Bagirova stated that she intend to appeal against Misir Mardanov, the Azerbaijani Education Minister, for material and moral damage. "The minister will pay me both for moral and material damage," Bagirova said. The IDP refuses to move to kindergarten 18, due to bad life conditions in this area... Famil Mammadov, the representative of the defendant, stated that nobody can move internally displaced persons from their residence in compliance with the decree of the Azerbaijani President issued from 1996 and 1998, as well as the State Program on improvement life conditions of refugees and internally displaced persons...

According to the representative of the State Committee on Work with Refugees and Internally Displaced Persons, Vugar Garayev, move of refugees can be implemented only by the agreement of the refugees themselves. "We agree to move Bagirova's family within the framework of the bill. The Education Ministry should repair the territory proposed to Bagirova," Garayev added. "

**Trend, 22 November 2007:**

"The number of refugees and internally displaced persons temporarily placed in apartments will be confirmed as well as all the necessary measures to be taken. According to the Judge of the Supreme Court, Ramiz Rzayev, examinations are being held in order to define the apartments where refugees and internally displaced persons were placed after the European Court made the decision against Azerbaijan in the case of Valentina Akimova. Akimova's plaintiff commented on

the violation of her rights on property envisaged by the Protocol 1 of the European Convention on Protection of Human Rights and Freedom...

"We must understand the situation of the refugees and the internally displaced persons. Although the courts recognize the property rights of citizens, the implementation of decisions by the courts was suspended until the Azerbaijani occupied territories were to be liberated. We will develop a document concerning the issue," Rzayev said. The Supreme Court had to abolish the decision made by the Appeal Court on 7 April 2005 and to allocate the apartment to internally displaced family of Akimova in order to fulfill the decision made by the European Court."

**IWPR, 26 October 2007:**

"One of the refugees' major concerns is a decree issued by the late president Heidar Aliev which said they should be granted ownership rights over land and homes they have occupied. This led to property disputes. "In view of the dreadful situation the IDPs found themselves in, Heidar Aliev issued an order that the real estate they occupied should become their lawful possession," explained member of parliament Hadi Rajabli, adding that the government now needed to find a solution to this issue.

The deal might be good for refugees like Sevda Musayeva, who has been living in three rooms in a sanatorium and will have the right to claim compensation for improvements she has made to the rooms if she is forced to move on. But the issue is more complicated when it comes to private homes. Baku residents say that some of the IDPs seized flats after the date of the late president's ruling, and that others have refused to give back property they acquired unlawfully. Khatura Azizova, for example, says she has been unable to evict IDPs from her apartment ever since they started squatting there in 1993. She has lived with her mother and in rented flats since then."

**Praxis and NRC, 30 June 2007:**

"In the frames of Information, Counseling and Legal aid project with the financial support of Norwegian Refugee Council the Center for Legal and Economic Education pointed out that the ignorance of IDPs' rights has a permanent character. The settlements of IDPs everywhere they want from the very beginning of their settlement bring to conflicts between them and local population. For example, applicant IDP said that in 1993 he came to Baku with his family and settled in the half build house without any welfare standards. The local non-idp person claimed on eviction of the IDP family from that house and the court in 2003 made a decision about removal of the IDP family from this place. The IDP family brought the decision of the Court to our Center and in this resolution as if the court showed the legal bases of their resettlement. As IDP families didn't presented at the court they didn't know the reasons of this resolution. Court as the reason for their decision gave the special order given in 1996 by the appropriate executive powers and with the privatization and registration papers given in 1997, which proves the rights of the citizen on this property. In reality, the court didn't make any investigations. The reasons of one sight investigations in favor of the local citizen is the interest of the court to deference the rights of the citizen. In other case, according to legislative norms court should have made several investigations. So, court didn't make any initiations to ensure the participation of both sides in court and to examine the disputable house. Also, according to the sentence it became clear that the judge didn't have an experience in IDPs cases and wasn't familiar with normative acts. In a word, in 200 decree given by the Ministry of Azerbaijan Republic in 24 December 1999 "On Some rules providing IDPs with houses" is mentioned that the State Program on IDPs problems solution" was proved by the President of Azerbaijan Republic in 17 September 1997 and prohibits the resettlement of IDPs from the places they settled and frozen the legal power of the orders given by appropriate executive bodies.

In the 5th chapter of the decree on "Social protection of IDPs and equal person's" is mentioned that appropriate executive bodies should rescue IDPs proper houses. They can use houses fitting for life or houses which can be made appropriate for life and in any other administrative buildings.

IDPs and refugees should be provided by the living places by appropriate executive bodies according to the 17th chapter of the decree on "The status of IDPs and Refugees" which was proved by the decree number 200 signed by the Ministry of Cabinet of Azerbaijan Republic in 29 December 1999. Also, the decree on "The social protection of IDPs and equal persons" supports the rights of resettled of IDPs in other properties according to the cases mentioned in legal laws.

- Resettlement of IDPs can be done from the site of a special committee organized by executive body of the city or district.
- During resettlement of they should take into account the sizes of the place, water, energy and heat provision and other welfare conditions.
- If IDPs violated the rights of other citizens they should be resettled in the territories according to the requests listed above.
- The resettlement of IDPs should be co-ordinate by the State Committee on the IDP cases.
- After resettlement of IDPs in new territories they use privileges according to the legal laws.

Adjoining to the all above mentioned normative acts 43rd chapter of the Constitution of Azerbaijan Republic notes that the state assists in construction of living premises, takes special measures for realization of right for home. Also, 33rd chapter of the Constitution mentions that everyone has the right for sanctity of his/her home. The 48th chapter of The Property Code of Azerbaijan Republic shows that only appropriate executive bodies can give the orders to people in order to settle them in state and public houses. Such orders can be given only to the empty houses. The 49th chapter of the same Code notes that in case if civilians will give false information about the state of the given houses, or the rights of other civilians or organizations will be violated, or if the appropriate executive bodies will act against the laws, or in case if the rules of the settlement will be violated, the order can be shown as invalid by the decision of the court.

These normative acts supports let us ones more to warn the IDPs that the sentences of the courts are invalid. The new orders can be given only to empty houses. The court just didn't want to give these orders. Despite all of this resettlement of IDPs was made illegally. In a word, the 8th chapter of the Azerbaijan Republic Law shows that the certificate given by the house exploitation organization is the only legal paper for privatization.

It shows that privatization was done wrongly. Also, in the 152.5th chapter of the Civil Code of Azerbaijan Republic it is mentioned that proprietor according to Civil Code and other laws concerned with property has rights to own, use and to rule by these properties and do all actions that are not prohibited by law and don't violate the rights of neighbors and the third person. We can see that these laws protect the rights of neighbors and the third person. In all cases the privatization papers were given illegally. The case was given to Appeal court and supported by the lawyers. Appeal court provides the case. There were some successful cases concerned with the IDPs properties with the financial supported by Norwegian Refugee Council in the frames of the Praxis Support to Social Development Public Union in Sumqayit city."

***See also the European Court judgment [Akimova v. Azerbaijan](#), 27 September 2007. A family of IDPs had occupied the applicant's apartment and the Court found there had been an interference with her property rights.***

### **Some IDPs who built their own houses live without security of tenure (2008)**

- Some IDPs have limited enjoyment of their property rights as those who built houses near Sumgait and Baku are still without formal registration

**NRC, 29 February 2008:**

"Whereas IDPs enjoy a variety of privileges not accessible to non-IDP population, such as food and cash subsidies, tax exemptions, payment of housing utilities and similar, unlike other citizens of Azerbaijan, their property rights e.g. in terms of privatization of their accommodation are limited. "

**Praxis, 30 June 2007:**

"The property of IDPs was left in the occupied territories and destroyed by the Armenian aggressors. However, IDPs in the years of their deportation willfully build the houses nearby districts of Baku, such as Sulu tepe, Binagady, Badamdart, Hovsan, Masazir, Khirdalan, Bina, Yasamal, an on the territory of Sumqayit, and still live there. There are special legal enlightenment activities toward the formal registration of these houses. However, for the formal registration of these houses there should be papers from the local municipal organs and executive authorities. In other case, if such papers aren't be given to IDPs they can participate in courts to protect their legal rights."

**IDMC, 12 December 2007:**

"The lack of legal security of tenure for some IDP housing means they have no legal protection against forced eviction. Some people fled to the Sumgait area during the conflict and bought 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. They have since built houses and settled in this area. A local legal aid centre has brought this issue to the attention of the local authorities and believes that it will be resolved in favour of the IDPs. In the meantime, however, IDPs fear they may be forcibly evicted at any time. IDMC visited one of these informal settlements in Sumgait and found displaced people enduring dire and unsafe living conditions, living in unheated railway wagons, meagre undersized shacks and decrepit public buildings without government services such as solid waste collection and sanitation.

**Some IDPs in public buildings and other dwellings face eviction (2007)**

- Private businessmen buy buildings where internally displaced people are living in order to make way for new construction
- In some cases IDPs are evicted without notice, consultation, compensation or alternative accommodation
- This is despite a government decree to prevent evictions of IDPs regardless of whether they have property rights to the dwelling
- Some IDPs were evicted with an offer of alternative accommodation, thanks to legal assistance

**Amnesty International, 28 June 2007:**

"...The onset of a construction boom in Baku in particular and Azerbaijan as a whole has created significant demand for land and the demolition of public buildings to make way for new high-rise developments. Private businessmen reportedly buy such properties from municipal authorities or public organizations and internally displaced people resident in these buildings are often evicted without notice, consultation, an opportunity to challenge an eviction order, adequate compensation, or adequate alternative accommodation. In these instances the presidential decree prohibiting forced eviction is violated. Evictions of this variety clearly violate the principle that "[E]victions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."

**NRC, 30 November 2007:**

"At several sites residents talked about the rumors of privatization, also mentioning that they have been circulating for a long time but never materialized. At the same time, tacit privatization of more lucrative places is taking place on a smaller scale: as reported by the review informants, IDPs residing at several ex summer camps on Absheron have moved out in exchange for substantial compensation offered by some businessmen."

**NRC, 31 May 2007:**

"In May 2006, 28 IDP families who had been in Agjabedi since 1992 and thought they had legal residence documents were told they would have to vacate their land without compensation. ICLA helped the IDPs to lodge a formal complaint to the Ex-com, and the legal team mobilised the support of other national and international actors, including the State Committee on Refugees and IDPs and UNHCR on behalf of the IDPs. As a result, the case was reviewed, and appropriate alternative housing was made available to the families, in line with the Guiding Principles on Internal Displacement."

**Praxis, 30 June 2007:**

"Juridical bodies also rule the cases of the eviction of IDPs from private houses. But decisions of the courts are made without relying on the jurisdiction. So, the courts of Binagadi district in 1993 made a decision on eviction of the IDP families of 10 members, among who were disabled, from the place they settled. This decision finds it's proving in the Court of Appeal in 23 December 2003. IDP families addressed to Supreme Court made a decision which violated the rights of IDPs. In other case, Sabayil district court give a decree number 2-713 which removes IDPs from the place they settled. District, Appeal and Supreme Court make a decision violating the Azerbaijan Republic jurisdiction. In 14 December 1998 by the Cabinet of Ministry of Azerbaijan Republic was signed a decree "On the resettlement of IDPs on the places fitting for life", in 17 September 1998 by the President of Azerbaijan Republic was signed a decree "State Program concerning with the problems of IDPs and their living conditions", which frozen the power of orders given to private persons by appropriate executive bodies. It must be noted that the places of IDP settlement were prohibited for other civilians. In the decree given by the President of Azerbaijan Republic in 1 July 2004, which proves the Program "on the improvement IDPs' living conditions and employment", was mentioned that all Azerbaijani governmental structures pay attention to safe habitation of IDPs in social buildings, private buildings, land plots and other places despite their belonging to other people since 1992-1998.

However, courts didn't stop the violation of law being aware of them or not knowing them at all. In the decree given by courts they even didn't mentioned laws concerned with IDPs. It means that judges didn't know the juridical acts, international conventions and other papers concerned with IDPs and refugees."

**Resettlers do not own their new houses and land (2007)**

- IDPs who have been resettled do not have security of tenure of their new houses and land
- Relatives of IDPs cannot inherit the houses and it is not clear to whom the houses belong

**Amnesty International, 28 May 2008:**

"...people resettled following displacement continued to be denied legal tenure of their new accommodation, which was defined as "temporary". This compromised their capacity to exercise the right to choose between eventual return should a peace settlement be reached, integration or permanent resettlement elsewhere in the country."



**Praxis, 30 June 2007:**

"4th May 2007 was the inauguration of the newly build houses for IDP families in Ramana district of Sabunchu region. The President of Azerbaijan Republic took part in this inauguration. The Head of the State Committee on IDPs Issues noted to the President that 450 IDP families from Zagulba resort which had no living conditions were resettled in these houses. The construction of this district with the territory of 80 hectares began in December last year and in 10 April this year was given to exploitation. The total size of the district of 450 houses is 29 thousand sq. m. 90 of these houses are one roomed, 222 are two roomed, 134 and 4 are four roomed. Also, there are 360 schools for children, music school, health care center, post office and administrative building, 16 km of road, 21 km of water, 19 km of energetic, and 34 km of sewerage lines. 37, 4 million manats were invested in this area. The 18, 4 million of them were paid for social infrastructural centers. 400 of these families were from Shusha, other 50 from Akhdam, Lachin, Khodjali and Khodjavend. Construction project of Norwegian Refugee Council builds Umud (Hope) district for the refugees from Lachin district in Qaradakh district. Till nowadays 52 houses were build and 52 families from Qaradakh shoreline territories were placed there.

According to the international and humanitarian organizations investigations it was found out that the decrees given by the government on the resettlement in the newly build houses and their formal registration was done wrongly. So,

- The principles and conditions to exploration of the newly build houses
- It is not clear to IDPs the essence of the formal registration papers
- The government still doesn't have the written laws on the resettlement of IDP families
- Its not possible to inherited these houses by relatives
- The State Refugee Committee, executive and municipal bodies don't have information to whom these properties belong

Also, the 43rd chapter of Constitution shows the attitude towards IDPs. It says, nobody might be deprived of his/her home. The state assists in construction of living premises, takes special measures for realization of right for home."

**Property restitution mechanism still does not exist (2008)**

- Mechanism for property restitution has not been elaborated and so IDPs do not know how their current ownership of property will affect their right to reclaim their lost property
- Only a small number of IDPs have ownership documents for previous homes and land

**UN HRC, 15 April 2008:**

"58. Reportedly, only a small minority of internally displaced persons hold documentation to prove their ownership of their previous homes and real estate; this might be a problem in the future if lost or damaged property is to be compensated."

**Amnesty International, 28 June 2007:**

"According to information supplied to Amnesty International by the Azerbaijani Ministry of Foreign Affairs, under the 'Law on Property' and the Constitution internally displaced people have an equal right to register legal title to housing – a necessary measure to secure tenure over housing and protect oneself from forced eviction. According to official information exercising this right would not affect IDP status or eligibility to receive its associated benefits. In practice, however, many internally displaced people who spoke to Amnesty International feared that the exercise of this right may result in the loss of IDP status and its associated benefits. 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. However, internally displaced people told Amnesty International that they fear registration of legal title to housing in one's own name would result in a de facto loss of IDP status.

Another incentive not to register legal title in one's own name appears to be the fear that this will result in the loss of eligibility to receive restitution for housing, land and property on return. It is a source of concern that with government rhetoric that emphasizes return over other options for internally displaced people, and without clear legal guidelines, internally displaced people are misinformed as to their rights to purchase property and settle. Several internally displaced individuals told Amnesty International of their fear of losing out on the right to restitution or compensation if they took active steps to integrate. 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 home-owner he would lose out on rights to housing, land and property restitution in the event of a peace agreement. He told Amnesty International that this is not unusual, since it is rumoured that internally displaced people would only have a right of restitution in their original places of residence. This is a reflection of the fact that no clear framework for restitution and compensation has yet been elaborated by the Government of Azerbaijan, and internally displaced people have little idea of how their actions in displacement may or may not affect their right to restitution in the future. The result is that those seeking to register legal title to housing operate in a context of legal ambiguity...

There is, as yet, no clearly elaborated document establishing what rights to restitution and compensation the internally displaced population will have in the event of return or permanent integration/resettlement. This means that they do not have a clear conception of how their present actions will affect their future rights. It is therefore a matter of urgency that a full explanation of principles of restitution and compensation be agreed, in consultation with representatives of the wider internally displaced population, codified and published as soon as possible. The Ministry of Foreign Affairs of Azerbaijan has informed Amnesty International that an Action Plan on the 'Great Repatriation', defined as 'a programme of return of displaced persons to their permanent [residence]', is currently in the process of preparation. A 'Law on Restitution' will be adopted within this programme. In developing standards appropriate to this Action Plan, consideration should be given to the so-called "Pinheiro principles" currently under consideration by the UN Human Rights Council. These principles are based on existing international human rights law and standards, as well as lessons-learned from other post-conflict situations. However, instruments governing processes of restitution and compensation must include provisions for those who opt for integration or resettlement in a location other than their pre-war homes."

**ICG, 11 October 2005:**

"...the 1997-1998 Minsk Group drafts do not explicitly guarantee all refugees and displaced persons the right to freely return to their homes of origin or formalize their right to the property they were deprived of or to be compensated for what cannot be restored...Especially since some privatization of land and property has begun - especially in Lachin - it is essential to codify the right to property."

**Returnees also face property issues (2008)**

- IDPs who returned to their homes in Fizuli had problems having their property rights recognised and had to repair their houses largely at their own cost

- Many of those who returned, however, were not aware of their property rights
- Some IDPs chose not to pursue property deeds due to high cost and bureaucratic procedures
- Issuance of property deeds leads to sustainable return and reintegration and allowed the returnees to use their property as collateral for taking loans and credits

**UN HRC, 15 April 2008:**

"58. ...The Representative was informed that the few families of internally displaced persons who have 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."

**Praxis, 30 June 2007:**

"The returnees in liberated villages of Fizuli district use only the part of their rights given by the legislation. It has several objective and subjective reasons. First of all, Nagorny Karabakh problem hasn't been solved yet. Returnees are passive in their right determination. For this reason people from liberated villages from occupation are still in waiting position in relation with formal registration and state registry. The reason of returnees' illiteracy is these laws are the main factor.

The problem with formal registration of real estate in the liberated villages are caused by two reasons; first, its unwillingness of government to participate in it and secondly, impossibility of citizens education because of poverty. According to the Civil Code of Azerbaijan Republic every real estate should be involved into State registry. It's a pity that these cases are seldom followed because of the financial interest of executive bodies which stop these processes because of false reasons. The formal registration of the lands provoke several results, such as after registration they can sell, rent, present and do other operations with it. The registration of citizens in newly returned territories are somehow put into practice but still the use of these lands is in miserable condition.

There were successful cases in the Fizuli district with the financial aid of Norwegian Refugee Council in the frames of Information, Counseling and Legal Aid Center. So, 150 registration papers were given there."

**NRC, 29 February 2008:**

"One major achievement in AK and YK was facilitation of individual property deeds to the beneficiaries of the shelter project component, both for those who received new houses and those who had their old houses repaired. For close to all beneficiaries these were the first property deeds they have ever possessed.

In return villages, where ICLA did not operate the inhabitants were not able to receive free property deeds. Many house owners even resigned to acquire them due to bureaucratic procedures and high administrative fees. Property deeds were only issued in those villages where the NRC's partner organization "Praxis" facilitated the process. Registration of property right proved to increase the sense of ownership for returnees, contributed to the sustainability of return and reintegration, and allowed the returnees to use their property as collateral for taking loans and credits. The main reasons for the property right not being restored universally are mainly linked to the traditional relatively low awareness of the necessity of appropriate housing documentation and administrative costs that the process entails resulting in frequent inaction by the house owners, rather than to the lack of provisions or implementation procedures in issuing such documents."

# PATTERNS OF RETURN AND RESETTLEMENT

## Return

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### **IDPs are still unable to return to their homes (2008)**

- IDPs want to return, but the lack of a peaceful settlement to the conflict stands in the way
- The UN and CoE insist they should also be allowed to permanently settle where they are currently living
- The EC is ready to assist with the return of IDPs if a settlement is reached by 2013
- There is a need to restore mutual confidence between Armenians and Azerbaijanis before return can begin

### **CoE, 20 February 2008:**

"...117. The main complaint voiced to the Commissioner during his visit was the impossibility of the IDPs to return to their homeland either permanently or for regular visits. Indeed, the right to return constitutes a human rights. IDPs the Commissioner met felt that they were at least entitled to stay connected to their heritage and able to visit the graves of their ancestors. Steps to ensure those rights should be a major consideration also in the conflict resolution efforts. Return should of course 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..."

