

**Briefing Note**

**Internal Displacement in Azerbaijan**

**by the Internal Displacement Monitoring Centre (IDMC)  
of the Norwegian Refugee Council (NRC)**

**for the EU-Azerbaijan Human Rights Consultations**

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**Internal Displacement Monitoring Centre**

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at [www.internal-displacement.org](http://www.internal-displacement.org).

## **I. Background to internal displacement in Azerbaijan**

1. Over 599,000 people are currently internally displaced in Azerbaijan due to the conflict between Azerbaijan and Armenia over the territory of Nagorno-Karabakh. The conflict began in 1988, and by the time a ceasefire agreement was signed in 1994, some 30,000 people had been killed and over 700,000 people had been internally displaced within Azerbaijan. In the absence of a resolution to the conflict 18 years later, Azerbaijan does not have effective control over Nagorno-Karabakh and seven surrounding districts, and the remaining IDPs continue to be prevented from returning to their homes.

## **II. Main issues of concern**

### **Equal rights of men and women**

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

The term Forcibly Displaced Person (FDP) (person displaced within the country) shall apply to any person who has moved to another place being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression, natural or technological disaster.

3. The children of IDPs with FDP status are eligible for the status, though there are limitations. Unlike men with FDP status, women with FDP status are not always entitled to confer FDP status on their children born in displacement. The status of children is determined based on the status of the head of the household. According to an internal regulation of the State Committee for Refugees and IDPs, men are primarily considered the heads of household. Therefore men with FDP status may confer the status on their children regardless of whether the mother of the children has the status, but women with FDP status married to men without the status may not confer the status on their children. However, unmarried or divorced women with FDP status assume the position of head of the household and may confer the status on their children.

4. Furthermore, Article 4 of *Instructions regulating the distribution of monthly food allowances to IDPs* of 5 February 2002 states the following:

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

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

5. There is no equality for men and women with FDP status. Married men may confer FDP status on their children regardless of whether their spouse has the status, while women cannot. Women are discriminated against on the basis of their civil status and the possession of forcibly displaced status by their spouse. The result is discriminatory conferment of FDP status.

### **IDMC invites the EU to consider the following recommendations to the Government of Azerbaijan:**

- Modify the procedure on FDP status to ensure non-discrimination of internally displaced women and their children.

## The right to work

6. There are no formal limitations on IDPs' right to work in Azerbaijan. On the contrary, the government has put employment quotas in place for IDPs and retained IDPs who worked as civil servants before their displacement. IDPs with FDP status also receive a monthly financial allowance of approximately USD 23 and have an advantageous right to maintain employment in the case of redundancies. According to government figures, between 2003 and 2013 the poverty rate among IDPs fell from around 75 to 18 per cent, compared with from 50 to six per cent for the country as a whole ([GoA](#), 8 May 2013).

7. Despite these measures, IDPs poverty and unemployment rates are higher as compared to the overall population, particularly in remote rural communities ([World Bank](#), October 2011). In addition, many families have split up as an estimated one million working-age men have left in search of a livelihood elsewhere in Azerbaijan or in Russia. Furthermore, not all IDPs have received land plots as per Article 17 of the law *On status of refugees and forcibly displaced (persons displaced within the country) persons* of 21 May 1999. Some of those who did receive them report they cannot generate an income from the land because it is infertile and far from their residence.

8. As a result, many IDPs continue to depend on government benefits and remittances from relatives working away as their main source of income ([UNHCR](#), October 2012, p. 3, [World Bank](#), October 2011). However, since January 2011, the number of IDPs receiving the monthly IDP allowance has been cut by 70,000 ([Radio Azadlyg](#), 6 March 2012). Those affected include IDPs who work for government agencies, law enforcement bodies and the military, those who register as permanent residents at a property they own and children whose parents are not both displaced. Poverty in internally displaced families has meant that some internally displaced children have taken up agricultural or construction work in order to supplement family income; their school attendance has often suffered as a result.