### **European Commission, 7 March 2007:**

"The EC will continue its current strong commitment to supporting a peaceful settlement of the Nagorno-Karabakh conflict. This involves, amongst other activities, continuing support for civil society and the promotion of democratic values and respect for human rights throughout Azerbaijan. If the Nagorno-Karabakh conflict is settled within the timeframe of the present CSP, the EC will provide further specific assistance to help consolidate the settlement, including the reconstruction and rehabilitation of conflict areas, the return to conflict areas of Azerbaijani IDPs and refugees and the elimination of the excessive accumulation of conventional weapons such as SALW (small arms and light weapons) and ERW (explosive remnants of war, including landmines)."

### **CoE, 24 May 2007:**

"ECRI regrets that, since the adoption of its first report in June 2002, conditions are not yet in place for the peaceful return of refugees and internally displaced persons to the place where they previously lived...ECRI is aware that there is still a long way to go before the situation of refugees and IDPs in Azerbaijan can be deemed satisfactory, particularly as regards the exercise of the right to a voluntary return to the place where they previously lived. While they rightly hope to be able to return home as soon as possible, which means that their present places of residence are temporary, ECRI believes that it must at all times be possible for them to feel fully part of the Azerbaijani population."

In order to favour the full reconciliation of all people living in the region, the restoration of mutual confidence among the members of the different communities and, ultimately, allow the return of all refugees and displaced persons to their homes in the full respect of their rights and dignity, in its first report ECRI called on the Azerbaijani authorities to pursue a constructive dialogue with all the relevant national and international interlocutors with a view to solving the conflict over

Nagorno-Karabakh. ECRI notes that since the publication of its first report on Azerbaijan, several high-level meetings have taken place between the Azerbaijani and Armenian governments in order to find a peaceful solution to this conflict. ECRI welcomes these initiatives and hopes that they will lead to a swift and peaceful resolution of the conflict."

### **Many IDPs want to return to their original place of residence (2008)**

- Many IDPs want to return to their original place of residence, including children who have never been there
- Some IDPs are concerned about living beside Armenians after they return
- Almost 2,500 households think that return of IDPs should be the fourth priority of the government

### **UN RSG on the Human Rights of IDPs, 6 April 2007:**

"The overriding desire of all his interlocutors was the timely, peaceful resolution of the conflict, which would allow the displaced to return to their homes and villages. The Representative encouraged the Government and the international community to continue striving for this goal. He shared the Government's position that the eventual return of those wishing to go back, and the immediate improvement of their living conditions in displacement, are not mutually exclusive."

### **ICG, 11 October 2005:**

"For Azerbaijan, after the withdrawal of Armenian forces from the occupied districts the most important task is to create conditions in those districts for the return of displaced Azeris. Almost all the over 500,000 are committed to return to their pre-war homes."

### **IWPR, 7 June 2007:**

"“We don't need permanent accommodation in Baku,” said Mamedov. “As soon as our lands are liberated, we will leave these houses behind and return to our own Shusha. And we won't take anything with us. Just as we left Shusha without a thing, we will return. We simply need to set foot on that land again.”

Mamedov does not believe that Shusha can be recovered by peaceful means, and doubts that the Armenians will give up such a beautiful city and its fertile lands so easily. But he insists that he is ready to live alongside his Armenian neighbours, just as they did before.

“I think that when we return, the security of the population will be guaranteed,” he said.

Rima Mursalova, the head teacher of Malibeyli's old secondary school which has been resurrected in the new settlement, also has memories of good relationships with the Armenians.

“We trusted them, like close neighbours,” she said. “From the balcony of our house you could see Khankendi [which the Armenians call Stepanakert, the capital of Karabakh] as if it were in the palm of your hand.”

Mursalova sees no prospect of that kind of friendship again – although she says she does not want to see another war and more bloodshed.

“We have a saying that you can't wash away blood with blood,” she said. “But it's also very hard to forget what happened. The Armenians wiped out several families from our village, from adults to children. Whole families, do you understand? How can we forget that?”

Some of those who fled Shusha in 1992 have never recovered from the disaster. Sixty-four-year-old Vesilia Salimova lives in one room in a hostel belonging to Baku's Oil Academy, together with her son and his family. Her husband died three years ago. She cannot hold back the tears as she recalls the day she had to leave Shusha. "I know it won't be easy to live as neighbours with the Armenians again, but if we can have our lands back I am prepared to put up with that," she said."

**CoE, 20 February 2008:**

"Comments by the Azerbaijan authorities

75. IDPs constantly voice their wish to return to their homelands, stay connected to their heritage and be able to visit the graves of their ancestors. To date 3 500 houses have been repaired in those territories which had been previously occupied by the Armenian armed forces and liberated afterwards by those of Azerbaijan. Approximately 36 000 IDPs have returned to those houses."

**UNIFEM, June 2006:**

"For the IDP women who took part in this Assessment, the idea of returning to their original homes is one they hold very dear to their hearts. Although researchers did not set out to emphasize the question of return, the women brought it up again and again, whatever the topic ostensibly under discussion. The women's obvious preoccupation with the question of return prompted researchers to raise it explicitly as part of focus group discussions. They asked IDP women what they would do if given the opportunity to return, and what they would do to create that opportunity. "We want our land back," the women said. "We want to return to our hearths."

Even participants who had grown up as IDPs, who had little or no memory of their family home, expressed a strong desire to return. "I have never seen my land," said one. "But the suffering my mother experienced and the dream she lives for keep the spark of hope alive within me. I am waiting to meet my home." "

**CRRC, 31 January 2007:**

***Over 2,400 households in urban and rural areas in Azerbaijan thought "return refugees and IDPs to their homes" was the fourth most important goal for the country, after reduce poverty, reduce unemployment and restore territorial integrity of the country.***

**Living conditions for IDPs who returned to Fizuli (2008)**

- Return to Fizuli was not organised by the government; some IDPs organised their own "go and see" visits
- The physical security of returnees is at risk as exchanges of fire occur nearby and the area has the highest level of mine contamination
- Few industries and businesses are operating and agriculture is the main source of income for most returnees
- A regular water supply is also lacking as irrigation infrastructure had been destroyed during the conflict
- Villages have functioning schools, though access to medical care is limited
- Similar to resettlement areas, attention should be paid to jobs in the rural areas otherwise people will leave for cities
- Returnees are slowly repairing their houses mostly at their own cost

**NRC, 29 February 2008:**

"Fizuli is one of the few districts in Azerbaijan where return of the population displaced during the war between Armenia and Azerbaijan over the Nagorno-Karabakh region has been possible.

Although Fizuli officially does not belong to the Mountainous (Nagorno) Karabakh, but is a part of the Lower Karabakh area, it was completely occupied by the Armenian forces for four months in 1993-1994 and the majority of population fled, mostly finding refuge in tent camps in Bilasuvar area. In 1994, shortly before the ceasefire, 22 out of 76 villages of the district were liberated. Immediately after the ceasefire the territory remained unpopulated but first 15 families returned to their homes as early as in 1995 and limited spontaneous return took place after that. In 1998, the returnee population accounted for some 49,000 persons, approximately half of those having returned to their own land and the rest still IDPs from the occupied areas of Fizuli and, to a lesser degree, from other occupied regions of Azerbaijan. Some 54,000 returnees live in the district currently while approximately the same number of former Fizuli residents still lives in various different locations of Azerbaijan.

A new wave of returnees emerged in 2003, when the Government of Azerbaijan dismantled five camps in Bilasuvar which hosted some 32,000 IDPs. New settlements on the territory of Bilasuvar and Fizuli districts were built to accommodate the residents of these camps but families originating from the liberated villages of Fizuli were not eligible for the new housing with the explanation that they can return to their liberated homes. The IDPs had no other choice but to move in with their relatives or friends or to return to their destroyed and decayed homes...

Even if the first wave of returnees to the liberated villages of Ashagi and Yukhari Kurdmahmudlu included families who did not have any other decent choice but returning to their destroyed villages, the return process overall did not happen as a result of forced or coercive actions. The IDP families were mostly tired of living in tented camps and other inadequate living conditions and preferred to return to their places of origin and re-establish themselves under difficult circumstances. Although not entirely safe, the number of returnee families has increased significantly. The major safety problem was lack of de-mining and information on the placement of mines and UXOs. This presented a particular obstacle in establishing livelihoods as it posed a great threat for those involved in agricultural activities.

Returnees did not have systematic information on the situation in their places of origin, as the return was mostly spontaneous, not coordinated or facilitated by any governmental program. The returnees mostly relied on information received from their relatives, friends and neighbours that visited their villages. Many families carried out self-organized "go and see" visits, which helped them assess local conditions in the liberated areas. Each decision whether to return included a range of issues to be addressed that are very similar to other return situations and included:

- Security: Physical security at the place of origin, including armed attacks due to the proximity of the cease fire line, mines and UXOs;
- Shelter: Possibility to return to own house, rehabilitation options and potential, issues concerning property rights;
- Livelihoods: Income opportunities upon return, possibility to get or regain previous job, access to land, pensions and other benefits;
- Education: School capacity in the return areas;
- Personal documents: Availability and access to personal documents and proof of citizenship.

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. At the same time, several inter-agency assessments did not materialize in substantial, coordinated rehabilitation efforts by the international community. The spontaneity of the return postponed the returnees' potential to reintegrate and re-establish their livelihoods. Falling into the category of "affected populations," the returnees were able to retain their IDP benefits, which are however mostly linked to direct assistance (food, "bread-money", winter fuel, housing utility coverage) and do not create sufficient opportunities to break out of the dependence circle. One major drawback

in the return process was that proper de-mining of areas of NRC intervention was only undertaken during the course of the project, i.e. eight years after some of the families had actually returned to their native villages.

In tackling their problems, the returnees had to mostly rely on their traditional information and assistance sources with gradually increasing involvement of the Government in rehabilitation of basic infrastructure and social institutions, such as medical facilities and schools. Similar to the resettled IDPs, the most important challenge has been the economic survival of returnees, who, in the case of AK and YK, were at least able to solve their other pending issues with the assistance from NRC and authorities. Compared to the IDPs resettled to the new settlements, the returnees certainly have the advantage of better access to arable land, however the process of revitalization and cultivation has been slow due to incomplete de-mining in the return areas...

Before the war wine-making, grain, sugar beet and vegetable cultivation, as well as animal breeding were the pillars of the local economy. Several wine plants used to function in Fizuli. Most of them were located in the now occupied part of the region. Currently very few industries and enterprises are functioning in Fizuli. The government is almost the sole employer providing jobs in local governmental structures, health care and education. As elsewhere in the country, land reforms were implemented in all regions and land plots were distributed to the rural population. Most of people now make their living off the land...

Water supply still remains a major problem in the whole area, including both villages of NRC intervention, despite a multitude of small projects implemented. The main water reservoir supplying AK and YK used to be located in the area that remained under Armenian occupation and was destroyed. The irrigation infrastructure had been entirely destroyed during the war and the lack of water significantly diminishes the land productivity. Although NRC support helped to improve the situation to some extent, the provided water pumps and pipelines are still not sufficient to provide water for irrigation of all land plots. Similar situation is with the potable water where the situation in YK and AK is generally even worse than in other surveyed villages, because of their geographical position...

Return to Fizuli was spontaneous and the Government did not provide any guarantees of security to the returning population. Exchanges of fire along the frontline between the two sides of the conflict are frequent and in some cases result in fatal injuries. Proximity to the front line increases the risk and insecurity of the target population.

According to the estimates of the national mine action agency (ANAMA), the risk posed by mines and unexploded ordnances (UXOs) directly impacts estimated 514,000 people and has led to the death or injury of 51 persons in the last two years. Fizuli district has the highest level of mine contamination of all territories under Azerbaijani control. In YK and AK, all houses rehabilitated by NRC as well as the agricultural land cultivated with the project's support have been cleaned of mines by ANAMA but the risk still remains high and occasional mine and UXO related accidents are still reported. The context of return taken into consideration, the current security situation is however unlikely to prompt the returnees leave their home land again or prevent others from returning.

Commenting on general security during the focus group discussions, mainly female participants complained of the lack of safety and anxiety they still feel when they hear about the frontline shootings on the news: "We still remember the war days and always live in fear. People are still blown up on mines." Male participants mostly mentioned that they felt secure thanks to the military presence. 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.



The whole district remains troubled by the lack of viable economic opportunities. Agriculture continues to serve as the main source of income for the returnees, supplemented by the state allowances, pensions and the "bread money." In total, about 50% of the surveyed households in the 5 villages reported that their property and disposable incomes have decreased in the recent years. Also, 43% indicated that the area of land that they cultivated has also decreased, obviously due to the lack of means to do so. The average income per family in 5 villages is 183 AZN. Divided by the average number of members in a family, the monthly per capita income makes approximately 30 AZN per person, which is lower than the 2007 official minimum per-capita subsistence level of 64 AZN<sup>5</sup>, and even below the official poverty criteria of 40 AZN. Even if the real income is likely to be slightly higher in light of the generally anticipated tendency to underreport income and to include only official wages without counting the income from agricultural activities, self-employment, unofficial jobs and remittances, the substandard livelihoods in the return areas are certainly the main issue that requires further attention.

All surveyed villages have functioning schools. Schools in YK and AK were reconstructed by the Azerbaijan Rehabilitation and Reconstruction Agency (ARRA) established by the Government of Azerbaijan. Access to medical care in the two villages remains limited as the existing local medical facilities lack qualified personnel, equipment and supplies. Despite the pending challenges, families keep returning and population in both target villages has grown significantly between the conception of the project in 2004 and its completion in 2007...

The October 2007 amendments to the State IDP Program include a component of rehabilitation of 1,500 housing units in the Fizuli district, possibly inspired by NRC's involvement in the same area. As was the case with other activities piloted by international organizations, the Government has taken up the responsibility for addressing the housing needs also in the area of returnee accommodation. However, according to the information from the Fizuli district authorities, the AK and YK villages have not been included in the Governmental plan of action due to the previous involvement of NRC. While the need for physical rehabilitation is undoubtedly much higher in other villages than the ones NRC has been working in, this apparent practice of evasion of responsibility for the well-being of inhabitants of villages where an international organization has been active, will have to be corrected in the future governmental strategies."

**UNDP, 30 September 2007:**

"The situation is incomparably worse in districts settled by refugees and IDPs or districts devastated by the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan. A review of focus group data from the Fuzuli District shows that both males and females were dissatisfied with the way land was divided. Sub-optimal distribution of land further aggravated an already complicated irrigation problem. The reform was implemented against the backdrop of reconstruction efforts following the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan: "Whenever we get money, we quickly buy a sack of cement and slowly work on repairing our houses that were burned by Armenians"."

**Government is preparing a plan of return for IDPs (2008)**

- The government is finalising a plan for the "Great Return" and has the support of over 30 governments and 10 NGOs
- UN Representative explained that the success of return would depend on the capacity of IDPs to return, reconstruct their houses and rebuild their lives, and that IDPs should be able to choose whether they want to return
- UN Representative also recommended that property restitution mechanisms be put in place at an early stage and that IDPs be involved in the planning of return

- NRC recommended that the plan of return should include consultations with returnees, dissemination of objective information on conditions in return areas, mine clearance, respect for family unit and facilitation of issuance of documents

**Day.az, 1 November 2007:**

"Как передает Day.Az, об этом журналистам сообщил председатель Госкомитета по работе с беженцами и вынужденными переселенцами Али Гасанов. По его словам, все госструктуры Азербайджана также дали свои заключения по госпрограмме. «В настоящее время идет работа над окончательным вариантом программы «Большое возвращение». Затем будет создана рабочая группа, которая разделит программу по отдельным разделам», - сказал он."

**UN Azerbaijan, 31 January 2008:**

"In response to a request from Government, the UN Country Team supports national efforts to develop a plan for the return of IDPs in the event of a resolution to the Nagorno Karabakh conflict. UNHCR, the lead UN agency for the Great Return initiative made suggestions on behalf of the UN Country Team to: reflect in the plan the readiness of UN Agencies to be active and leading participants in sectoral working groups which will address the specialized needs of vulnerable groups; lay emphasis on voluntary return; and define the necessary prior conditions to the voluntary return of IDPs."

**DRC, 30 November 2007:**

"A return program has already been developed, and many proposals have been made. Next year a feasibility study will be conducted, donor countries and international organizations will assist the AZ government closely, which will implement projects to restore facilities in the occupied territories."

**UN HRC, 15 April 2008:**

"22. Recently, the Government has initiated work on a Framework Plan on the Return of Displaced Persons. It is hoped that this plan will be supported by and implemented in close cooperation with the international community. The Government acknowledged that adequate conditions must first be put in place before returns can proceed in safety and dignity. As a first step, the daunting task of mine clearance would have to be undertaken. Already, the Government had prepared mine clearance activities with UNMAS, UNDP and the World Bank, and has begun to remove mines near the ceasefire line, in line with the Representative's predecessor's recommendations. Next, destroyed public and economic infrastructure would need to be restored, a process estimated to take several years, before the return of IDPs could be facilitated. The Government would not shy away from its responsibility to assist IDPs during the readjustment, reconstruction and reintegration phase..."

29. As regards the future, the United Nations country team advocates for voluntary return under adequate conditions, and insists that returnees be able to have access to and restore their property where possible. Its assistance to the return, which has been welcomed by the Government, would be led by sectors under the overall coordination of UNHCR; UNHCR and ICRC would be in charge of ensuring the protection of internally displaced persons, UNICEF would be responsible for water supply, sanitation and education, UNDP for early recovery, WFP for food provision and WHO for health care. The World Bank would be involved in the planning efforts for the return and the funding of some of the infrastructure in the reconstruction process. UNHCR also advocates for phased returns subject to the personal preferences of internally displaced persons, some of whom will want to return immediately, while others may consider remaining in their current places of residence while recovering their former household and property..."

52. One of the main rights of IDPs is their right to return to their places of origin, and arbitrary forced displacement is in itself a violation of this right. Regrettably, the hope of return nourished by large parts of Azerbaijani society has not been realized, due principally to the failure of peace negotiations, the continued presence of the occupying forces, landmines and ceasefire violations. The Representative noted the overwhelming desire of most IDPs he consulted to return to their homes or villages, some of them as soon as possible, and he was struck by the amount of suffering the prolonged displacement created in many. Of those IDPs the Representative met who had started a new life in urban areas, some said they would consider staying on even if return became a possibility.

53. In this context, it is important to note that in accordance with Guiding Principle 28, 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. Reintegration shall be facilitated. Returnees 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.

54. Experience shows that the degree of respect for these standards has a direct impact on the success of IDPs to return to their former homes and places of habitual residence. Successful return is mainly based on three elements: (i) ensuring safety for the life and limb of returnees, (ii) returning property to the displaced and reconstructing their houses, and (iii) creating an environment that sustains return and reintegration, that is, which allows life under adequate conditions, including income generation opportunities, nondiscrimination and possibilities for political participation.

55. The Representative shared the Government's approach that timely preparations for return were required in light of the enormous rehabilitation tasks ahead, even if return did not come about in the very near future. He was encouraged by the Government's acknowledgement, fully reflecting Guiding Principle 28, that national authorities "have the primary duty and responsibility to establish conditions, as well as provide the means, which allow IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled IDPs." He welcomed the determination of leading officials to ensure, in line with international standards, that local integration would be an alternative to return for those wishing to opt for such solution.

56. The Representative was convinced that the success of eventual return would, inter alia, be proportionate to the economic opportunities IDPs enjoyed during their displacement. Their capacity to return, reconstruct their houses and rebuild their lives could only be enhanced by them engaging in meaningful and useful activities, whereas unemployment and the development of a dependency syndrome risked the further disempowerment of IDPs...

72. The Representative welcomes the Government's early-return planning and is encouraged by the intention of competent United Nations agencies as well as donors to support the plan. He shares the realistic view of the Government that return will not be possible immediately and should be conducted through a phased approach. He reiterates that, 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.

73. The Representative welcomes the Government's affirmation of the principle of voluntary return in safety and dignity, as well as its readiness to shoulder the burden of

mine clearance and reconstruction of the occupied territories, and of facilitating the return and reintegration of the displaced. He urges all concerned actors to plan and implement any return-related activities on the basis of international law, including those as set out in the Guiding Principles on Internal Displacement. A peaceful solution to the conflict is of paramount importance, as renewed hostilities are likely to engender additional displacement and would complicate the already daunting tasks of mine clearance and reconstruction. Mechanisms for property restitution, reconstruction or compensation should be put in place at an early stage. The participation and the informing of affected individuals and groups must be ensured during all phases of planning and implementation of the return process, including when return is not yet imminent, in order to keep the expectations of displaced persons realistic."

**NRC, 29 February 2008:**

"Several protection issues have been mentioned previously and would need to be taken into consideration in any future return situations such as:

- A thorough planning exercise preceding any future return processes that will include consultations with the beneficiaries, in order to make the return viable and sustainable and in line with international standards.
- Mine clearance and awareness programs;
- Granting the freedom of choice whether to return or not, based on compilation and sharing of comprehensive objective information on the return areas, as well as on alternative durable solutions;
- The unity of family, this including joint relocation as well as creation of sufficient conditions upon return that do not force the family members to search for income earning opportunities away from their families;
- Recovery and/or compensation for destroyed property, land and other private assets and restitution of property rights
- Recovery / acquiring of personal documentation, including labour records, pensions and similar; and
- Special assistance and protection measures to vulnerable returnees, such as single mothers, elderly, disabled and similar."

**Emphasis on return prevents realization of other durable solutions (2008)**

- Continued focus on return as the only feasible durable solution may delay or even prevent other durable solutions
- The focus on return also promotes dependency on external assistance and upholds passivity among IDPs

**NRC, 29 February 2008:**

"The main cause preventing IDPs in Azerbaijan from exercising their right to return voluntarily is the lack of a peaceful and lasting solution to the conflict over Nagorno-Karabakh. While return remains the preferred solution for the majority of displaced and the overriding aim of the Government, efforts have to be made to strengthen the capacities of the displaced for self-reliance and to address their needs for decent and dignified lives on equal terms with other citizens. Continued focus on return as the only feasible durable solution, may postpone or even prevent implementation of initiatives that could be potentially durable. It also promotes dependency on external assistance and upholds passivity among the beneficiary population."

**NRC, 30 April 2008:**

"On a more general level, one of the impediments for sustainable solutions for IDPs has been the excessive focus on return as the only possible durable solution. This has to a great degree

limited the interventions aiding the IDPs at the places of their displacement, especially in urban areas, with the overriding notion that too advanced reintegration may undermine the goal of return, once possible. The internally displaced continue to represent a significant pool of underutilized skilled and educated labour which, if channelled into appropriate areas of activity, could help contribute to the economic growth of the country as a whole."

## Resettlement

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### IDPs continue to move to new settlements (2008)

- Sixteen new settlements received over 60,000 IDPs by 2007
- All emergency camps have been closed

#### Government of Azerbaijan, 3 April 2008:

"Number of new settlements that received IDPs 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

Number of 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

#### Government of Azerbaijan, 4 May 2007:

"...Deputy Prime Minister of Azerbaijan, Chairman of the State Committee for Refugee and IDP Affairs Ali Hasanov informed the Head of State that 450 IDP families - 400 from Shusha and 50 from Agdam, Lachin, Khojaly and Khojavend - had been moved to the settlement from their temporary habitations in Zagulba health centre, and buildings, which he said were absolutely unfit to live in.

He advised that construction of the settlement started last December finished on April 10. Covering an area of 80 hectares, the settlement contains 450 houses, 360-seat secondary school, music school, outpatient medical room, post office and its administrative building. Its facilities also include 16 km long asphalt-paved road, 21 km long water pipe, 19 km long power transmission lines, 27 km long gas pipe and 34 km long sewerage pipeline, as well as ten 400 and 250 KW and one 10 MW transformers, two 500 cbm water reservoirs and pumping station. The construction worth 37.4 million manats was funded by the State Oil Fund of Azerbaijan...The

President said the internally displaced people will continue to be a focus of the government's attention, and that not a single camp will remain by the end of the year."

**UN HRC, 15 April 2008:**

"17. At the time of the Representative's visit [April 2007], the Government had already resettled thousands of the most vulnerable IDP families to temporary new settlements. According to the State Committee for Refugees and IDPs, 10,450 housing units were constructed between 2004 and 2006. In 2006 alone, thirteen settlements (3,860 houses) complete with infrastructure were constructed in different regions. It should be noted that 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."

**UNHCR, 7 February 2008:**

"But things finally changed for the better last December, when the government closed two emergency IDP camps at Sabirabad and Saatli and moved some 10,000 residents into new, vastly improved, housing in Fizuli district. This was the culmination of a government commitment launched in 2004 to close the 12 sub-standard emergency camps and move the IDPs to decent accommodation.

The dispute with Armenia over Nagorno Karabakh in the early 1990s left more than 500,000 people displaced in Azerbaijan, with around 100,000 of them housed in the 12 emergency camps at the height of the crisis. Most were set up in the south and east of the country with the help of the UN refugee agency, which helped to coordinate the international humanitarian response in Azerbaijan.

But the camps were never expected to be permanent. Conditions were harsh and they only got worse over the years. Taking this into consideration as well as the uncertainty about the return home of the IDPs, the Azerbaijan authorities in 2004 announced plans to close the emergency camps and build new settlements for the IDPs.

Later that year, five camps were closed in Bilasuvar district, followed by another four camps in the western districts of Barda and Aghjabadi in 2006. Last September, the government closed the first of two camps in Saatli. With December's closure of the last two camps, some 11,800 IDP families, or nearly 50,000 people, have been resettled."

**Financial Times, 25 January 2008:**

"Ramana, near Baku, is one of the new settlements being built to house people who fled the disputed enclave of Nagorno Karabakh during the war with Armenia in the early 1990s. Financed by the state oil fund, the \$35m settlement has a music school and shop, gas, power and running water. Each house has a small plot of land.

"You cannot keep people in camps if you have oil wealth," explains Araz Azimov, deputy foreign minister and President Ilham Aliyev's special envoy on Nagorno Karabakh. He adds, however, that the housing is temporary until they can return home.

"These buildings are comfortable, but that is not what we need," says Rafael Temurlu, a school teacher. "We need to return to the place they chased us from."

**See also [Завершается процесс ликвидации последних палаточных городков, где проживают вынужденные переселенцы, Day.az 1 ноября 2007г. До конца года в Азербайджане будут ликвидированы все палаточные лагеря беженцев, Новости - Азербайджан 1 ноября 2007г., Агдамский и Физулинский районы будут полностью газифицированы, и там будет стабилизировано вещание телеканалов, Day.az 1](#)**

*ноября 2007г. и Будут построены поселки для вынужденных переселенцев из Ходжалы и Ходжавенда, Day.az 8 февраля 2007г.*

### **Living conditions inadequate in new settlements (2008)**

- Some IDPs have better housing conditions in new settlements, but living conditions still inadequate
- New settlements are not always equipped with community infrastructure
- Some settlements are located close to ceasefire line, endangering the physical security of IDPs
- IDPs were not consulted on the resettlement process or the location of settlements
- IDPs do not own the homes they are given in resettlement areas

#### **UN HRC, 15 April 2008:**

"18. As job opportunities are scarce in the often remote settlements, only a minority of IDPs living there have found employment in schools, clinics or small factories constructed by the Government. While pilot projects of skills upgrading and vocational training, free of charge to IDPs, have been initiated and there is an intention to expand them in the near future, the vast majority of IDPs on rural areas remains unemployed...

32. Having visited the newly Governmentconstructed settlements of Bilasuvar, the Representative found that, apart from a virtual absence of economic opportunities, basic services and adequate conditions seemed to be in place. He regretted that, due to time constraints, he was not able to also visit the new settlements in the Fizuli and Agdam areas. He is thus not in a position to comment on complaints reported to him about the poor quality of houses in those regions, the lack of utilities, such as medical services, public transport, means of communication and the lack of arable land promised but not yet provided to inhabitants.

33. Drawing on his experience from other countries, the Representative felt that the quality of the new settlements in addressing the needs of displaced persons could be further enhanced by involving affected communities in the planning and implementation of the Government's programmes undertaken on their behalf. The need for greater consultation with the communities will be particularly important during the next phase of rehabilitation of urban collective centers for example in Baku, Sugmait and Ganga. Timely consultations would not only ensure the efficient use of Government resources, but they might also give IDPs a sense of ownership and control over their lives. Guiding Principle 18 calls on the authorities to make special efforts "to ensure the full participation of women in the planning and distribution" of supplies such as shelter and medical services. In order to reduce potential anxiety related to what may be perceived by some as renewed uprooting, it must be ensured that IDPs are fully informed of any resettlement plans.

34. Isolated, though seemingly regular, security incidents or threats were reported to endanger the physical security of IDPs settled near the ceasefire line. In accordance with Guiding Principle 10, which stipulates that IDPs "shall be protected, in particular, against [...] attacks against their camps or settlements and the use of antipersonnel mines", the Representative suggested that, where possible, new settlements constructed near the ceasefire line should keep a minimum security distance of several kilometers."

#### **Amnesty International, 28 June 2007:**

"A key aspect of Azerbaijan's policy on internal displacement since 2001 has been the re-housing of displaced people from emergency relief centres to more durable housing in new, purpose-built settlements across the country. While addressing immediate needs for improved housing for the displaced relocated from emergency relief camps, the resettlement policy has been marred by a lack of consultation with those being relocated, construction of settlements in economically unsuitable locations and insufficient infrastructure to support relocated communities...Although the new settlements are superficially impressive, Amnesty International is concerned that they cannot be considered as adequate housing for those in situations of protracted displacement. The new settlements are often located in remote parts of Azerbaijan, have poor communication links and are isolated from employment opportunities and health and education services. Furthermore, the housing units provided are often of very poor quality and Amnesty International has received reports of dangerous incidents related to structural failings. As such, the new settlements do not respect the right to adequate housing of IDPs and frustrate the efforts of displaced people to realise their rights to work, to health care and to an adequate standard of living. Azerbaijani human rights activists and internally displaced community leaders share these concerns, describing the new settlements to Amnesty International as 'open prisons' and a kind of 'reservation system'...

The construction of new settlements to re-house internally displaced populations previously inhabiting emergency relief shelter in collective centres is a key aspect of Azerbaijan's national policy on internal displacement. Yet Amnesty International is concerned that housing in the new settlements does not fulfil their inhabitants' right to adequate housing, in part due to material inadequacy, reportedly attributable to a corrupt construction process, and in part due to the location of new settlements distant from employment opportunities and other amenities and infrastructure.

The improvement of housing for the internally displaced population has been a key focus of government IDP programming. The Azerbaijani government has already reportedly re-housed all those living in dug-outs and old farm buildings; it aims to re-house all those in tents or disused railway carriages by the end of 2007. As a result of these initiatives the number of internally displaced living in newly-built houses increased from 10,511 in 2003 to 67,779 in 2004.<sup>62</sup> Nonetheless, survey data for 2004 suggest that the majority of the internally displaced population still lives in hostels and non-residential premises. These categories are the principal target of the ongoing construction of further new settlements...

The physical appearance of the new purpose-built settlements in rural regions is at first sight impressive. Orderly, well-tended rows of small houses arranged according to a grid system with attached plots of land undoubtedly represent a significant improvement over living conditions in emergency relief centres (popularly known as 'tent cities' in Azerbaijan). The new houses in these settlements, as built, 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. 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. As in urban contexts, the registration of new families as separate households is difficult; unlike in urban contexts, however, internally displaced people in new settlements may have the option of constructing additional rooms to their houses to accommodate extended family. However, if they leave these houses, including in the event that they are able and chose to exercise their right to return to their pre-war homes, they are not eligible to receive any compensation for the improvements made to the houses at their own cost.

Internally displaced people cannot gift, sell or sub-let the settlement houses, which remain the property of the State Committee. They therefore have no legal security of tenure, and the fact that



they have no contractual ownership of their housing further encumbers any attempt on the part of internally displaced people to change their internal registration (propiska). According to state officials this situation is necessary because the new settlements are being constructed as a 'temporary solution' to the problem of displacement. In the words of a representative of the State Committee for Refugees and IDPs in Baku, in the event of a peace settlement internally displaced people "will be returned" to their original homes. The situation with refugees, who are granted a right of ownership and deeds to the houses they inhabit, is different. Refugees are entitled to sell their allocated houses if they so wish. This is a de facto acknowledgement of the fact that refugee return to Armenia is unlikely. However, Amnesty International is concerned that this differentiation results in the violation of the right of the internally displaced population in the new settlements to security of tenure if they were to exercise their right to resettlement rather than return in the event of a peace agreement. The official emphasis on return as the only long-term 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.

While acknowledging the improvement over tents and wagons, inhabitants of the new houses voiced various complaints with regard to the quality of the housing on offer. The testimony of internally displaced people living in these settlements suggests a yawning gap between the project plans and the final result. In the words of one, "we would have European towns if [the new settlements] had been built to plan". Unless their occupants had refurbished the houses themselves, most of the new houses visited by Amnesty International featured sometimes severe structural damage arising from inadequate construction. In one incident recounted to Amnesty International a floor collapsed during a wake held for a deceased relative. The new houses do not have heating, although winter temperatures may drop as low as -30° C in some areas. Climatic conditions have not been considered in the design and construction of the new housing.

It is alleged that one of the reasons for the poor quality of the new houses is failures in the process of construction including the failure of government to pay construction companies. The new settlements have been rapidly constructed, reportedly within two months in some cases, and in many instances were built by workforces composed of internally displaced people. Amnesty International met with internally displaced men in Goranboy who had formed part of the workforce constructing a new settlement. They reported that salaries were not paid by the State Committee to the building firms, who then appropriated some of the materials designated for construction as "compensation". In their view this explained the shoddiness of construction in their town; they themselves received only two-thirds of their agreed salaries."

**ICG, 14 November 2007:**

"The government demolished four camp towns in 2006 and built thirteen new settlements. Seven camps, home to 30,000 IDPs, are to be dismantled in 2007. Much of the new housing is built close to the front line. Baku uses this fact to argue it has no military intentions, since it is resettling IDPs where there they would be vulnerable if fighting resumed. Yet, IDPs do not seem convinced in light of the belligerent rhetoric. They also question the degree to which Baku has their interests at heart, as the new settlements are in "geographically remote, economically unviable and otherwise unsuitable locations, leading to segregation and isolation"."

**IWPR, 7 June 2007:**

"A month ago in the village of Ramani, 20 kilometres from the Azerbaijani capital Baku, a new housing complex was opened for refugees. There is not a single tree growing around the neat white buildings, so there is no shade when the sun stands high in the sky. Despite the heat, there are so many children out playing football that you could be forgiven for thinking that no adults live here. Inside the houses, however, women are going about their household duties.

Of the 450 Azerbaijani families who have been housed in this new settlement, 400 are from the city of Shusha in Nagorny Karabakh. Expelled from their homes in 1992 by the Armenians, they initially lived in a sanatorium at Zagulba, near Baku.

A middle-aged woman sat on the steps of House No. 96 – nothing here has been given proper name yet – and looks into the distance. The possessions scattered around outside suggest that the owners have not yet moved in properly.

Every refugee family here has been given a one-, two- or three-room house with a plot of land. They have water, gas and electricity and the new village will have a school, a music school, a medical clinic, a post office and a municipal building.

The head of the household at No. 96, Niyaz Mamedov, came out to greet us and was happy to talk to visiting journalists. Mamedov comes from the village of Malibeyli near Shusha - which the Armenians call Shushi – and says he cannot call this new house home.

An old chest in the corner of the room attracted the IWPR contributors' attention. Without putting down her granddaughter, Garanfil Mamedova said that it was the only possession they were able to rescue from Malibeyli...Most of these refugees or internally displaced persons, IDPs, do not have jobs. Those who do tend to work as traders. Niyaz Mamedov earns money by doing carpentry. Otherwise, each person gets an allowance of nine manats (10.50 US dollars) a month "for bread".

#### **DRC, 30 November 2007:**

"GOV Response

The state program envisages to renovate the remaining dormitories, in addition to the 67 already renovated. Also those living in health camps and sanatoriums should be provided with better conditions. Last year a settlement was made for 400 families in Baku. 3 hectares of territory were removed to begin construction in Binagedi district, IDPs will systematically be removed and relocated, but this does not mean that all IDP living standards will be improved for IDPs. The worst conditions were in shelter camps and the 267 schools, there is a great need to move them so they don't create obstacles for normal school functions. There are refugee communities in military districts. There are plans to make steps but the government is not financially capable of improving the living conditions of all. It is envisaged to improve the living standards of 100,000 IDPs, the government invites international agencies to help the government.

In regard to the presentation, we have 700 schools in the region, only 106 have been provided with new facilities. In order to improve the level of education, there is a need to work on this. IDPs need to acquire new skills, we are asking NGOs to stress vocational trainings, computer skills, etc. There is more need from international organizations. Every IDP family moved to a new settlement have 1200 sq. meters of land plot but don't have the economic opportunity to deal with this. Swiss Cooperation office developed a new project in the Agdam region to enhance and encourage agricultural activities. It's not enough to give land plots, we need to give them opportunities. Also potable water issues, renovation and construction of roads are among the needs of IDPs."

***The displaced families who have been granted new houses still retain their IDP status, which continues to entitles them to various privileges and benefits.***

***See also 'Frozen conflict' is a pressing challenge, Financial Times, 25 January 2008.***

#### **Resettled IDPs have varying opinions on new conditions (2008)**

- Some IDPs are happy with the new living conditions since they have more space and are closer to their original residence
- 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 fact that the new settlements are close to the frontline and can hear shooting
- Some IDPs chose not to resettle because of continuing hostilities near the new settlements

**UNHCR, 7 February 2008:**

"The living conditions in our new home are much better than in Sabirabad," a happy Aghayeva said. "We now have space for our whole family and are closer to our home," she added. The south-west district of Fizuli is closer than Sabirabad to Zangilan, which is under the control of Armenians and has been renamed Kovsakan..."

**Amnesty International, 28 June 2007:**

"Amnesty International visited a complex of new settlements in the region of Biləsuvar. The settlements were located some 50 kilometres away from the nearest major market town of Biləsuvar, and overwhelmingly populated by some 2,000 internally displaced from Cəbrayil region. Although minibuses run four times a day to Biləsuvar, informants in the settlements told Amnesty International that they have very little contact with Biləsuvar, forming instead a sort of 'subsistence micro-economy' of their own. Internally displaced people in many of the new settlements experience extreme feelings of isolation. In one settlement in Goranboy region, Amnesty International was told that outsiders came to this settlement for the first time only two years ago and that this was the first ever visit by a foreigner.

Resettlement in remote and barren parts of Azerbaijan, resulting from the official policy of maintaining community coherence, is resulting in violations of the right to adequate housing – one component of which is proximity to public services. Large numbers of the internally displaced are being transferred to new regions which do not include the necessary infrastructure to support a meaningful economic or community life. In the words of one Azerbaijani human rights activist, the new settlements are 'open prisons', locking their inhabitants into a continued relationship of dependence on the state, contravening the stated aims of the Azerbaijani Government to restore livelihoods for the internally displaced and increase their self-reliance...

Reluctance to see the long-term integration or permanent resettlement of the internally displaced population results in a deficit between the resources dedicated to IDP programmes and the effectiveness of these programmes in achieving their stated goals in practice. Although physical conditions for those transferred from emergency relief centres to new settlements may have improved and monthly allowances raised, the enjoyment of fundamental human rights has not significantly improved. The situation creates concern that the construction of settlements which are geographically and economically isolated, as part of a policy aimed in part at preserving displaced people as a constituency for return, in effect deprives such people of equal conditions for the fulfilment of their rights to integration or permanent resettlement. This strategy may be self-defeating as by effectively depriving internally displaced communities of the means of subsistence, the new settlements will in themselves encourage rural to urban depopulation processes. If the Azerbaijani government aims to stem migration to Baku it must create the conditions for viable self-reliant communities among the internally displaced population elsewhere. However, current new settlements do not respect the right to adequate housing and impede the realisation of other rights."

**IWPR, 12 March 2008:**

"The Azerbaijani authorities kept their word to close all the tent camps housing people displaced by the Nagorny Karabakh war by the end of 2007. But for many of the displaced people, their new lives under roofs are not much better than they were under canvas. At first sight, the meticulous

row of houses in the new settlements in the Aghdam and Fizuli regions, close to the ceasefire line with Armenian forces, is a pleasing site. But as you get nearer to them, the defects become more obvious.

Eighteen months ago, IWPR visited new settlements for the internally displaced persons, IDPs, and heard negative comments on life there...After the article was published, several of the people quoted in got into trouble with the authorities. In this article, therefore, interviewees are not named. Those resettled still complain of problems with the supply of water and electricity and the poor state of the roads. Their biggest grievance, though, is the poor quality of the houses assigned to them.

Long-awaited plans to give the refugees new homes were warmly welcomed at first, but later the refugees said that they had not been properly consulted about the location of their new settlements.

At the end of last year, the tent camp in Fizuli region was dismantled and its inhabitants rehoused in a settlement named Zobuzhug, which has 2,104 houses.

However, on a recent visit to Zobuzhug, IWPR found that IDPs were deeply disappointed with the conditions they were now living in. "It was very hard living in tents, but at least there we had learned to earn a living," said one IDP. "We have no way of earning a living here and it's just as cold as it was in the tents."

Construction work at Zobuzhug was continuing and a bath-house, medical centre and school for the settlement had not yet been finished. Residents said the electricity supply was intermittent and their monthly fuel allowance was not large enough to give them constant heating. The village sits at the top of a hill and there was not enough water to go round, even in the cold season. The two nearest population centres of any size are Horadiz, 20 km away, and Bala Bahmanli, 25 km from the settlement. But there is no public transport to either place and the road leading to Zobuzhug is unfinished. Himayat Rizvangizi, who heads a non-governmental humanitarian group called Himayadar, said a survey it had carried out on the new settlements had uncovered evidence that the money allocated for them had not been fully spent.