### **IDMC invites the EU to consider the following recommendations to the Government of Azerbaijan:**

- Continue implementing programs to further increase the employment rate of IDPs, including internally displaced women;
- Ensure that IDPs can benefit from the entitlements offered them in the law *On status of refugees and forcibly displaced (persons displaced within the country) persons* of 21 May 1999, including access to fertile land plots with irrigation;
- Study youth labour to ensure their working arrangements protect their rights and do not compromise their education;
- Provide information to IDPs about changes to eligibility criteria for the monthly IDP allowance.

## The right to an adequate standard of living – adequate housing

9. IDPs live in collective centres, makeshift accommodation, housing built by the government or international organisations, with relatives or in accommodation they occupied, own or built themselves. A 2011 study found that the majority of IDPs live in urban areas in housing that was more crowded and with lower rates of access to electricity and sewerage than the local population ([World Bank](#), October 2011). Conditions in collective centres and makeshift accommodation are substandard and pose risks to the health and safety of residents, and interfere with the normal development of children.

10. In an effort to improve IDPs' poor living conditions, the government has resettled some 159,000 IDPs in 82 purpose-built settlements with new schools and medical centres ([GoA](#), 3 May

2013). Although the government says IDPs are integrated into decision-making about the new housing, some IDPs say that they were not consulted on relocations or given only one or two days notice. The newly-built accommodation is a marked improvement on previous IDP housing, even in light of reported problems with construction, infrastructure and corruption ([ICG](#), 27 February 2012). The lack of recognition from the government that durable solutions can be found as a result of integration locally, however, is presenting an obstacle to IDP integration into society.

11. IDP tenure security has recently been under threat due to various factors. In Baku, IDPs and other local residents were evicted to make way for the construction of the venue for the 2012 Eurovision song contest, a stadium for the 2015 European Olympic Games, a park commemorating the late president Heydar Aliyev's 90<sup>th</sup> birthday, a new metro station and a road-widening project (BBC, 12 May 2012; [RFE/RL](#), 5 July 2013). Overall, evictions are estimated to have affected hundreds if not thousands of people. Residents have not always been informed in writing, nor are their options discussed, or offers of alternative housing made. Compensation paid has reportedly been below the market value, and utilities have been cut off to force residents out. In some cases demolitions have started with the agreement of only a minority of residents and when people were still living in the buildings in question ([HRW](#), 6 May 2013; [HRW](#), February 2012; [Radio Azadlyg](#), 12 May 2013; [RFE/RL](#), 31 July 2013).

**IDMC invites the EU to consider the following recommendations to the Government of Azerbaijan:**

- Conduct a socio-economic survey among IDPs in government-provided and private accommodation to identify the most vulnerable IDPs and ensure they are prioritised for future housing and other assistance;
- Ensure IDPs are given an opportunity to participate in decisions that affect them, including selecting the locations of new settlements to where they will be relocated;
- Ensure that housing provision across Azerbaijan is part of a durable solution for IDPs.
- Establish regulations for evictions that are in line with international standards.

### **The right to physical and mental health**

12. Comprehensive and current information on the health of IDPs is unavailable. The latest study published in 2009 found that IDPs' mental health continued to suffer as a result of their displacement. Internally displaced women were twice as likely as men to have a mental health disorder, and children were also affected via the traumatic experiences of their parents and their poor living conditions ([CIE](#), 2013). IDPs in inadequate housing suffer particularly poor health, with ailments ranging from heart problems and high blood pressure to diabetes. The lack of data on mental and physical health issues presents a concrete obstacle to understanding and solving these problems.

13. Despite a variety of progressive government measures, some IDPs struggle to access health services due to lack of finances. Lack of finances is a key obstacle to accessing health services for the poor in Azerbaijan, where out-of-pocket expenditures constitute 73 per cent of total spending on health care. While IDPs are legally exempt from paying fees for treatment and most medicines, they are nevertheless often made to pay for them in practice ([ICG](#), 27 February 2012). This discrepancy between the law and practice unduly burdens IDPs, although it should be noted that all citizens, whether displaced or not, are subject to informal fees in seeking health care.