"The monitoring we did in previous years had the same result," she said. "This year, we even asked the state refugees committee to do its own survey, but it refused. I think that if everything had been OK and there was nothing to hide, they wouldn't have been opposed to the idea."

"The state committee is refusing to publish detailed information about its spending," she went on. "The public is only given general information about how many houses have been built and where. The monitoring shows that in actual fact, the homes constructed do not meet normal living standards."

In the new villages of Alybeyli-1 and Alybeyli-2 in the Aghdam region, residents express similar complaints to those in Zobuzhug, saying the medical centre and communal bath-house do not work, there are not enough class-rooms in the school, and the children have to do sport outside because there is no gym. The nearby settlements of Dordyol-1 and Dordyol-2 do at least have a new hospital, but the bath-house that the authorities promised would be paid for by the Oil Fund is functioning as a commercial operation...

The refugee committee says that all the IDPs who for many years lived in railway carriages have now been rehoused. However, IWPR found 12 families still living in carriages near the town of Barda. One of them said he did not want to be rehoused near a front line with Armenian forces on the other side.

"Who wants to leave a quiet place and go and live under the whistle of bullets and rockets? The house they promised me is on the Armenian-Azerbaijani front line, right next to the Armenians. I'd rather live in a railway carriage," he said.

Even if living conditions are improved, experts warn that these settlements face deeper long-term problems. Economist Allahyar Muradov said that the authorities had failed to tackle the issue getting the refugees into employment.

"Two or three public buildings in each village cannot solve the employment problem facing the whole of the population," he said."

**AFP, 14 February 2008:**

"With its rows of newly built pink houses, children playing in well-kept gardens and the smell of fresh bread wafting from family kitchens, the Tazakend refugee settlement in southwestern Azerbaijan at first seems a cheerful place. But the settlement's 2,000 residents tell another story. Only two kilometres (1.2 miles) from the frontline of Azerbaijan's long-simmering war with Armenian separatists, life in Tazakend is marked by desolation, hopelessness and constant fear.

"We hear the shooting almost every day," said resident Ilham Kaliyev, 39. "It's worst for the children. No one should have to grow up with that sound."

Flush with oil revenues, ex-Soviet Azerbaijan has spent hundreds of millions of dollars building settlements like Tazakend for refugees from the war over the breakaway region Nagorny Karabakh...Few dispute that the settlements are a vast improvement over the dilapidated tent camps and abandoned railway cars where many of the estimated 700,000 refugees lived for more than a decade after fleeing their homes. But critics say the authorities could not have chosen a more unsuitable location for the settlements -- along the volatile frontline dividing the Azerbaijani army from separatist forces.

Some accuse the government of deliberately isolating the refugees, holding them in limbo as a high-profile community of victims to score propaganda points and shore up Azerbaijan's claims in the dispute over Karabakh. The government insists it is working in the refugees' best interests. Over the last three years, Azerbaijan has spent 430 million dollars (295 million euros) of its oil revenues building homes for 73,000 refugees, said Sanan Huseynov, a spokesman for the government's refugees committee...Another 500 million dollars (343 million euros) has been earmarked to build more settlements, he said.

Residents have few complaints about the homes themselves. "Of course, this is 100 times better than living in a tent," said Tazakend resident Gultak Nazarova, 20. "We have water, light and heat and every family has land for a garden."

But they can't understand why the government insists on building the settlements so close to the frontline. Despite a 1994 ceasefire, gunfire and shelling are common along the frontline. Dozens of people, many of them civilians, are killed every year from ceasefire violations. Residents of Tazakend said that so far no one has been killed or wounded in the settlement but they live in constant fear of sniper fire, building high barriers around their gardens and dimming their lights at night. They also dare not stray far from home, as the surrounding area is rife with land mines and unexploded ordnance from the war. Nearly 2,000 people have died since the ceasefire from land mines or other explosives, according to the Azerbaijan National Agency for Mine Actions. It does not provide a breakdown for whether those killed are local residents or resettled refugees. The isolated settlements also suffer from severe economic problems. Job opportunities are non-existent and the vast majority of residents depend on government handouts to survive.

"It's very frustrating. Of course everyone wants to work, but there are no jobs," said Tazakend resident Nushiravan Abilov, 35..."

**IWPR, 26 October 2007:**

"Azerbaijani refugees in Baku say efforts to close their camps and resettle them outside the capital will lose them their jobs and force them to start their disrupted lives all over again...But now the government of Azerbaijan says it is time for them to move on from their ad hoc homes. It wants to empty the tent encampments, railcar homes, workers' hostels and hotels they have occupied, despite their protests that they have built new lives there.

"If they decide to move us out of this hostel, I will rent an apartment in Baku rather than go to the countryside," said Gullu Gulieva, a refugee from the Fizuli district near Karabakh. Part of Fizuli has been under Armenian control since the war...

"I work here. Over the past few years, I have created a way for myself to live," said Gulieva. "I have relatives who have already moved to these new areas, and they say there aren't proper living conditions there. They aren't allowed to keep livestock and there's no work. How are they supposed to live there?"...

Amid the competing ownership claims, many refugees say they will not move unless they are guaranteed living conditions that are equivalent to their original homes. Those now living in camps argue that the new residential areas created for them away from Baku are scarcely better than the places they would be leaving behind.

"The state is obliged to ensure proper living conditions for citizens who are forced to leave their homes," said Himayat Rizvanqizy, the head of Himayadar, a group that monitors refugee issues. "Unfortunately, despite the large funds being allocated, conditions in the new areas allocated to the refugees are little different from those in the tent camps. Our monitoring indicates that their rights to education, employment, medical care and other social rights will not be guaranteed there."

Most importantly, she said, there was no guarantee of security for those people who would be settled in areas close to Armenian-held territory. Lala Izmailova, another IDP from Fizuli, said she was not prepared to move anywhere where conflict was a possibility.

"The new districts have problems with transport, roads, water, gas, electricity, telephone lines and so on. If the state cannot provide decent living conditions for us, then they should allow us to live on our own. I am not going to risk the lives of my children by moving to live near the front line," she said.

Legal expert Alovzat Allahverdiev agreed that it would be wrong to make the IDPs move to high-risk areas close to the frozen line of conflict. "To do so before the two sides have sorted out their relations would be a gross violation of human rights," he said.

Some of the refugees said they wished the Azerbaijani government would just leave them alone.

"I am sick and tired of always having to move on somewhere. I only have one life, and I have a right to live it as a human being," said Gulieva.

"For fifteen years now, we've been taking care of ourselves without getting help by anyone.... They should give us a chance to try to live as human beings." "

**See also [New Homes for 52 IDP Families, Norwegian Refugee Council, 28 June 2007.](#)**

## **IDPs were not consulted on resettlement plans (2008)**

- IDPs would have liked to have been given an opportunity to state their opinion on resettlement
- There are apparently no mechanisms for IDPs to influence decisions that will affect them
- Policies made without consultation are less effective than if IDPs had been consulted
- NRC recommends that the government create mechanisms for the participation of IDPs in planning national programs and policies affecting them
- UN Representative also recommends that IDPs be involved in the planning of new settlements, receive information on conditions in the new settlements and that the government visit established settlements to take stock of outstanding issues

### **Amnesty International, 28 June 2007:**

"Amnesty International is concerned by the reported absence of mechanisms allowing the internally displaced population to contribute to decisions concerning the realization of their human rights. The right of every citizen 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. Moreover, the right to participate in public affairs is an integral aspect of the fulfilment of other human rights, such as the rights to housing, health and work. Yet internally displaced persons reportedly have very few channels to exert influence of the decision-making processes involved in the allocation of resources to respect and protect their human rights...

Amnesty International is concerned that the internally displaced have been excluded from key decision-making processes directly impacting on them, such as the location of new settlements constructed to house them. The approach of the Azerbaijani authorities appears to be a 'top-down' one whereby decisions and policy directives are issued by officials, often without direct experience of the issues involved. Nor do institutional mechanisms exist for the concerns of the internally displaced population to reach government officials. The resulting lack of consultation not only infringes the right of the displaced population to participation, but results in the inefficient and wasteful expenditure of resources...

The internally displaced have been excluded from consultation at all levels and their rights to genuine participation in decisions affecting them are not respected. Government officials continue to view internally displaced persons as passive objects of policy rather than active bearers of rights. Decisions with crucial consequences for the internally displaced, such as the location of new settlements to house them, are taken without consultation, nor do effective structures for such a consultative process exist. As a result policies are less effective than they would be if their intended beneficiaries were consulted, an opportunity cost currently borne by the Azerbaijani government. Amnesty International was told consistently by individuals of the indifference of officials, or worse, their exploitative attitude towards the displaced."

### **NRC, 29 February 2008:**

"Having established the legal framework and launched several direct assistance initiatives, the Azerbaijani authorities have focused on large-scale housing programs. These have significantly contributed to improvement of the living conditions for thousands of IDPs. Improved housing has in the next instance provided many IDPs with the potential to ameliorate other aspects of their lives.

While the poverty reduction strategy planning process has utilized a variety of consultative and participatory tools, it is not clear to what degree such an approach was applied in the IDP strategic planning and program implementation. It is also not apparent to what extent the

relocation to newly constructed settlements has been a result of a conscious choice of the displaced families and what information was available to them beforehand on parameters like location, infrastructure, income opportunities, and similar. Many resettled IDPs have shared with NRC their appreciation of their new housing as well as a degree of frustration of being considered objects of rather than equal partners in the implemented activities. They have not been able to retain influence over their own lives and decisions that directly affect them by stating their own views about what they themselves envision as qualitative improvements in their living conditions.

*Recommendation:*

·Create mechanisms for systematic involvement and participation of different groups of IDPs in all stages of national programs and policies affecting them."

**UN HRC, 15 April 2008:**

"64. The Representative encourages the Government to realize its intention to close remaining tent and railway camps by the end of the year. In order to increase the success of its resettlement programme, the Representative recommends that the Government 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 communities of internally displaced persons in advance of the conditions awaiting them. The location of new settlements should be chosen so as to avoid endangering the physical security of displaced persons due to proximity to the ceasefire line. Likewise, internally displaced persons should not be cut off from their current places of employment. The Representative also suggests revisiting settlements already in use to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed. He encourages international agencies to lend their expertise and other support for this purpose."

## **Obstacles to return and resettlement**

### **Many factors stand in the way of return (2008)**

- Failure of peace negotiations, the continued presence of the occupying forces, landmines and ceasefire violations are the main obstacles to return to occupied areas and Nagorno-Karabakh
- In the case of a resolution to the conflict there will be other obstacles to return including high level of destruction of homes, infrastructure and economy in villages
- There is a need for information on the resources needed to reconstruct the villages

**UN HRC, 15 April 2008:**

22. Recently, the Government initiated work on a framework plan on the return of displaced persons. It is hoped that the plan will be supported by and implemented in close cooperation with the international community. The Government acknowledged that adequate conditions must first be put in place before returns can proceed in safety and dignity. As the first step, the daunting task of mine clearance would have to be undertaken. The Government had already prepared mine

clearance activities with the United Nations Mine Action Service, the United Nations Development Programme (UNDP) and the World Bank, and has begun to remove mines near the ceasefire line, in line with the recommendations of the Representative's predecessor. Next, destroyed public and economic infrastructure would need to be restored, a process estimated to take several years before the return of internally displaced persons could be envisaged. The Government will not shy away from its responsibility to assist internally displaced persons during the readjustment, reconstruction and reintegration phase...



52. One of the main rights of internally displaced persons is their right to return to their places of origin; arbitrary forced displacement is in itself a violation of this right. Regrettably, the hope of return nurtured by large parts of Azerbaijani society has not been realized, mainly because of the failure of peace negotiations, the continued presence of the occupying forces, landmines and ceasefire violations. The Representative noted the overwhelming desire of most internally displaced persons he consulted to return to their homes or villages, some of them as soon as possible, and he was struck by the amount of suffering the prolonged displacement created in many. Of the displaced persons the Representative met who had started a new life in urban areas, some said they would consider staying on even if return became a possibility."

**ICG, 11 October 2005:**

"For Azerbaijan, after the withdrawal of Armenian forces from the occupied districts the most important task is to create conditions in those districts for the return of displaced Azeris. Almost all the over 500,000 are committed to return to their pre-war homes...the task of organising return will be daunting. Towns that previously existed in the occupied districts - Agdam (28,200), Kelbajar (8,100), Jebrail (6,200) and Fizuli (23,000) - have been systematically levelled. Even electrical wiring, pipes and other infrastructure have been removed for sale as scrap. Efforts over much more than a decade will be needed to rebuild and rehabilitate homes, infrastructure and the economy..."

**International assistance programs**

No major donor has allocated new funding for the return and resettlement of displaced person to Nagorno-Karabakh and the surrounding districts. If there is an agreement, however, resettlement, reconstruction and development of the war-affected areas will require rapid disbursement of significant aid. No major agency, with the exception of the ICRC, has been working in Nagorno-Karabakh and the occupied areas. International organisations are thus only partially aware of needs and resources."

**The Brookings Institution-University of Bern Project, 16 May 2006:**

"...data is needed about areas of return in order to estimate the damage to infrastructure and land and the resources needed for rehabilitation. This could help IDPs to decide whether to return to border villages and be aware of the obstacles they will need to overcome."

# HUMANITARIAN ACCESS

## General

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### **NGO activities are constrained by domestic registration and taxation system (2008)**

- In Azerbaijan, NGOs are subject to a mandatory registration process and taxation
- In 2003, the NGO registration procedure was simplified, but NGOs have nevertheless reported continued constraints
- In 2007, a presidential decree established a council to support NGOs

#### **UN Azerbaijan, 31 January 2008:**

"While civil society remains weak in Azerbaijan and many NGOs are reportedly largely dependent on political connections, a Presidential Decree of July 2007 established a council for state support to NGOs, indicating political will to promote civil society development."

#### **UN HRC, 15 April 2008:**

"A number of non-governmental organizations have reportedly experienced unreasonable constraints by the registration system of Azerbaijan and by high taxes, despite reforms to simplify procedures in 2003."

#### **HRW, 15 June 2005:**

"Although the government amended and simplified the laws on registering NGOs in 2003, and there has been an increase in the number of NGO registrations, the authorities continue to arbitrarily deny registration to some independent NGOs. For example, in September 2004, the Ministry of Justice rejected the application for registration of the Azerbaijan Foundation of Democracy Development and Human Rights Protection, on technical grounds that the organization says were not specified in the law on NGOs...The Oil Workers Rights Protection Committee has tried to register six times since 1996, and again received a rejection, reportedly on minor technical grounds, in March 2005."

#### **UN Commission on Human Rights 25 January 1999, para. 55, 95:**

"55. [I]nternational humanitarian organizations attempting to address the needs of the internally displaced have faced other operational constraints. Specifically, the legal and administrative environment in which NGOs are required to operate impedes their effective functioning and the fulfillment of their full potential. NGOs are subject to a mandatory registration process, which is cumbersome and lacks transparency, and to a high level of taxation. Creating an operating environment more supportive of the work of NGOs in Azerbaijan is important not only for the work of the NGOs themselves, but also for international agencies which rely on NGOs as implementing partners. As part of the follow-up process to the CIS Migration Conference, UNHCR (in cooperation with the Open Society Institute and the Washington-based International Centre for Not for Profit Law) has been assisting the Government in drafting a new law regarding NGO activity in order to conform with commonly accepted principles and practices elsewhere in the world. The law is expected to delineate the types of associations and foundations eligible for classification as charitable, set out the procedures for registration and regulation of charitable activities, and define the responsibilities of the Government towards NGOs."

[...]

"95. In terms of access to income-generating activities, while the Government is receptive to income-generating projects for the displaced, "local NGOs [which play an important role in sponsoring micro-credit programmes] are constrained from doing so by national legislation requiring that an institution must have the equivalent of US \$5 million in order to engage in lending activity. To enhance the access of the internally displaced to credit, the Government is encouraged to create a more conducive environment for the micro-credit programmes of NGOs."

**UNHCR September 2001, p. 205:**

"The Law on Registration of Legal Entities has been a stumbling block for the development of a national NGO-sector in Azerbaijan. The law is currently being amended, and UNHCR and the Council of Europe has intervened with the Government, offering legal advice and technical expertise to amend the law to an acceptable international standard."

**NGOs complain about new legal regime regarding grants and social contributions (2003)**

- New "Law on Grants", in effect from January 2003, requires humanitarian organizations to pay 27 percent of employee wages to social funds
- It also requires organizations to notify authorities of grants they receive
- Despite some concessions made by the government, many believe that these new provisions will have an impact on projects on the ground

***More recent information could not be found among the sources consulted.***

**EurasiaNet, 24 February 2003:**

"Non-governmental organizations in Azerbaijan are attempting to force revisions in new legislation that they contend hampers their ability to function, and possibly may lead to lay-offs. Some NGO representatives believe the current organizing effort may strengthen the non-governmental sector over the longer term, even if the legislation produces short-term hardship.

The new Law on Grants, adopted by parliament in December, requires organizations to pay 27 percent of their employee wages into a fund for social insurance and pension contributions. It also requires all groups that give or receive grants to notify authorities of these grants. Advocates worry that this measure could crimp NGOs' work and enable the government to monitor and harass particular groups. The legislation came as a stinging blow to organized activists, who believed they had won a battle against registration requirements in the summer of 2002.

[...]

NGO employees picketed in central Baku protesting against the new measures on January 22. They have already won an assurance that the payroll tax will only affect agreements and grants that are signed after the law came into effect in January. This means that, in theory, organizations can budget for the additional contributions – if they can find donors to support the social-insurance cost. The government has also agreed to exempt projects supported under a bilateral agreement with the United States. Although this will benefit many projects, it will also mean administrative hassles for organizations that receive support from the United States and from other entities. Such organizations will have to pay contributions on some, but not all, of their funding.

[...]

Some NGO advocates express concern about the social insurance fund payments. While the government says the social insurance fund will serve the same altruistic goals that the organizations embrace, many fear the new provisions will compel organizations to lay off workers. Qasimov points out that the obligation can impose severe costs on organizations. Either employees' salaries will have to shrink, or donors will have to make bigger grants to NGOs. He

adds that any reduction in salaries will mean that some of the best-qualified people may start looking for other jobs. Roughly 1,000 people work for NGOs in Azerbaijan.

[...]

The notification requirement is also a source of concern among many NGO representatives. Authorities have sought to quell such concerns, saying the existing requirement differs from the measure contemplated in 2002 by not mandating governmental registration of all grants. [...]. The new law, government officials say, will increase transparency by publicizing NGOs' funding sources. "It's just notification, not registration," says Nazim Isayev, deputy head of the social-political department in the presidential administration, who has worked on government-NGO relations for several years."

[www.eurasianet.org](http://www.eurasianet.org)

**See also "[Azerbaijan: Taxing time for NGOs](#)", *Institute for War and Peace Reporting*, 17 April 2003**

# NATIONAL AND INTERNATIONAL RESPONSES

## National response

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### Overview: national authorities continue to assist IDPs, but issues remain (2008)

#### Governmental institutions dealing with IDPs

A number of government bodies are involved in addressing the needs of IDPs. The State Committee for Refugees and Displaced Persons (SCRDP) is the primary institution dealing with IDPs, and renders assistance to IDPs with regional Executive Committees (ExComs). These ExComs are headed by internally displaced persons appointed by the president and have representatives in large settlements of IDPs. The State 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.

#### National assistance and programmes

In the 1990s, the Government primarily focused on the priority of the return and did little to address the housing and economic needs of the displaced. However, the government did make efforts to protect the rights of IDPs. It supplied emergency relief measures, raised national awareness on the displacement situation, allocated resources to the problem, established a legal framework to protect the rights of IDPs, collected data on IDPs, and cooperated with international and regional organisations.

The government response has improved in recent years. Since 2001, the government has provided IDPs with a number of subsidies and exemptions from taxes, utility and public transport costs. It also distributes fuel, food, a monthly food allowance of approximately \$11 and other non-food items to IDPs such as seeds, fertilizers and agricultural tools. IDPs are also exempt from paying income tax, higher education fees as well as certain court fees, and their access to bank loans is facilitated, IDPs are also exempt from the obligation to present their employment record when seeking employment or registering for old-age pensions. Although seen as bringing the situation of IDPs closer to other social vulnerable groups, there is concern that these measures continue to perpetuate a dependency of IDPs on external aid, and fail to support IDPs' self-reliance (UN HRC, 15 April 2008). In addition to food assistance from various international organizations, the government grants monthly food subsidies to IDPs, which have recently been raised to about 11 USD (UN HRC, 15 April 2008).

In 2002 and 2004, the government adopted resettlement programmes 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). In finishing the 2004 programme, the government demolished the last tent camps set up during the emergency disbursed various forms of monetary, food and non-food assistance, among other initiatives. In total, by the end of 2007 the government had created 56 new settlements with about 16,000 houses, resettled 72,000 IDPs, including 52,000 IDPs from 12 tent camps, and constructed 108

schools and 4 music schools. Azerbaijani resettlement programmes have however often been limited to the provision of housing, and the UN and NGOs have emphasised the importance of providing durable solutions to IDPs, which also take into account their social, economic, legal and security needs. There is also concern that IDPs have not been adequately involved in resettlement plans and process (AI, 28 June 2007; NRC, 29 February 2008).

A presidential decree issued on 31 October 2007 instated the third State Programme on IDPs, Additions to the Decree No. 298 "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. With \$12 billion expected revenue from oil and gas in 2008 alone, financial resources to implement this programme should be sufficient (Eurasianet, 13 May 2008). The main development challenge is ensuring the windfall from the oil sector benefits the population evenly, without undermining macroeconomic stability. A significant amount of oil revenues have gone to the defense budget, which in 2006 accounted for 15 percent of all government spending, and exceeded \$1 billion (RFE/RL, 21 November 2006). 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).

#### **Progress made in protecting the rights of IDPs, but outstanding issues remain**

Despite the measures taken by the Government of Azerbaijan, efforts have so far only partly addressed the needs and priorities of IDPs. Many IDPs continue to live in substandard conditions after more than 15 years. IDPs in urban settings are still to benefit from governmental initiatives that would improve their living conditions, and the government has announced plans to include IDPs living in cities in its programmes. Vulnerable groups among the displaced, such as elderly, traumatized and mentally ill persons, as well as female-headed households, are particularly in need of targeted assistance. While thousands of IDPs residing in rural areas enjoy improved housing, 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 importantly integrate the socio-economic context and livelihood conditions. Funds that have been put towards IDPs have not always been spent transparently, nor have they translated into quality end products. However, corruption and embezzlement are now reportedly being combated and legislation on the issue has largely been brought into line with international standards (UN HRC, 15 April 2008). Finally, while the legal framework to protect IDPs exists, IDPs are not protected from corruption in their dealings with officials and there is no forum for consultation with the displaced population (AI, 28 June 2007).

Possible remedies to these outstanding issues include the government fulfillment of recommendations related to IDPs provided by the United Nations and Council of Europe, and careful monitoring of the implementation of national legislative acts (NRC, November 2006). Extensive consultations with displaced and host communities could also improve the design and implementation of government programmes (The Brookings Institution - University of Bern Project, 16 May 2006).

***For the details of the 2007 government programme for IDPs, see:***

***[Additions to the Decree No. 298 "State Program on the Improvement of Living Conditions of Refugees and Internally Displaced Persons and Employment Promotion" approved by the President of the Republic of Azerbaijan on 1 July 2004, Approved by Decree No. 2475 on 31 October 2007](#)***

***For information on the government's poverty reduction programme, see:***

### **National NGOs improve the situation of IDPs (2008)**

- The local NGO Praxis provides legal assistance to IDPs
- Praxis has trained IDPs on their property, documents and pension rights
- Praxis has also helped IDPs gain the agreement of the authorities to build a road

#### **Praxis, January 2008:**

"During one of the mobile visits of Praxis legal team to the Hostel no. 23/59 in 2nd Micro district of Sumgayit, around 200 residents of the hostel complained that the roof of the building was very old as it had not been rehabilitated for more than 20 years. As a consequence, the small gutter in the corner of the building was destroyed and all the rain water entered into the rooms causing infectious diseases among the children. Inhabitants mentioned the need for rehabilitation of the building in their appeal.

"Praxis" lawyers lodged a collective appeal to the Executive Committee of Sumgayit city on behalf of 200 inhabitants. They also held advocacy meetings with representatives of Sumgayit Ex Com and jointly visited the building. Plan of rehabilitation of the building was prepared and adopted after the visit of Ex Com representatives to the site.

As a result, with the efforts of Sumgayit Ex Com the building has been repaired and the right to health and adequate living conditions of vulnerable groups of people was ensured. Another important impact is that infectious diseases among children will decrease significantly."

#### **Praxis, November 2007:**

"The complaint of group of IDPs on construction of the road at Dord Yol-2 settlement of Agdam region has been registered during the mobile visit. It was known that the road is military road and using of the road makes difficulties for inhabitants in emergency situations.

Concerning the problem of IDPs the employees of the Agdam Centre conducted an advocacy meeting with the Executive Committee of Agdam district. The Praxis employees were trying to convince local executive authorities on the importance of solving related problems of the target groups. As a result of carried out advocacy meetings and activities the plan of the construction of the new road to the settlement has been prepared and approved by authorities.

The construction works already started by the relevant authorities and soon shall be completed. Around 300 families (2000 people) residing in the Settlement will benefit from the repair of the road and save more than 4 km distance a day."

#### **Praxis, February 2007:**

"Praxis launched training sessions on the property rights and ownership issues of internally displaced persons residing in Sumgayit and Fizuli regions. This initiative has been carried out in the framework of a project supported by the Danish Refugee Council. The objective is to raise awareness of internally displaced persons on their property rights and inform them on procedures for formalizing this right. The project further aims at eliminating practical obstacles in documentation and registration of land and property for IDPs. Praxis cooperates with local municipalities and state property registration departments within this project."

**Praxis, September 2007:**

"Praxis" Support to Social Development Public Union organized a roundtable on September 21, 2007 at the Irshad Hotel dedicated to the outcomes of the project on protection of property and ownership rights of IDPs. The roundtable was arranged in the framework of the 9 months project of "Praxis" supported by the Danish Refugee Council. Representatives of Baku and Sumgayit Mayor's offices, executive power of IDP regions, UNHCR Office in Baku, Danish Refugee Council, Norwegian Refugee Council, International Rescue Committee, Oxfam Great Britain, Georgian counterpart of "Praxis" Social Programs Foundation, the State Registration of Property and Real Estate Department and chairmen of partner municipalities from Fizuli region took part in the event.

The representatives of "Praxis" and Danish Refugee Council spoke about the significance of the project and informed the participants on major findings and conclusions. Project coordinator has also provided broad information on the course of the project, the achievements and challenges. It was mentioned that about 200 IDPs residing in Sumgait and Fizuli regions received documents certifying their rights on their property and real estate. Emphasizing the importance of raising awareness, "Praxis" has also mentioned about its published booklets and information materials on property and ownership rights. Positive patterns of cooperation between "Praxis" and the state representatives in Sumgait and Fizuli was also mentioned."

**See also [Ganja Court of Appeal ruled a decision in favour of an IDP, Praxis, April 2008](#)**

**Government uses oil money to fund assistance to the displaced (2008)**

- In 2007 the government allocated \$179 million from the State Oil Fund to assist IDPs and refugees
- In 2006, the government allocated \$100 million from the State Oil Fund to assist IDPs and refugees
- In 1995, \$1 million were used from the State Oil Fund to assist IDPs and refugees

**US DOS, 11 March 2008:**

"The government reported that during the year, 60 international and 32 domestic humanitarian organizations, and 13 non-bank credit unions implemented projects independent of the government related to refugees and IDPs, spending a total of \$29.1 million (25 million AZN). According to the government, it also allocated \$179.2 million (154.1 million AZN) from the country's oil fund to improve living conditions for IDPs and refugees. During the year the government completed the construction of new settlements for refugees and IDPs, fulfilling President Aliyev's promise to eliminate all tent camps by 2007, as stated in a 2004 decree. The government constructed 13 new settlements with 3,469 houses during the year, in which 14,086 refugees and IDPs lived. Since 2001 the government has constructed 56 settlements with 15,821 houses for refugees and IDPs, as well as 108 secondary schools, four music schools, 34 kindergartens, four hospitals, 38 medical centers, 30 community clubs, and 30 communications centers. The State IDP and Refugee Committee's estimated expenditures were \$174.5 million (150.1 million AZN). IDPs received monthly food subsidies of approximately \$10.50 (nine AZN) from the government."

**UN HRC, 15 April 2008:**

"...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. At the time of the Representative's visit, the Government was planning to allocate \$225 million (124 million from the State Oil Fund) in 2007."



**CoE, 24 May 2007:**

"ECRI is pleased to note recent signs showing that the situation of refugees and internally displaced person in Azerbaijan is improving. Over the last years, thanks to the resources of the State Oil Fund and other financial sources, the government has implemented a number of decrees, and taken many measures aimed at improving the living conditions of refugees and IDPs. For instance, in 2004, the Government adopted by decree the "State Programme on improvement of the living conditions and raising employment for refugees and IDPs" and its corresponding Action Plan. Since then, new settlements have been built, job opportunities have been created and steps to promote local integration have been taken in favour of refugees and IDPs...According to the Azerbaijani authorities, some 222 million manats (200 million EUR) were allocated in 2006 to deal with the social problems facing refugees and IDPs."

**See also:**

*Day.Az, "Будет произведен ремонт 130 общежитий, где проживают беженцы," 31 марта 2007 г.*

*Day.Az, "В Гяндже будут отремонтированы 28 общежитий, в которых проживают вынужденные переселенцы," 8 февраля 2007 г.*

**Measures taken to guarantee respect for human rights (2008)**

- The government adopted a national action plan for the protection of human rights in 2006
- The Ombudswoman of Azerbaijan received 421 complaints from IDPs in 2007 mainly about the resettlement programme, allowances and court decisions
- The Ombudswoman has also engaged in awareness-raising and advocacy on behalf of IDPs

**CoE, 30 March 2007:**

"148. On 28 December 2006, the President of Azerbaijan signed a Decree on the National Action Plan on the Protection of Human Rights. The decree states that the guaranteeing of human and civil rights and freedoms is a nationwide task in Azerbaijan. The text was promulgated by the President bearing in mind the priorities determined by the UN "Millennium development goals" and by the Third Summit of the Council of Europe in the field of human rights protection, democracy and rule of law, to expand the activities in this sphere.

149. All sectors of public authorities are expected to contribute to the implementation of the Action Plan. The government is expected to engage local non-governmental organisations in the implementation of the Action Plan."

**European Commission, 3 April 2008:**

"A national action plan for the protection of human rights was adopted in December 2006. While the existence of this comprehensive policy document as such represents progress, its concrete and effective implementation is now needed. Measures were taken to clarify the legal and administrative framework of the Ombudsperson Institution. Its administrative status was upgraded in July 2007. The staff of the Ombudsperson office has participated in trainings both in the country and abroad. Further efforts are nonetheless needed to enhance the independence and legitimacy of that institution...Efforts have however been made to improve the human rights training of law enforcement officials. These include the introduction of a new recruitment examination, the adoption and distribution of training material to police officers, the establishment of a 24-hour complaints mechanism. The Ministry of Internal Affairs has developed constructive cooperation with civil society and the Ombudsperson. The latter is allowed to visit any detention centre without prior notice or permission."

**US DOS, 11 March 2008:**

"Citizens may appeal violations committed by the state or by individuals to the Ombudswoman for Human rights. The Office of the Ombudswoman reported that it had received 32,000 complaints since it was established in October 2002. No information was available at year's end regarding the complaints received during the year by the ombudswoman. The ombudswoman may refuse to accept cases of abuse that occurred over a year ago, anonymous complaints, and cases already being handled by the judiciary.

The Office of the Ombudswoman took the lead on implementation of the government's human rights action plan, outlined by President Aliyev in a December 2006 decree. At year's end, the ombudswoman reported that she had established a working group, including five subcommittees, to focus on the areas identified as priorities in the action plan. The ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats and domestic NGOs working on human rights, and submitted an annual report to parliament. 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.

The parliament and Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the human rights office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern. The parliament's human rights body did not operate fully independently of government influence."

**US DOS, 6 March 2007:**

"Citizens may appeal violations committed by the state or by individuals to the ombudswoman for human rights. No information was available at year's end regarding the complaints received during the year by the ombudswoman. In 2005 her office received 6,200 complaints and accepted 3,000 for investigation as authentic human rights violations. The ombudswoman may refuse to accept cases of abuse that occurred over a year ago, anonymous complaints, and cases already being handled by the judiciary. The ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats working on human rights activities, and submitted an annual report to parliament. Compared with previous years, the ombudswoman was more outspoken in her criticism of government actions. For example, the ombudswoman spoke out against the NTRC's November decision to order ANS Television and Radio off the air (see section 2.a.). However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the government."

**Government of Azerbaijan, 3 April 2008:**

"The Ombudsperson Apparatus have received 421 complaints from IDPs in 2007. Types of these complaints are as follows:

Some complain they haven't [been] provided with a house in the newly constructed settlements.

Some IDPs claim that they are not receiving food allowances

Problems with regard to communal services

Some IDPs don't accept the decision of courts concerning their eviction from buildings where IDPs are temporarily settled."

**CoE, 24 May 2007:**

"...ECRI notes that since her election, the Ombudsperson has been gradually increasing the activities of her office. This office and its work are widely known in Azerbaijan. The rise in the number of applications every year is a clear sign of this...In order to facilitate victims' access to this institution, there are several regional offices and the Ombudsperson often travels to the

regions in order to meet with the population. In addition, a special Ombudsperson was elected in 2005 for the Nakhchivan Autonomous Republic.

**UN HRC, 15 April 2008:**

"11. Since the establishment in 2002 of the office of the Ombudsman, whose mandate includes an individual complaints mechanism, the Ombudsperson has organized training sessions for non-governmental organizations and Government officials on the national action plan for human rights, created a 24-hour hotline to receive complaints of ill-treatment and torture, monitored prisoners' rights and engaged in awareness-raising and advocacy on behalf of vulnerable groups, including internally displaced persons."

## **International response**

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### **Selected international, regional and non-governmental initiatives to assist IDPs (2008)**

A number of United Nations agencies and other specialized organisations, are present in Azerbaijan, including the United Nations High Commissioner for Refugees [UNHCR](#), the Office of the High Commissioner for Human Rights [OHCHR](#), the United Nations Development Programme [UNDP](#), the United Nations Children's Fund [UNICEF](#), the Joint United Nations Programme on HIV/AIDS [UNAIDS](#), the United Nations Office on Drugs and Crime [UNODC](#), the Food and Agriculture Organisation for the United Nations [FAO](#), the World Health Organization [WHO](#), the United Nations Population Fund [UNFPA](#), the United Nations Department of Public Information [UNDPI](#), the International Organization for Migration [IOM](#), the International Labour Organization [ILO](#), the International Committee of the Red Cross [ICRC](#) as well as financial institutions, such as the Asian Development Bank [ADB](#), European Bank of Reconstruction and Development [EBRD](#) and the [World Bank](#). Current donors of humanitarian assistance for IDPs in the country include the United States, Canada, Japan, Germany, Sweden, France, the United Kingdom, Greece, Italy and the European Union. Additionally, many international non-governmental organisations implement programmes to address the needs of IDPs in the country, including [World Vision](#), [Mercy Corps](#), [OXFAM](#), the International Rescue Committee [IRC](#), the United Methodist Committee on Relief [UMCOR](#) and the Danish Refugee Council [DRC](#).

The international community continues to implement a number of initiatives in the country; however it has progressively reduced its attention to IDPs despite the needs on the ground. Humanitarian assistance for refugees and IDPs dropped from 120 million USD in 1994-1995 to approximately 29 million USD in 2007 (US DOS, 11 March 2008, Section 2d). This decrease has been due to a number of factors including the "frozen" nature of the conflict, greater involvement of the government on behalf of IDPs, as well as "donor fatigue" – all of which have contributed to fewer programmes designed to assist IDPs specifically (NRC, 30 April 2008). The existence of high levels of poverty, unemployment, and health-related problems not only among the internally displaced, but among the general population led the international community to shift its response from relief assistance to long-term development goals (UN, 2001 pp.2-3).

### **Assistance from the UN and other international organisations**

UNHCR was among the first international organisations to arrive in Azerbaijan and continues to be the focal point for IDPs in the country. In 1992, it launched an emergency relief operation at the request of the government to address the needs of IDPs. In 2002-2003, the agency began to scale down its work with IDPs and concentrate on the protection of asylum seekers and refugees. 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 will form the basis for discussion on how to address the challenges in meetings with relevant organisations (UNHCR, 29 February 2008).

WFP has been distributing food aid and supporting coping strategies and income-generation. In 2007, it planned to provide monthly food assistance to 136,000 families of internally displaced persons. The World Bank provides funding for shelter, employment, education, infrastructure and health-care programmes. WFP expects to close office in mid-2008 because government is able to financially and logistically provide food assistance to IDPs independently. The cuts by WFP in the provision of food rations have been noted with particular concern.

ILO endeavours to provide internally displaced persons with useful skills, for example in the area of construction work, to enlarge their employment prospects and serve them on their return.

OHCHR opened its office in Azerbaijan in 2005 to promote respect for human rights in the country. The office supports the government of Azerbaijan in reporting to international human rights bodies on national progress and organises public events to raise awareness on human rights issues. In 2007, the office also provided training and ongoing support to members of the UN Country Team, particularly on such issues as internally displaced persons (OHCHR, 30 April 2008).

UNICEF focuses on child protection, health and nutrition, education and the health and development of young people. UNICEF continued to collaborate with organizations on various projects, including with WFP on school attendance and nutrition, the World Bank on education reforms, WHO on children's health and neo-natal mortality, OHCHR on juvenile justice and UNDP on mine action (UN Azerbaijan, 31 January 2008). UNICEF also works with street children and children living in institutions.

UNFPA was established in Azerbaijan in 1994 and has supported the government in data collection and analysis for development and reproductive health. UNFPA also supports efforts to address needs of young people .

WHO is assisting the Government to achieve the Millennium Development Goals, which include the reduction of child and maternal mortality. In tandem with other organizations such as the International Committee of the Red Cross, WHO is increasing its focus on addressing mental health problems. WHO has an expanded programme in Azerbaijan to include policy and capacity-building activities of the health reform system.

ICRC monitors the situation of civilians living along the line of contact with Nagorno Karabakh and the border with Armenia. It also focuses on missing persons, detainees in connection with the conflict, mine-awareness and limb-fitting programmes and addressing tuberculosis in prisons. ICRC also promotes international humanitarian law in the armed forces and education system, and supports primary health care services in Nagorno Karabakh.

IOM in the past had done food distribution for IDPs, and more recently had been working on water and agricultural project in Nakhchivan , border management, return assistance, counter-trafficking, strengthening of government capacities and Migration Information Centres.

#### **Assistance from international and national NGOs**

In 2007, over 100 NGOs were registered in Azerbaijan and 71 of them were international. One NGO left Azerbaijan in 2007 while WFP, NRC and IMC were planning to leave in 2008. NGOs spent some 13 million USD in 2007 and about 725 million USD since 1993, of which 100 million USD spent by UN agencies and 378 million spent of US-Government funding (Government of Azerbaijan, 4 March 2008).

Mercy Corps provides direct assistance to internally displaced people, including health, economic opportunities and community development.

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.

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.

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

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

The Danish Refugee Council (DRC) started working in Azerbaijan in 1996 and currently focuses its activities on integration of IDPs and people affected by conflict, with a focus on civil society, government capacity building, micro-enterprise development and social rehabilitation assistance to IDPs in collective centres.

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.

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, psycho-social rehabilitation and dental assistance.

### **Assistance from international financial institutions**

EBRD provided 122 million EUR to Azerbaijan in 2007 for the development of the business, energy and financial sector and infrastructure repair.

ADB has contributed 370 million USD to Azerbaijan since 1999. ADB assistance to the Azerbaijani government to address the needs of the internally displaced has so far been focused on resettlement and repair of community infrastructure, such as schools. It funded a pilot project where 412 IDP families living in public school buildings in Mingechevir were resettled and the schools that they had previously been living in were rehabilitated. The project was supported by the Government of Japan (2.5 million USD) and the Azerbaijani government (US\$100,000). In 2006, ADB announced that it will continue to support improvements in the living conditions of IDPs, but that this would be integrated into other poverty interventions where possible (ADB,

January 2006). In 2008, ADB operations in Azerbaijan will focus on roads, water supply and sanitation, and development of the private sector, which is in line with the Government's own development priorities.

In 2008, the World Bank approved a 15 million USD credit to Azerbaijan to improve living conditions, enhance economic opportunities and increase prospects for social integration for those displaced by the conflict with Armenia (WB, 11 March 2008). This credit will serve as additional financing to the Internally Displaced Persons' (IDPs) Economic Development Support Project to meet the needs of an additional 150,000 people living in Internally Displaced Persons (IDP) communities across Azerbaijan. Approved in 2005, the ongoing IDPs Economic Development Support Project has three components including micro-projects, micro-credits, and implementation support. By the end of December 2007, a total of 125 micro-projects had been completed or were under implementation, while another 38 micro-projects were at various stages of preparation, tendering and contract negotiations.

### **Assistance from the private sector**

Additionally, a number of international oil companies operating in Azerbaijan have funded projects for internally displaced people. The International Federation of the Red Cross received assistance from several international oil companies, including EXXON to support its humanitarian work. ENI Group/AGIP, an Italian oil company funded UNHCR settlement projects for IDPs in western and central Azerbaijan (UNHCR July 2000). The International Rescue Committee (IRC) is implementing a project to reduce IDPs and refugees dependency on external aid in the southern regions of Azerbaijan, with agricultural projects supported by EXXON (Azernews, 22 April 2004). British Petroleum (BP) is financing a project, implemented by a local NGO, HAYAT, to improve social conditions for IDPs in Khirdalan, near Baku (BP, 27 May 2004). The Norwegian oil company Statoil has also funded projects for the benefit of IDPs. More recent information on the support of oil companies for the improvement of IDP living conditions could not be found among the sources consulted.

### **Assistance from European Institutions**

The European Commission opened a Delegation in Baku in February 2008 and supports Azerbaijan in its attempts to consolidate democracy and develop its economy. The country's National Coordination Unit (NCU) acts as a hub for EU assistance, organising relations between different ministries, the European Commission and other donors. The EU is 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. In 2007, €19 million was allocated for Azerbaijan, and €92 million has been allocated for the period 2007-10 under the European Neighbourhood Policy Instrument (EC, 3 April 2008).

### **Donors are disengaging while humanitarian needs still exist (2008)**

- As Azerbaijan has become wealthier and emergencies have emerged elsewhere, funding for humanitarian activities has decreased
- Some donors are still active, including the European Commission, United States, Canada, Germany, Sweden and the United Kingdom
- The focus of humanitarian organisations has shifted from direct assistance to IDPs to broader programmes

- Inflation has also increased the operating costs of humanitarian agencies
- The Government has expressed a need for additional international support in technical expertise and capacity building

**UN Azerbaijan, 31 January 2008:**

"As Azerbaijan becomes wealthier, the core funding of many UN agencies has declined, making them increasingly dependent on local resource mobilization – at a time when, for the same reason, donors are disengaging from Azerbaijan's development process. Participants in the Annual Review noted that resource mobilization is time-consuming and imposes a somewhat opportunistic approach to programming, making it more difficult to follow a framework like UNDAF. Inflation has created added pressure by raising UN agencies' operating costs."

**UN HRC, 15 April 2008:**

"The Representative appealed to the international community and to donors to support the Government's efforts in this regard, particularly through technical assistance. He also called on the international community to renew its efforts to find a peaceful solution to the conflict, thus enabling those wishing to do so to return to their homes and places of origin..."

28. The international community has progressively reduced its attention to internally displaced persons in Azerbaijan and has shifted from direct assistance to more broad-based economic development programmes or technical support and advocacy. Many United Nations agencies and other international actors were forced to reduce their activities owing to a lack of donor support... Waning donor support is apparently due to funding constraints in favour of emergencies elsewhere, increasing oil revenues at the State's disposal and strengthened Government support for internally displaced persons, impatience with the perceived lack of progress towards a peaceful resolution of the conflict and the mainstreaming of programmes for internally displaced persons into broader economic development programmes.

74. Despite the assumption of many responsibilities, the Government informed the Representative of the necessity of continued international support, to a lesser extent in the form of financial contributions and more in the areas of technical expertise and capacity-building. The Representative encourages the international community to continue to support the Government in making sure that the outstanding needs of internally displaced persons are fully addressed. Humanitarian assistance may continue to be required to a lesser extent as the Government scales up its own investment. The Representative sees the main role of international and non-governmental organizations as contributing technical expertise, monitoring progress and providing technical assistance, for example for needs assessment surveys, in particular in the areas of livelihoods and economic opportunities for the displaced; in health, including mental health; and in education. He also feels that international actors, in particular the United Nations country team, have an important role to play in assisting the Government and advising on a rights-based approach in its return planning."

**European Parliament, 17 January 2008:**

"Notes that, due to the rapid and strong growth of its GNP, Azerbaijan has become a donor of aid, while international donors have noticeably reduced their activity in the country; proposes that the EU should focus on transfer of know-how and best practices within the framework of Twinning, TAIX and Sigma programmes (under the ENPI);"

**European Commission, 7 March 2007:**

"Although some donors, including some EU Member States, are scaling down their activities in Azerbaijan, a large number of donor organisations are still active in the country. The principal ones, in addition to the EC, are the World Bank, EBRD and UNDP, the USA and Canada, and,

among EU countries, Germany, Sweden and the United Kingdom. Donors' activities are focusing in particular on issues relating to governance, economic reform and development, and social reform and protection. In particular, the World Bank and EBRD are also active in the field of infrastructure development...

From EU-25 Germany, Sweden, France, the United Kingdom (UK), Greece and Italy provide aid.

Germany has been cooperating with Azerbaijan since the early 1990s through the GTZ and the KfW (Kreditanstalt fuer Wiederaufbau), nowadays mostly in the fields of economic development and reform, the development of the private sector and in the field of legal reform and reforms of the judiciary. Annual funding from Germany amounts to around €3 m per year.

Italy provides humanitarian aid, mainly targeting refugees and internally displaced people, and aid in healthcare of approximately €1 m per year.

Sweden (SIDA) provides assistance to Azerbaijan, under its new country strategy, of approximately €1 m per year. The funds are mainly earmarked for the alleviation of poverty, the promotion of democracy and human rights and in particular the promotion of women's rights. Sweden implements its projects mostly through UN agencies.

France has an annual budget for bilateral aid and cooperation programmes of approximately 400 000 euros, which is mostly used in the cultural sphere. IN addition, the French Ministry of Finance provides soft loans to the Azerbaijani government for large infrastructure projects.

Denmark promotes stabilization of the Caucasus region, including Azerbaijan, by improving the conditions for the refugees, internally displaced persons (IDPs) and minorities in society. The regional programme will achieve these objectives by strengthening the authorities and the actors within the civil society to integrate refugees, IDPs and minorities into society. 3,200,000 euros have been committed to activities in the Caucasus region from 2005-2007.

The UK does not provide aid to Azerbaijan under its Department for International Development (DFID), but it does provide small grants, mostly in the areas of human rights, democratisation, freedom of the media, elections and humanitarian assistance. The annual budget for this does not exceed 250 000 Euro.

Greece provides aid of annually approximately 100 000 Euro to Azerbaijan under its bilateral programme. This is spent on humanitarian and health measures.

The World Bank's country assistance strategy for 2006-2008 is currently still under preparation. In 2005, the World Bank committed 100 million US\$ to Azerbaijan, with a total commitment on active projects of currently 421 million US\$. The current main priorities of the World Bank's assistance to Azerbaijan are to help the country to effectively manage the windfall from the oil boom to maintain macroeconomic stability, to avoid "Dutch disease" and to facilitate non-oil growth, employment and pro-poor expenditures. Further priorities include generating greater employment opportunities by improving the business environment and access to financial services and by building infrastructure and improving access to state services.

Azerbaijan is also a large recipient of United States Technical Assistance (USAID). For the financial year 2006 USAID has scheduled funds of 35 million US\$. There are four main priorities for USAID funding: Economic Growth (35% of funding), mainly through enhanced banking supervision; greater transparency and efficiency of treasury and financial management; reform in the energy sector regulation; and capacity building in capital budget preparation. Democracy and



Human Rights (21% of funding) mainly through support for democratic local government and decentralisation; promotion and support for free and fair elections; strengthening of democratic political parties; strengthening of civil society; establishment and safeguarding of media freedom and freedom of information; and promotion and support for anti-corruption reforms. Social and humanitarian issues (25% of funding) and a Training and small grants programme (19% of funding).

The Asian Development Bank (ADB) operates on the basis of its 2005-2006 country programme, which sets priorities in the sectors of education, energy, rural development and transportation. For 2006, projects (loans) in the areas of flood mitigation, urban water supply and sanitation and highway improvement for a total value of 104 million US\$ have been approved.

As at 31 December 2005, the European Bank for Reconstruction and Development (EBRD) had signed 30 agreements in Azerbaijan, totalling €686 million and covering a wide variety of sectors. Its strategic approach is to support economic diversification with the aim of poverty alleviation. Its future activities will focus primarily on the development of the private sector, including through intensified policy dialogue with the authorities on improving the investment climate. The EBRD's country strategy, which was approved in March 2005, outlines the following strategic priorities: development of the non-oil sector and regional economic diversification; enhancement of the competitiveness of the banking sector, while at the same time using the sector as an intermediary to provide support for micro, small and medium-sized enterprises; upgrading of public infrastructure - roads, rail, power, telecommunications; and continuing development of the natural resources sector, with due regard to the environment, transparent management and effective utilisation of revenues.

In its programme for 2005-2009 the United Nation Development Programme (UNDP) puts the main focus of its programmes in the following areas: effective and transparent management of state oil and pipeline revenues, in order for these revenues to contribute to the development of the non-oil sector, generation of employment in the non-oil sector, private investment in the non-oil sector, and reform of the social protection system; plus improvement of national environmental protection and natural resource management, combating drug trafficking, mine action and the fight against HIV/AIDS.

Norway provides substantial aid in the humanitarian sector, particularly to assist internally displaced people.

The Council of Europe, the OSCE and Switzerland also provide assistance to Azerbaijan."

## **Legal framework and national policy**

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### **Legal framework protecting IDPs and defining their social benefits (1992-2008)**

- Law on refugees and IDPs was adopted in May 1999 together with a law on the social protection of IDPs and people with equivalent status
- The government has passed a series of laws and adopted many resolutions and decrees to ensure the rights and protection of IDPs

**CoE, 20 February 2008:**

"71. In order to define the status of IDPs, to ensure their rights and social protection, so far the President of the Republic of Azerbaijan has issued 47 orders and decrees, the Parliament passed 23 laws, the Cabinet of Ministers adopted 203 resolutions and decrees. The national legislative framework has been aligned with the relevant norms of international law. The IDPs have the same rights under the Constitution as other citizens of Azerbaijan. The acquisition by the IDPs of a personal property at their own expense does not absolutely mean their deprivation of IDP status or privileges envisaged by law. It goes without saying that there are lots of IDPs who succeeded to purchase houses or other estate. They do not have any restraint in doing business, conducting trade or engaging in any other legal activity. The IDPs who acquired personal property have the same right to restitution as any other IDP who do not have such a property..."

**UN HRC, 15 April 2008:**

"13. The 1999 Law of the Republic of Azerbaijan on internally displaced persons and refugee status defines an internally displaced person 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 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).

14. In addition, dozens of decrees, legislative acts and Cabinet of Ministers decisions contain provisions addressing the special needs of displaced persons. In order to alleviate their difficult situation, internally displaced persons are exempt from income tax, higher education fees and certain court fees, and their access to bank loans is facilitated. They enjoy free access to education and health services. Under the 1998 Labour Code, they are included among the vulnerable groups benefiting from special protection against unemployment. They are also exempt from the obligation to present their employment record when seeking employment or registering for State pensions. A Cabinet decision of 1999 outlawed the eviction of internally displaced persons living in public buildings or private property, unless they were offered alternative accommodation under adequate conditions. The State covers their expenses for communal services, such as gas, water and electricity supply, as well as transport costs. It also hands out a monthly food allowance of nine manat (approx. \$11) to every internally displaced person, which is to be continued for three years following their return in order to facilitate reintegration. The Government also assists internally displaced persons living in communal settlements with other subsidies and donations, such as seed, fertilizer and agricultural tools."

**Government of Azerbaijan, 21 November 2006:**

"In the course of the last three years 12 decrees and instructive orders were issued by the President, 1 legislative act adopted by the Milli Madjlis (Parliament) as well as the Cabinet of Ministers of Azerbaijan approved 39 decisions and instructive orders relating to addressing the problems faced by the IDPs. Up to now, 45 decrees and instructive orders were issued by the President, 23 legislative acts and 202 decisions and instructive orders adopted respectively by the Milli Madjlis (Parliament) and the Cabinet of Ministers."

**UN Commission on Human Rights 25 January 1999, para. 44:**

"Another relevant piece of legislation is the presidential decree on human rights issued in February 1998 in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and which contains several provisions pertaining to displaced persons. The decree calls upon the Cabinet of Ministers to formulate proposals for more effectively ensuring the economic and social rights of several particular groups of persons, including refugees and forced migrants. The Ministry of Foreign Affairs is charged with ensuring that applications are made to appropriate international organizations with a view to redressing the rights of refugees and forced migrants violated as a consequence of the conflict, and to obtaining compensation for

damage suffered. In this connection, the law further stipulates that representatives of the Government in various international forums are to reinforce efforts for the restoration of the rights of persons displaced by the conflict."

**IOM, 1997:**

"At the regional level, Azerbaijan has signed the Agreement on Assistance to Refugees and Forced Resettlers, and has ratified the Agreement on Priority Measures to Protect Victims of Armed Conflicts as well as the Convention on the Rights of Persons Belonging to National Minorities."

**Implementation of legislation should be standardized (2008)**

- An extensive legal framework exists to protect IDPs
- IDPs nevertheless have difficulties integrating and regaining their rights

**NRC, 29 February 2008:**

"Azerbaijan is a signatory to the main international agreements defining fundamental human rights and freedoms. Within the hierarchy of Azerbaijani legislative acts, international law supersedes national legislation in cases of conflict between international and national law. The only exception is the Constitution and acts adopted by referendum. The legislation of Azerbaijan includes a number of IDP-related legal acts and regulations, in the form of laws adopted by Parliament, Presidential Decrees or Governmental Resolutions. The key documents in this respect are the Law of the Republic of Azerbaijan on the Status of Refugees and Forcibly Displaced Persons (1999), the Law on Social Protection of Internally Displaced Persons and Persons Equated to them (1999), outlining the entitlements of the displaced population, as well as Presidential Decrees on the State Program for Improvement of Living Conditions and Enhancement of Employment Opportunities of IDPs (2004 and 2007 respectively). The Azerbaijani legislation regulates the legal status of IDPs in a fairly proper manner. Most importantly, it does not contain any discriminatory provisions concerning IDPs.

Notwithstanding the overall extensive legal framework, NRC's legal aid program (ICLA) in Azerbaijan has demonstrated that IDPs can have significant legal protection needs in frozen conflict situations both in terms of their right to reintegrate into society and in terms of regaining their rights during displacement. Whereas IDPs enjoy a variety of privileges not accessible to non-IDP population, such as food and cash subsidies, tax exemptions, payment of housing utilities and similar, unlike other citizens of Azerbaijan, their property rights e.g. in terms of privatization of their accommodation are limited. What also often poses problems to IDPs are the different interpretations of normative acts and regulations by different local authorities, resulting in variations in local implementation practices. Also, no normative acts include clauses granting the right of IDPs to voluntarily resettle in any part of the country, or provisions stating that displacement should last no longer than required by the circumstances. Standard legislation would also include a legal provision protecting IDPs from forcible return and resettlement to any place where their lives, security and freedom could be endangered.

*Recommendations:*

- Standardize procedures for implementation of (IDP-related) legislation through local governmental representatives training with special focus on rural areas;
- Expand the IDP-specific legal framework to include all phases of displacement."

## **Recommendations from international institutions**

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### **Recommendations from Council of Europe and EU (2007)**

- 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
- 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
- In 2006, the Council of Europe's Committee of Ministers issued recommendations to all member states on protection of internally displaced persons
- 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:**

#### **"The conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan**

27. calls for increased efforts of the OSCE Minsk Group and entire international community towards settlement of the conflict on the basis of full respect of the sovereignty, territorial integrity and inviolability of internationally recognised borders of the Republic of Azerbaijan and of the rights of persons belonging to national minorities.

28. regrets that efforts to bring the three countries of the region closer together are hampered by the persistence of armed conflicts caused by territorial claims and separatism; underlines that conflict zones are often used as safe heavens for organised crime, money laundering, illicit drug trafficking and smuggling of weapons;

29. welcomes the achievement in increased cooperation and a unified approach in efforts of the European Union and the United States towards peaceful solutions of separatist conflicts in the South Caucasus, which would assure these states' territorial integrity within their internationally recognized borders, as was noted in the 2007 U.S.-EU Summit Political Progress Report;

30. welcomes further the support of the territorial integrity, independence, and sovereignty of Armenia, Azerbaijan, Georgia, and the Republic of Moldova, expressed by NATO Member States at the 2006 Riga Summit;

31. welcomes the recent initiative of representatives of the civil society in Azerbaijan and Armenia to organise themselves and undertake concrete action on the ground in order to send the obvious signal to their respective political leaders concerning a swift resolution of this conflict; considers this initiative as a step towards a confidence-building process between the two nations;

32. calls on political leaders on both sides to show determination by giving a new political impetus to the negotiations; stresses that both Armenia and Azerbaijan must respect their commitment taken upon accession to the Council of Europe to use only peaceful means for settling the conflict on the basis of principles of international law;

33. considers the so-called "presidential elections" held in Nagorno-Karabakh on 19 July 2007 illegitimate; reiterates its concern on the attempts by the Armenian side to consolidate the statusquo achieved by the military force and declares its firm position that fait accompli may not serve as a basis for the settlement and no action taken within this context may be recognized as legally valid;

34. expresses deep concern about the ongoing difficult situation of refugees and internally displaced persons (IDPs) in Azerbaijan and urges the European Commission's Humanitarian Aid Office (ECHO) to conduct needs assessment missions as soon as possible with a view to monitor the current humanitarian situation in Azerbaijan and to elaborate its further policy in this regard;

stresses the right of all refugees and IDPs expelled from Nagorno-Karabakh and other surrounding occupied regions of Azerbaijan to a safe and dignified return to their homes, and calls on the relevant responsible authorities to act accordingly..."

**CoE, 20 February 2008:**

"IDPs and Prisoners of war

34. Ensure that there no longer remain tent camps and that the refugees living in Goranboy and the three tent camps are re-settled by the end of 2007;

35. Establish a registration mechanism that allows more flexibility than the current propiska, IDPs should have equal access to education and job opportunities; sufficient funds should be allocated for the provision of medical care in IDP settlements;

36. While confirming the right of IDPs to return or to voluntary permanent resettlement, initiatives should be taken to allow them to stay in touch with their cultural heritage in a regular basis;

37. Continue cooperation with the International Committee of the Red Cross to clarify the fate of those disappeared...

116. In principle, IDPs should benefit from free medical care. In practice, they often have to pay and can only access elementary health care. In addition, due to the conflict, a great number of the people have suffered psychological trauma. The authorities should bring greater financial support to the medical system and help overcome these psychological troubles, the Commissioner invites the authorities to allocate more funds for the provision of doctors."

**CoE PACE, 24 May 2007:**

"11. The Assembly therefore calls on Armenia, Azerbaijan and Georgia as well as the "administrations" of the regions of Nagorno-Karabakh, Abkhazia and South Ossetia, to:

11.1. provide their full support to solving the issue of missing persons;

11.2. treat the matter as a humanitarian and human rights issue and not a political one;

11.3. refrain from acting on the basis of reciprocity in dealing with the issue of missing persons. The sharing of information or taking steps, for example, should not be conditional on the other side also providing information or taking steps;

11.4. adopt and implement, in accordance with relevant international standards, an appropriate domestic legal framework, combined with the necessary regulatory measures, to deal with the issue of missing persons and reflecting relevant international obligations;

11.5. agree on consolidated lists of missing persons with the International Committee of the Red Cross (ICRC) and with the other parties to the conflict;

11.6. ensure the establishment and functioning of commissions dealing with missing persons and guarantee their day to day functioning through adequate structures such as working groups or other appropriate mechanisms. These commissions and associated structures should have a clear mandate established by law, and the necessary resources and powers in order to:

11.6.1. actively collect, centralise and process all information on persons unaccounted for and on related events and burial places;

11.6.2. organise, implement and monitor all the necessary work of tracing all missing persons (combatants and civilians on all sides), including the recovery and identification of human remains;

11.6.3. inform the families on progress made in solving the issue of missing persons and support them according to their specific needs;

11.6.4. establish links and working relationships with their counterpart commissions and working groups, and draw up together appropriate memoranda of understanding to guide them in their work;

11.6.5. safeguard the humanitarian and non-judicial function of their work;

11.6.6. include representatives of the families of missing persons in the composition of commissions and associated structures, as appropriate;

11.7. establish a multilateral co-ordination mechanism for each respective conflict (Nagorno-Karabakh, Abkhazia and South Ossetia) to deal with the definition and implementation of the processes of clarification of the fate of missing persons, in particular the processes of recovery and identification of human remains;

11.8. collect, manage and protect data, such as ante-mortem data, to identify missing persons. Training and psychological support for those collecting such data and psychological support for the family members providing such data should be given;

11.9. take all necessary steps to recover and identify the human remains of missing persons, including:

11.9.1. mapping and exchanging information on possible burial sites;

11.9.2. agreeing on procedures to follow when excavating burial sites and identifying human remains;

11.9.3. training for those handling human remains so as to ensure that standards are met and that techniques are harmonised;

11.10. provide for an appropriate domestic legal framework to clarify the legal status to guarantee the interests of all missing persons and to provide for appropriate legal and administrative measures to meet the legal and material needs of family members and dependants, covering such matters as the custody of the children of missing persons, inheritance rights, remarriage rights, pension rights and entitlements to public assistance;

11.11. provide material, social and psychological assistance to the families of missing persons;

11.12. take steps to protect the memory of missing persons, including through support for books of remembrance, monuments and museums for missing persons, and remembrance days for missing persons.

12. The Assembly also calls on Armenia, Azerbaijan and Georgia as well as the “administrations” of the regions of Nagorno-Karabakh, Abkhazia and South-Ossetia to:

12.1. provide support for civil society initiatives in favour of the families of missing persons and those linked with solving the issue of missing persons;

- 12.2. facilitate contacts, including cross-border contacts, between families of missing persons;
  - 12.3. take public position at the highest level in favour of a resolution of the issue of missing persons and to refrain from statements in relation to missing persons which may stir up animosity and hatred towards other sides in the conflict;
  - 12.4. ensure parliamentary oversight of the issue of missing persons, notably through a discussion on the contents of this resolution...
15. The Assembly calls on Azerbaijan, as a priority, to:
- 15.1. ratify the two additional Protocols to the Geneva Convention;
  - 15.2. ensure that working contacts are established with the commission operating in Armenia and that a modus operandi for working with the commission in the Nagorno-Karabakh region is developed;
  - 15.3. complete the collection of ante-mortem data;
  - 15.4. gather and exchange relevant information concerning possible burial sites.

**CoE ECRI, 24 May 2007:**

"...ECRI asks that the Azerbaijani authorities take measures aimed at raising the general public's awareness of the problem of racism and intolerance in Azerbaijan and of the need to combat such phenomena. ECRI recommends that the Azerbaijani authorities ensure an adequate response to all instances of discrimination and hate-speech against Armenians and contribute actively to generating a climate favourable to a fair and peaceful solution of the Nagorno-Karabakh conflict...

ECRI recommends that the Azerbaijani authorities continue and intensify their efforts to ensure that refugees and internally displaced persons have decent living conditions, in particular as regards housing. Furthermore, ECRI encourages the Azerbaijani authorities to take measures aimed at assisting mutual integration of refugees and internally displaced persons and the local population and to take particular care that refugees and internally displaced persons fully enjoy civil, economic and social rights, including employment and education.

ECRI recommends that the Azerbaijani authorities look into any allegations of illegal occupation of private properties by refugees or internally displaced persons. Where necessary, they should take all appropriate steps to ensure that the owners recover their property or, otherwise, that adequate alternative accommodation and/or satisfactory compensation be granted to the injured parties. In particular, ECRI recommends repealing the provision of Decree no. 232 asking courts to prevent evictions of IDPs from their non-permanent living places regardless of their property status.

ECRI recommends that the Azerbaijani authorities keep on fulfilling the undertaking given upon Azerbaijan's accession to the Council of Europe to "continue efforts to settle (the Nagorno-Karabakh) conflict by peaceful means only" and "to settle international and domestic disputes by peaceful means and according to the principles of international law (...), resolutely rejecting any threatened use of force against its neighbours.

ECRI further recommends that the Azerbaijani authorities take measures to raise public awareness of the benefits of a fair and peaceful solution to the Nagorno-Karabakh conflict and to foster mutual understanding."

**CoE, 7 May 2007:**

*"Concerning the commitments given by Armenia and Azerbaijan on Nagorno-Karabakh*

20. called on the two countries to abide by their joint undertaking at the time of their accession to achieve a peaceful solution to the Nagorno-Karabakh conflict;

21. encouraged the two countries' authorities to actively pursue the negotiation process with a view to a rapid solution to the problem, in the interests of the peace and stability of Armenia and Azerbaijan, and more generally of the region as a whole;

22. reaffirmed the Council of Europe's readiness to offer its support, in order to create the conditions for a peaceful settlement of the conflict"

**CoE, 30 March 2007:**

"8.17. the Assembly urges the Azerbaijani authorities to implement:

8.17.1. Assembly Resolution 1497 (2006) on refugees and displaced persons in Armenia, Azerbaijan and Georgia, adopted in April 2006;

8.17.2. Resolution 1544 (2007) on the situation of women in the South Caucasus, adopted by the Standing Committee on behalf of the Assembly in March 2007, as regards in particular: the participation of women in public and political life, discrimination in employment, women's health and violence against women, in particular domestic violence, human trafficking, the situation of refugee and displaced women as well as female prisoners.

8.18. the Assembly welcomes the National Action Plan on the protection of human rights in the Republic of Azerbaijan, adopted on 28 December 2006 by a presidential decree; all sectors of public authorities, but also local NGOs, are expected to contribute to the implementation of the Action Plan;

9. With regard to the Nagorno-Karabakh conflict:

9.1. the Assembly refers to its Resolution 1416 (2005) whereby it held that considerable parts of the territory of Azerbaijan were still occupied by Armenian forces and regrets that, despite the continuation of high level dialogue between Azerbaijan and Armenia, this conflict, which is at the origin of more than four thousand missing persons and some 760 000 displaced persons from the Azerbaijani side, remains unresolved;

9.2. the Assembly recalls the concern it expressed in its Resolution 1416 (2005) that the military action, and the widespread ethnic hostilities, which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas, which resemble the terrible concept of ethnic cleansing. It therefore urges the parties to enhance their efforts to build peace and harmony between the two communities of the Nagorno-Karabakh region of the Republic of Azerbaijan;

9.3. reiterating that it is in the interest of both sides to end this conflict as soon as possible, ruling out the use of force, in line with their accession commitment, the Assembly urges them, despite domestic political agendas, to maintain the momentum developed in the negotiations at the end of last year and refrain from unjustified delays, prolongations or intentional setbacks from the achieved understandings;

9.4. the Assembly invites the Azerbaijani authorities to prepare the population to accept the measures currently being negotiated. In this context it welcomes and further encourages contacts which have recently been established between Azerbaijani and Armenian civil society groups;



9.5. the Assembly expects that the Ad Hoc Committee of the Bureau on the implementation of Resolution 1416 (2005) on the conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference will soon be able to visit the two countries, including the Nagorno-Karabakh region, to help foster a positive negotiating climate, while refraining from interfering in the negotiation process."

**CoE, 6 February 2007:**

"The Assembly therefore calls on the national authorities of Armenia, Azerbaijan and Georgia to include equal opportunities for women and men among their priorities and urges them:...

4.5. with regard to refugee and displaced women:

4.5.1. to implement Assembly Resolution 1497 (2006) on refugees and displaced persons in Armenia, Azerbaijan and Georgia;

4.5.2. to help women gain access to posts of responsibility in the management bodies of camps for refugees and displaced persons;

4.5.3. to raise awareness among refugee and displaced women about their right to physical and psychological integrity and their right to report any offences;

4.5.4. to make sure that humanitarian aid is allocated according to needs, particularly to refugee and displaced women;

4.5.5. as regards the Governments of Azerbaijan and Georgia, to further their efforts in the construction of new homes for refugees and the removal of refugees from camps to houses..."

**CoE, 13 April 2006:**

"12. The Assembly also calls on Armenia, Azerbaijan and Georgia:

12.1. to focus all their efforts on finding a peaceful settlement of the conflicts in the region with a view to creating conditions for the voluntary return of refugees and displaced persons to their places of origin, safely and with dignity;

12.2. actively to pursue their policy of locally integrating refugees and displaced persons, but not in the occupied territories, always in consultation with them, and with the understanding that these countries will guarantee their right to return voluntarily as soon as conditions permit, which, for Georgia, includes strengthening and adopting clear policies and related measures for the local integration of refugees as well as displaced persons;

12.3. to refrain from the use of refugees and displaced persons for political aims;

12.4. to make the return of displaced persons a priority and do everything possible in their negotiations so as to enable these people to return in safety even before an overall settlement;

12.5. to co-ordinate better the efforts of the international and non-governmental organisations on the ground in alignment with governmental policies and development plans;

12.6. to bring their legislation into compliance with the Geneva Convention relating to the Status of Refugees, the European Convention on Nationality (ETS No. 166), and the United Nations Convention on the Reduction of Statelessness by fully implementing their provisions;

12.7. to continue their policies of encouraging international aid projects in sectors where there are needs to be met;

12.8. to rapidly conclude the negotiations under way with the Council of Europe Development Bank with a view to membership of the Bank;

12.9. to co-ordinate their refugee and displaced persons aid policies and development policies in order to take account of the practical, financial and other opportunities that the European Union could offer them as part of its new European Neighbourhood Policy;

12.10. to step up an inter-regional dialogue by introducing confidence-building measures and arranging regular consultation between government departments responsible for the specific problems of refugees and displaced persons;

12.11. to continue their efforts to adapt their legislation in order to assure refugees and displaced persons the same political, civil, economic and social rights as the local population, without prejudicing their status;

12.12. to reconsider practices of automatically admitting the descendants of refugees and displaced persons as refugees and displaced persons themselves, so as to facilitate their local integration;

12.13. to prepare the ground, by mutual consultation and in consultation with international and non-governmental organisations, particularly the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, for the voluntary return of refugees and displaced persons by establishing what their needs will be on the spot and seeking to make an objective estimate of the actual number of people who could and would be willing to return initially;

12.14. to continue their efforts to achieve a peaceful and permanent settlement of the disputes, on the basis of norms and principles of international law, if necessary calling on the good offices of other countries, including those in the region, and international organisations;

12.15. to develop practical co-operation as regards the investigation of the fate of missing persons and to facilitate the return of identity documents and the restitution of property in particular, making use of the experience of handling similar problems in the Balkans."

**CoE, 5 April 2006:**

"...Recommends that governments of member states be guided, when formulating their internal legislation and practice, and when faced with internal displacement, by the following principles:

1. The United Nations guiding principles and other relevant international instruments of human rights or humanitarian law apply to all internally displaced persons, including persons displaced from their homes or places of habitual residence due to natural or man-made disasters;
2. Internally displaced persons shall not be discriminated against because of their displacement. Member states should take adequate and effective measures to ensure equal treatment among internally displaced persons and between them and other citizens. This may entail the obligation to consider specific treatment tailored to meet internally displaced persons' needs;
3. Particular attention shall be paid to the protection of persons belonging to national minorities and to the protection and assistance requirements of the most vulnerable groups in accordance with relevant international law standards;
4. Protecting internally displaced persons and their rights as well as providing humanitarian assistance to them is a primary responsibility of the state concerned; Such responsibility entails requesting aid from other states or international organisations if the state concerned is not in a

position to provide protection and assistance to its internally displaced persons; This responsibility also entails not to arbitrarily refuse offers from other states or international organisations to provide such aid;

5. Member states shall, in accordance with their obligations under Articles 2, 3 and 5 of the European Convention on Human Rights, take appropriate measures, on the one hand, to prevent acts that may violate internally displaced persons' right to life, to physical integrity and to liberty and security and, on the other, to effectively investigate alleged violations of these rights...Internally displaced persons shall not be sent back to areas where they would face a real risk of being subjected to treatment contrary to Articles 2 and 3 of the European Convention on Human Rights;

6. Member states shall, in accordance with Article 8 of the European Convention on Human Rights, take appropriate measures to facilitate the reunification of families which are separated by internal displacement...

7. Internally displaced persons shall be provided with all documents necessary for the effective exercise of their rights as soon as possible following their displacement and without unreasonable conditions being imposed;

8. Internally displaced persons are entitled to the enjoyment of their property and possessions in accordance with human rights law. In particular, internally displaced persons have the right to repossess the property left behind following their displacement. If internally displaced persons are deprived of their property, such deprivation should give rise to adequate compensation

9. Member states should take appropriate legal and practical measures to enable internally displaced persons to effectively exercise their right to vote in national, regional or local elections and to ensure that this right is not infringed by obstacles of a practical nature;

10. With a view to limiting the adverse consequences of internal displacement, member states should develop preventive measures such as strategic plans, to be implemented in the event of crises which could lead to internal displacement;

11. Internally displaced persons should be properly informed, but also consulted to the extent possible, in respect of any decision affecting their situation prior to, during or after their displacement; Internally displaced person have the right to return voluntarily, in safety and in dignity, to their homes or places of habitual residence, or to resettle in another part of the country in accordance with the European Convention on Human Rights; Conditions for proper and sustainable integration of internally displaced persons following their displacement should be ensured..."

### **UN Treaty Bodies: conclusions and recommendations regarding IDPs (2004-2008)**

- The Committee for the Elimination of Discrimination Against Women noted that internally displaced women and girls are vulnerable and marginalised
- The Committee on the Rights of the Child recommended displaced children are educated together with children from local communities
- The Committee on the Elimination of Racial Discrimination noted discrimination of displaced persons in employment, education, housing and health and urges opportunities be equally available to all citizens
- The Committee on Economic, Social and Cultural Rights encouraged Azerbaijan to ensure all disadvantaged persons, including IDPs, have access to social assistance and recommends Azerbaijan undertake measures to ensure the right of IDPs to adequate housing, food and water, health services and sanitation

### **UN Committee for the Elimination of Discrimination Against Women, 2 February 2007:**

"18. The Committee urges the State party to speedily enact the draft law on domestic violence and ensure that it encompasses provision for the prosecution and punishment of offenders, adequate access to justice for victims as well as protection and rehabilitation measures. It requests the State party to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural, refugee and internally displaced women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with all forms of violence against women and applicable legal provisions to adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, to serve as the basis for comprehensive and targeted intervention and to include the results of such research, and of the impact of follow-up action taken, in its next periodic report. The Committee also calls on the State party to ensure that the definition of rape in the Criminal Code penalizes any sexual act committed against a non consenting person, including in the absence of resistance...

31. While welcoming the State Programme on the Settlement of the Problems of Refugees and Internally Displaced Persons, the Committee notes with concern that refugee women and girls and internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing.

32. The Committee urges the State party to implement targeted measures for refugee women and girls and internally displaced women and girls, within specific timetables, to improve access to education, employment, health and housing and to monitor their implementation. The Committee requests the State party to report on the results achieved in improving the situation of these groups of women and girls in its next periodic report."

**UN Committee on the Rights of the Child, 17 March 2006, paras. 18, 32:**

"32. The Committee recommends that the State party continue developing and implementing an effective decentralized system of birth registration and take other measures to facilitate birth registration, in particular for children born from displaced persons, inter alia, by ending the practice of informal fees with a view to achieving registration of all children in the State party by 2010...

58. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the Aims of Education (2001), take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented. In particular, the State party should:...

f) Ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration.

59. The Committee notes with appreciation that Azerbaijan provides protection to refugees, including refugee children of Chechen ethnicity from the Russian Federation. Nonetheless, the Committee remains concerned that 35 per cent of about 600,000 IDPs and 200,000 refugees are children and that they live in very poor conditions, lacking basic sanitary and hygienic services, potable water and educational facilities among other things.

60. The Committee recommends that the State party, taking into account the Committee's 2005 general comment on the treatment of unaccompanied and separated children outside their country of origin:

- (a) Address the special needs and rights of displaced and refugee children in the State party, and in particular strengthen its efforts to ensure adequate housing and access to essential services;
- (b) Establish child-sensitive procedures for processing cases of unaccompanied minors;
- (c) Continue to seek technical cooperation from the United Nations High Commissioner for Refugees (UNHCR) in this regard."

**UN Committee on the Elimination of Racial Discrimination, 14 April 2005, paras. 12:**

"12. The Committee expresses its concern that asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan experience discrimination in the areas of employment, education, housing and health (article 5).

The Committee urges the State party to continue taking necessary measures in accordance with article 5 of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights by asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan. The Committee requests the State party to include, in its next periodic report, information on measures taken in this regard, and draws attention of the State party to its general recommendation XXX on discrimination against non-citizens."

**UN Committee on Economic, Social and Cultural Rights, 26 November 2004, paras. 48, 52 and 54:**

"48. The Committee recommends the State party to undertake measures to ensure that social security benefits are adequate. The Committee further recommends the State party to ensure that targeted social assistance depending on family income is guaranteed to all disadvantaged and marginalized persons including refugees and internally displaced persons, and that such assistance does not fall below the subsistence level. The Committee also encourages the State party to consider ratifying ILO Conventions No. 102 on minimum social security standards, No. 117 on social policy (basic aims and standards) and No. 118 on equality of treatment (social security).

[...]

52. The Committee strongly recommends the State party to continue to take effective measures through, *inter alia*, allocation of increased resources, to ensure protection of fundamental economic, social and cultural rights of the refugees and internally displaced persons, in particular with regard to adequate housing, food and water, health services and sanitation.

[...]

54. The Committee recommends the State party to take corrective measures to ensure that Armenians and other ethnic minorities whose properties are illegally occupied by refugees and internally displaced persons be provided with adequate compensation or offered alternative accommodation, in accordance with the guidelines adopted by the Committee and its General Comment No.7. The Committee also recommends that the State party to 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. In this connection, the Committee wishes to draw the attention of the State party to its General Comment No. 4 on the right to adequate housing. The Committee further requests the State party to provide, in its third periodic report, detailed information on the number and nature of forced evictions and on the extent of homelessness in the State party."

**UN, 15 April 2008:**

"12. As regards the human rights of internally displaced persons, the Committee on Economic, Social and Cultural Rights, in 2004, noted that IDPs suffer from persistently high unemployment, inadequate standard of living as well as a high incidence of malnutrition, infant mortality and other health problems. The Committee on the Elimination of Racial Discrimination, in 2005, raised concerns about discrimination of, *inter alia*, displaced persons in the areas of employment,

education, housing and health. In 2006, the Committee on the Rights of the Child expressed its concern “about discriminatory attitudes towards certain groups of children” including internally displaced children, and recommended that such children “are placed in schools in local communities in order to facilitate their integration.” Finally, the Committee on the Elimination of Discrimination against Women noted in 2007 that “internally displaced women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing”.

### **Recommendations from international NGOs (2008)**

- The International Crisis Group urges donors to remind the Azerbaijani government for the need for progress in negotiations in its aid packages, and suggests the EU Special Representative for the South Caucasus visit IDPs
- Amnesty International urges that IDPs participate in decisions affecting them, be treated equally with other citizens, have the opportunity to improve their health and adequate resources are allocated so that they can enjoy their rights

#### **ICG, 31 January 2008:**

"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. The EU could also move things along by promising that, once a peace agreement is reached, it would become a guarantor, sending peacekeeping and policing units, and offering a large financial plan for rehabilitation and resettlement. European Neighbourhood Policy funding, meanwhile, 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, 14 November 2007:**

##### **"RECOMMENDATIONS**

To the Governments of Armenia and Azerbaijan:

1. Agree before the 2008 elections on a document of basic principles making provision for:
  - (a) security guarantees and the deployment of international peacekeepers;
  - (b) withdrawal of Armenian and Nagorno- Karabakh forces from all occupied territories adjacent to Nagorno-Karabakh, with special modalities for Kelbajar and Lachin;
  - (c) return of displaced persons;
  - (d) Nagorno-Karabakh's final status to be determined eventually by a vote, with an interim status to be settled on until that time; and
  - (e) reopening of all transport and trade routes.
2. Failing consensus on a comprehensive document, agree what can be agreed and clearly identify the points still in dispute.
3. Encourage politicians to make positive references to peace and the need for compromise in their 2008 election campaigns.

To the Governments of Armenia and Azerbaijan and the De Facto Nagorno-Karabakh Authorities:

4. 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.
5. Promote track two diplomacy and debate about compromise solutions, including on the above principles, encourage parliaments to lead these debates and facilitate contacts between Azeris and Armenians.

6. The de facto Nagorno-Karabakh authorities should end support for settlement of occupied territories with Armenians, including putting an end to privatisation, infrastructure development and establishment of local government structures in those areas;
7. Azerbaijan should allow Karabakh Azeris to elect the head of their community and 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).

To the Minsk Group Co-Chairs (France, Russia, the U.S.) and the Wider International Community:

8. Make a renewed effort to secure agreement on basic principles, with remaining points of disagreement clearly indicated, in order to maintain continuity in the process and to provide a starting point for negotiations between the presidents of Armenia and Azerbaijan after the 2008 elections.
9. Raise the seniority of the co-chair representatives and make resolution of the Nagorno-Karabakh conflict a key element of bilateral and multilateral relations with Armenia and Azerbaijan.
10. Make public more information on the substance of negotiations and avoid artificially fuelling expectations by overly optimistic statements.
11. In the case of the European Union:
  - (a) increase the role of the Special Representative for the South Caucasus (EUSR), who should observe the Minsk process, support direct contacts with all parties, travel to Nagorno-Karabakh, visit IDPs in Azerbaijan and, with the Commission, assess conflict-related funding needs; and
  - (b) use European Neighbourhood Policy (ENP) reviews and funding to promote confidence building, as well as institution building and respect for human rights and the rule of law.

**Amnesty International, 28 June 2007:**

"Amnesty International calls upon the Azerbaijani authorities to:

Take steps to ensure the right of the internally displaced population to genuinely participate in decisions affecting the exercise of their human rights. Such steps may include:

- Creating 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. In particular:
- Reform Azerbaijani laws, policies and practices still upholding the internal registration (propiska) system to make them consistent with the abolition of this system in the Azerbaijani Constitution, and ensure that any system replacing it fully respects and protects human rights, including the rights to freedom of movement and choice of residence.

Take steps to eliminate discrimination in practice against long-term internally displaced persons, including:

- Ensure that the internally displaced are not impeded in the registration of new family units as separate households with full eligibility to subsidies and benefits as guaranteed in law.
- 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.

- Ensure that internally displaced persons housed in new settlements are guaranteed security of tenure over housing and land, and have equal access to procedures to secure legal title.
- Ensure that internally displaced persons are fully informed as to their rights to return or to resettlement or integration with local society if they so wish.
- Collect disaggregated data to monitor the realisation of rights by the internally displaced population through the implementation of regular and comprehensive surveys.

Take progressive steps to ensure that adequate resources are allocated to the realisation of the human rights of the internally displaced population:

- 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. To this end Azerbaijan should devote a level of resources to the realisation of, at the minimum, essential levels of these rights commensurate with Azerbaijan's increasing economic development and prosperity.

Ensure that all settlements built for the internally displaced respect the right to adequate housing. In particular:

- End the construction of new settlements in remote, infertile or otherwise unsuitable locations. Settlements should for example be close to basic health and education services and well communicated with adequate opportunities for employment.
- Those internally displaced persons already living in settlements which do not meet international standards of adequacy in terms of material conditions or infrastructure should be given the option of being relocated elsewhere.
- 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.
- Prioritize and allocate resources to meet the housing needs of the internally displaced in urban contexts through a transparent, consultative process.

Take steps as a matter of priority to progressively realise the right of the internally displaced population to the highest attainable standard of health. In particular:

- Ensure sufficient numbers of qualified medical professionals are available and accessible to address the health needs of IDPs living in remote or poorly communicated settlements.

Amnesty International calls upon the international community to:

- Continue support of IDP programmes, while encouraging the government of Azerbaijan to devote the maximum of its available resources towards ensuring progressively the full realisation of the human rights of the population, in particular minimum essential levels of economic, social and cultural rights of the internally displaced population.
- Continue and redouble efforts to monitor and support conditions for the enjoyment of the rights to freedom of expression, assembly, association and participation to ensure that full and transparent debates over the direction of policy on internal displacement may be ensured."

### **Norwegian Refugee Council recommendations upon exiting Azerbaijan (2008)**

- The Norwegian Refugee Council (NRC) left Azerbaijan in 2008



- NRC's main recommendations on leaving were to reduce the dependency of IDPs on assistance, ensure IDPs can express their opinion on programmes affecting them, and that IDPs be treated equal to other citizens

**NRC, 29 February 2008:**

*"Recommendations:*

Standardize procedures for implementation of (IDP-related) legislation through local governmental representatives training with special focus on rural areas;

Expand the IDP-specific legal framework to include all phases of displacement.

Develop a comprehensive strategy for improvement of living conditions of IDPs residing in sub-standard shelters in urban areas;

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.

Exiting Azerbaijan, NRC is confident that responsible authorities will continue addressing the economic, social, cultural, political and civil rights of IDPs. NRC encourages the Government to seek assistance and guidance from international organizations in areas pointed out as needing additional attention. These concern primarily:

Reducing the dependency of IDPs on external assistance through more emphasis on enhancing of economic opportunities for IDPs and extensive inclusion of IDPs into the national social and economic development plans;

Ensuring that wishes and requests from IDPs are heard when programs on their behalf are developed and implemented, especially programs that foresee their relocation;

Removing practical and institutional barriers and practices that may be perceived as discriminatory with a view to further enhance the IDP rights to become full fledged members of the Azerbaijani society.

Appropriate measures in these main directions would allow IDPs to enjoy a decent and dignified life while in displacement and at the same time empower them with the resources needed once return becomes possible and they can start rebuilding their homes."

## **Recommendations from local and international organizations operating in Azerbaijan (2007)**

- The Danish Refugee Council (DRC) made recommendations to improve employment, health and property ownership of IDPs, as well as transport links and sanitary conditions where IDPs live
- Praxis made recommendations on pensions, property and women and children
- Other recommendations concern living standards, infrastructure, employment, health, education and recreation, registration and documentation

### **DRC, 30 November 2007:**

"Policy recommendations:

- Governmental monthly assistance does not result in an improvement of economic conditions of IDP families, although it constitutes approximately 32% of the average monthly family income of IDP families. Nevertheless, the assessment findings suggest that promoting the economic and labour activity of IDPs and increasing their knowledge in the field of entrepreneurship, rather than making them passive receivers of minimal and inadequate assistance, would result in improvement in the economic conditions of IDP families.
- A close examination into the health of IDP families is needed, as well as monitoring of the actual availability of free medical services for them. It may be that IDPs are not receiving care by medical institutions that are required to provide medical services free of charge...
- New, more efficient ways of providing assistance should be aimed at income generating activities, should be more efficient ("adequate") and should not promote "assistance dependency" among the receivers of aid.
- Whenever any type of assistance is not provided to the whole community, very transparent, fair, and reasonable criteria of distribution should be provided to the IDPs...
- Activities aimed at increasing dwelling ownership among IDPs should be provided. This will increase the self-confidence of IDPs; moreover, dwellings could be used as collateral when getting loans from credit organizations when starting new businesses.
- Assistance in improvement of sanitary conditions in the dwellings where IDPs live will significantly improve living conditions of IDPs; the same holds true for the majority of local residents.
- Activities aimed at improvement of transportation infrastructure could decrease level of unemployment through better access to labour markets outside these particular raions/settlements...
- Special activities (legal consultations) including educational events (workshops/seminars) organized in collaboration with local government would help IDPs to get property rights to the lands they cultivate, whenever this is not against existing law.
- Promotion of agricultural activities among IDPs through special training on new techniques of agricultural production, markets and perspectives; offering special micro-finance programmes (e.g., loans with low interest rates) to those IDPs who are interested in starting new businesses in agriculture. These activities have potential of seriously improving the economic situation of the IDP families and generating sustainable income in the future."

### **UNHCR, 31 October 2007:**

"Considering Azerbaijan hosts one of the highest per capita IDP populations in the world, with the corresponding significant challenges, there was much appreciation among the workshops participants for the Government's current impressive efforts to improve the general living conditions of the IDPs.

However, much remains to be done which is highlighted in the following recommendations (it is also important to note that many of the recommendations concern issues that affect the general population, including IDPs) made by each Working Group...5 Working Groups composed of

representatives of the government , NGOs and international organizations were then organized to discuss the results and to make recommendations for each sector:

#### Working Group I: Living Standards and Infrastructure

- The implementation of the “State Programme on the Improvement of Living Conditions and Employment for IDPs” should continue and accelerate with a particular focus on public buildings, dual-use buildings such as schools in which IDPs reside, and the creation of new settlements in rural areas. New housing should take into account that IDP families have grown and include new households.
- Infrastructure problems should be solved through an increased and more efficient cooperation of IDP communities, local and national government authorities and the technical advice of the international community.
- Public transport should be provided by the government to IDPs who live in isolated settlements and at long distances from towns. This will enable IDPs to improve their employment opportunities and raise their standard of living.
- While understanding the challenges in acquiring land, new settlements should not be built in close proximity (less than 10 km) to the frontline as this endangers the physical security of IDPs
- Quick Impact Projects by the government in cooperation with international organizations and NGOs should focus on helping IDP communities solve infrastructural problems such as water supply and to improve facilities within IDP settlements such as schools, playgrounds, community centers or housing.

#### Working Group II: Employment and Income Generation

- Vocational Training for IDPs, in particular for women and youth should continue in both urban and rural areas with increased focus on skills training geared to market needs in order to enable sustainable business development.
- Loans and credits to IDPs should be facilitated as many complain of high interest rates, lack of collateral and difficult credit conditions. IDPs should be given more legal assistance with regard to credit procedures.
- Access of IDPs to suitable land plots should be improved and land allocation implemented in line with legislation. Privatization of land should take the location of IDP settlements into account in order to prevent land disputes.
- Investment and the business climate in districts where IDPs have settled should be promoted to attract investment.
- Road infrastructure and transportation should be improved to give IDPs better access to towns and urban centers, in particular if IDPs live in isolated rural settlements.
- Local processing, service and production facilities should be supported to create job opportunities for IDPs and to improve IDPs’ access to markets, in particular for small businesses.
- Local authorities should ensure efficient and un-bureaucratic administrative procedures for businesses and support IDPs in the setting up of businesses.

#### Working Group III: Education and Recreation

- The number of qualified teachers in IDP schools should increase by providing training and incentives. A teacher per subject should be introduced.
- The number of kindergartens in IDP settlements should be increased to enable women and single mothers to work and to create a support system for IDP women and their children.
- Youth Centers and Internet points should be created in IDP settlements.
- Recreational facilities, including the provision of equipment should be improved through Quick Impact Projects of the government in cooperation with the international community and NGOs.
- The capacity of IDP communities to mobilize themselves to solve educational infrastructure and community problems and to organize recreational activities should be increased through gender inclusive trainings to enable more efficient and sustainable cooperation with government authorities.
- More focus should be put on vulnerable groups within the IDP population, such as adolescent girls, the disabled or orphans to ensure that they do not drop out from school and have adequate recreational activity. The organization of an awareness raising campaign on early marriage is an example.
- The State Programme on the computerization of schools should be implemented in an accelerated fashion.

#### Working Group IV: Registration, Documentation & Freedom of Movement

- The current registration system of IDPs should be updated, simplified and computerized, as well as its transparency increased. It should also be used to update existing assistance lists (for monthly allowances for food costs and the exemption for the payment of public utilities, based on the address of the factual residence of IDPs) in accordance with the natural growth of IDP families.
- Consultation of IDPs with regard to benefits and registration should increase.
- The issuance of documentation (birth certificates, IDs, IDP identity cards, references, etc.) should be decentralized and facilitated.
- Legal assistance to IDPs with a focus on registration and documentation procedures should be more comprehensive and focus particularly on vulnerable groups such as single women. Public awareness campaigns on IDP rights, registration and anti-corruption should be organized.
- Free qualified legal assistance for IDPs should be made available by the Government, NGOs and international organizations.
- Economic incentives and the creation of job opportunities for IDP families in their current settlements should be provided to prevent the splitting of families and the movement of IDPs to large urban centers such as Baku, Sumgayit, and the Absheron district.
- Public transportation of IDPs to local authorities responsible for registration and documentation should improve.

#### Working Group V: Health & Psychological support, HIV and SGBV

- Specialized mobile teams of doctors should be created to provide preventive health care to isolated rural settlements and the urban poor
- More outpatient medical rooms should be established in health points in IDP settlements with trained medical staff and adequate medical supplies, including medicine. Particular focus should be put on rural IDP settlements in isolated areas, such as villages situated at long distances from district centers.
- Economic incentives for doctors and nurses should be given to provide IDP settlements with health care.
- Transparency in the provision of medical services for IDPs should increase – for example IDPs should be informed about which type of basic medicine is free.
- The Ministry of Health and specialized international and national NGOs should monitor the work of hospitals, clinics and the distribution of medicine to improve the access of vulnerable groups to health care, in particular the elderly and single women. Regional Clinics should increase their capacities to provide health care to IDPs.
- Comprehensive government sponsored public awareness campaigns on HIV/AIDS and SGBV should be organized which could include documentary films.
- Qualified psychologists or trained medical staff should provide counseling to IDP settlements and psychological counseling should be free of charge.
- Rehabilitation centers and schools for disabled children should be established and more wheelchairs distributed and the Government should take into account the regulations for the construction of “disabled-friendly” new settlements (building of ramps and crossings) to improve the access of disabled to schools, houses and community centers."

**Praxis, 31 July 2007:**

"Taking into consideration the above mentioned issues and concerns related to the situation of IDP women and children, PRAXIS forwards the following recommendations to the government:

1. There is a need to add separate section concerning women and children to the law on Social protection of internally displaced persons and those who have equal status to IDPs. The amendment shall be made to article 5 – provision of accomodation, social provisions, financial assistance, medical support;
2. To make amendment to the Instructions of the State Committee on IDPs and Refugees in order to eliminate the element of discrimination concerning the status of IDP woman and IDP man and its inheritance by their children. Children shall have right to acquire IDP status both from their mother and father or shall not inherit it from either of them;
3. To make amendment to the law on status of refugees and internally displaced persons and add a separate section on women and children rights;
4. To change article 153 of the Criminal code of Azerbaijan Republic concerning punishment of persons comitting immoral acts against children below 14 – make punishment more severe than 2 years as minors are more vulnerable to these kinds of crimes;
5. To establish an effective and working mechanisms for women to participate in planning and implementation of the programs addressing the protection and assistance needs of internally displaced persons."

**Praxis, 30 June 2007:**

- Adopting of the law giving the absolute right to IDPs on the property
- The amendment to the Civil code for the improvement of the life conditions of IDPs

- The reviewing of the chapters in Civil Code impeding the rights of IDPs and there state registration.
- The whole change of the Civil Code not fitting to the legislation
- To take into account opinions of IDPs during resettlement
- Involvement of NGOs and INGOs to the implementation of State Program dealing with problems of IDPs
- Preparation of the procedures for loss o f the IDP Status by allocating compensations.
- State financial aid for the Legal aid projects dealing with IDPs problems
- Preparation of the package of Recommendations for the improvement of legal laws which are not fitting to the international standards"

**Praxis, 30 April 2007:**

"...Increase amount of pension and social allowances in accordance with the real market prices that could be sufficient to cope with monthly consumption needs of a citizen..."

Provide more operational support to citizens in acquiring information on previous work experience and employers"

**Recommendations of the UN RSG on the Human Rights of IDPs (2008)**

- Main recommendations of the RSG concern IDPs living in cities, international support for government programmes, the need for consultation and participation of IDPs, creation of livelihoods and income-generation opportunities, mixed schooling of displaced children with non-displaced children and surveys according to international standards

**UN HRC, 15 April 2008:**

"V. CONCLUSIONS AND RECOMMENDATIONS

59. The main cause of problems encountered by IDPs in Azerbaijan is the absence of a peaceful and lasting solution to the conflict over Nagorny Karabakh and adjacent occupied territories. As a consequence, IDPs are unable to exercise their right to return voluntarily to their former homes in safety and dignity. While some have rebuilt their lives elsewhere in Azerbaijan, most continue to live in precarious temporary arrangements and have not yet found a durable solution to their plight.

The Representative calls on the international community to renew and intensify its efforts to achieve a peaceful solution and to implement Security Council resolutions calling for the withdrawal of occupying troops and for supporting the return of displaced persons on both sides to their places of origin in safety and dignity. He calls on all parties to put humanitarian concerns before political considerations in order to end the suffering of displaced civilians. He encourages the Government of Azerbaijan to further pursue its chosen path of improving the living conditions of IDPs at their current place of residence or elsewhere in the country, pending a solution to the conflict.

60. After a long period of responses to the needs of IDPs that were insufficient for diverse reasons, the Government, in line with the Representative's predecessor's recommendations made during the latter's mission to Azerbaijan in 1998 and in accordance with its responsibility to provide protection and humanitarian assistance to IDPs as recalled by the Guiding Principles (Principle 3) , has embarked on implementing comprehensive strategies to ensure that all human rights of the displaced are respected and their basic needs met. Given the magnitude of the problem of forced displacement in Azerbaijan, the Representative was impressed with the Government's achievements to date, which compare very favourably with national responses in

many other countries affected by internal displacement. The Government's unqualified recognition of its responsibility for the protection of and assistance to the displaced, its extensive investment in improving their welfare, the priority the Government places on the issue as demonstrated by the anchoring of main responsibilities and coordination in the Deputy Prime Minister's office, and its smooth cooperation with the international community must all be acknowledged.

The Representative calls on the Government of Azerbaijan to proceed with and strengthen its implementation of the 2004 State Programme. He encourages the international community to support the Government's effort in this regard. At the same time, the Representative recommends that the Government, as well as international and nongovernmental organizations, continue to deliver direct humanitarian assistance, grant allowances in cash and in kind, and exempt them from payments for public services. These advantages have gone a long way in alleviating the often very difficult situation of IDPs and removing them would likely put IDPs in a situation significantly worse than the resident population.

61. Significant progress has been made in resettling IDPs from some of the most precarious shelters to specifically constructed compact settlements. However, the majority of IDPs continue to live in substandard shelters, including in some tents, mud huts and railway cars.

The Representative encourages the Government to realize its intention to close remaining tent and railway camps by the end of the year. In order to increase the success of its resettlement programme, the Representative recommends that the Government 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. The location of new settlements should be chosen so as to avoid endangering the physical security of IDPs due to close proximity to the ceasefire line. Likewise, IDPs should not be cut off from their current places of employment. The Representative also suggests revisiting settlements already in use to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed. He encourages international agencies to lend their expertise and other support for this purpose.

62. Many IDPs living in urban centres continue to suffer from substandard conditions of buildings, in particular the lack of sanitation and harmful overcrowding.

The Representative welcomes the Government's plan to address the needs of urban IDPs whose basic needs are not met and who are not targeted by the resettlement programme. It may be expedient to adopt a comprehensive programme for urban IDPs, centering on the rehabilitation of collective shelters and the provision of appropriate alternative accommodation.

63. Building on the Government's ongoing efforts to address prevailing housing problems, the main challenge now is the creation of livelihoods for IDPs, particularly in rural areas, where employment opportunities are scarce. The Representative observed that many IDPs seemed to be suffering from dependency syndrome. Experience shows that displaced persons who have been idle for many years will lose their capacity to become productive members of society again and to rebuild their lives once return is possible.

The Representative urges the Government to ensure that new settlements are suitable for agricultural purposes and that economic opportunities are foreseen in the planning. He reiterates his predecessor's recommendation to create, improve and expand income-generating activities, skills training and microcredit programmes for IDPs, with particular attention to be paid to women, with the aim of reducing their vulnerability, increasing their self-reliance and preparing them for return and reintegration...The Representative appeals to the Government and to international

agencies to ensure that the needs and concerns of IDPs are adequately reflected in general policies and programmes including poverty reduction.

64. The Representative welcomes the Government's new policy of moving forward from segregated schools for IDPs in urban areas. Although there are indications that IDPs attending separate schools are disadvantaged, despite notable Government efforts, by an overall lower quality of education provided to them, and that IDP children may make less use of higher education opportunities than the resident population, the absence of reliable data does not permit unambiguous conclusions nor, more importantly, targeted reforms.

The Representative supports a suggestion by the Minister of Education to 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. He encourages mixed schooling with local children wherever feasible.

65. The Representative noted with concern that the special needs of elderly, traumatized and mentally ill displaced persons are insufficiently addressed. Elderly IDPs seemed to be at a disadvantage compared to their nondisplaced peers, due to a variety of factors, such as difficulties in adjusting and diminished family support owing to the impoverishment of their children. The Representative observed that serious mental health issues were prevalent among the displaced population. He received indications that in addition to trauma caused by the violence that triggered the displacement, feelings of insecurity, homelessness and anxiety about the future as well as severe poverty and stressful, overcrowded living conditions lay at their origin, however, he was informed that reliable data did not exist.

The Representative concluded that 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 needed to be conducted. He encouraged the Government, in close cooperation with competent international agencies, to take the lead in designing effective responses, and welcomed donor interest in funding programmes based on reliable data. Both general and IDP-specific Government programmes should pay special attention to particularly vulnerable groups among IDPs, including by continuing and increasing humanitarian assistance to persons unlikely to become self-sufficient on their own.

66. The Representative welcomes the Government's early return planning and is encouraged by the intention of competent UN agencies as well as donors to support the plan. He shares the realistic view of the Government that return will not become possible immediately and should be conducted through a phased approach. He reiterates that, in line with international law, eventual return and meantime 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.

The Representative welcomes the Government's affirmation of the principle of voluntary return in safety and dignity, as well as its readiness to shoulder the burden of demining and reconstructing the occupied territories and facilitating the return and reintegration of the displaced. He urges all concerned actors to plan and eventually implement return-related activities on the basis of international law, including as set out in the Guiding Principles on Internal Displacement. A peaceful solution to the conflict is of paramount importance, as renewed hostilities are likely to engender additional displacement and would complicate the already daunting tasks of mine clearance and reconstruction. Mechanisms for property restitution, reconstruction or compensation should be put in place at an early stage. The participation and information of affected individuals and groups must be ensured during all phases of the planning and implementation of the return process, including while return is not yet imminent, in order to keep the displaced persons' expectations realistic.



67. Despite its own assumption of many responsibilities, the Government communicated to the Representative the necessity of continued international support, to a lesser extent in the form of financial contributions and more in the areas of technical expertise and capacity building.

The Representative encourages the international community to continue supporting the Government in making sure that the outstanding needs of IDPs are fully addressed. Humanitarian assistance may continue to be required to a lesser extent as the Government scales up its own investment. The Representative sees the main role of international and nongovernmental organizations in the contribution of technical expertise, the monitoring of progress and the provision of technical assistance, for example for needs assessment surveys, in particular in the areas of livelihoods and economic opportunities for the displaced; health, including mental health; and education. He also feels that international actors, in particular the UN country team, have an important role to play in assisting the Government and advising on a rights-based approach in its return planning."

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