14. Distance is also a factor affecting IDPs' access to medical services. Medical centres are not always located within the reach of IDPs living in rural areas, and with inadequate public transport infrastructure where they live, these IDPs have to pay for taxis to the nearest medical clinic or

hospital, sometimes up to 20 kilometres away ([ICG](#), 27 February 2012, [News.Az](#), 28 April 2011). This is especially important in areas along the LoC, where IDPs are at constant risk of injury from gunfire and explosions. In cases where medical centres are within reach, they do not always have the appropriate specialist or supplies. As a result, conditions and illnesses often go untreated.

15. Internally displaced women and girls face physical and sexual violence more frequently than their counterparts in the general population (UNIFEM, 2006; UNFPA, 2008; WARD, 2009; UNFPA, 2011). Internally displaced women are often the targets of physical abuse and other crimes for economic reasons such as family finances, unemployment and lack of food on the table, and because they are perceived as less protected by the community around them (UNFPA, 2011). Internally displaced girls are also offered into underage and non-registered marriages ([UN HRC](#), 12 March 2012). The violence is rarely spoken about or reported for fear of being accused and/or making the violence worse, or in the belief that they will not receive help. The lack of data obscures the nature of the problem and possible solutions. The government passed a progressive law on the prevention of domestic violence in 2010, which focuses on physical, sexual, psychological and economic abuse. It also amended the family code in 2011 to raise the legal age for marriage to 18 and prohibit early and forced marriages.

**IDMC invites the EU to consider the following recommendations to the Government of Azerbaijan:**

- Conduct a survey on the physical and mental health status of IDPs and how their health compares to the non-displaced population, and a survey with a specific focus on the health of women and girls;
- Ensure the protection of internally displaced women and girls from physical and sexual violence and provide information on the implementation of the 2010 law.

**The right to education**

16. According to article 11 of the 1999 law *On social protection of forcibly displaced persons and persons equated to them*, internally displaced students in secondary schools benefit from free textbooks and school supplies, and those who pass entrance exams for state universities study free of charge. However, internally displaced parents report they do not always receive textbooks and school supplies free of charge. Furthermore, internally displaced students who pass university entrance exams are not always able to afford the living costs, and report informal payments are often required to get into reputable institutions despite their passing scores. Poverty has caused some students to drop out of school or prevented them from higher education, as has early marriage in the case of girls.

17. Internally displaced children may attend separate or mixed schools, and roughly 60 per cent attend separate schools ([CIE](#), 2013). Smaller communities of IDPs living in rural areas usually go to local schools, because the number of children in these communities does not allow for the establishment of a separate school. But in larger communities most IDPs send their children to separate schools. The government established such schools immediately following displacement to preserve the social fabric of displaced communities, reasoning that this would facilitate their reintegration upon return. However, children attending the schools were not physically displaced themselves. As such, there can be little justification for separate education on the basis of displacement. There is little information on how the quality of their education compares with that of non-displaced students, though a recent isolated study found that students of IDP schools perform less well than students at non-IDP schools ([CIE](#), 2013). More data is needed to ensure equal quality of education.

**IDMC invites the EU to consider the following recommendations to the Government of Azerbaijan:**

- Determine the enrolment of internally displaced children in primary and secondary education, as well as their quality of education, and take measures to ensure it is on a par with non-displaced students;
- Merge segregated schools to ensure local integration as part of a drive towards durable solutions for IDPs.
- Ensure future settlements built for IDPs are located close to established local populations and do not result in de facto school segregation.

**The right to participation**

18. IDPs are still unable to vote or run as candidates in municipal elections because they remain permanently registered in their places of origin, and as a result have no influence on local politics where they live ([Brookings](#), December 2011; [ICG](#), 27 February 2012). IDPs with disabilities, older people and those with other special needs are included in national programmes, but there are few targeted measures to identify and respond to their particular situations. There are no specific measures to ensure their participation in decisions that affect them. Having decisions made for them does not improve IDPs' self-reliance, but rather reinforces their dependence on and expectation of assistance from the government.

**IDMC invites the EU to consider the following recommendations to the Government of Azerbaijan:**

- Develop procedures to ensure IDPs are consulted on initiatives being implemented as part of the State Program on IDPs;
- Amend the law to allow IDPs to choose whether to vote in municipal elections for the constituency where they reside or as they relate to their government-in-exile;
- Amend the law to allow IDPs to stand for election for the constituency where they currently reside.

**III. Conclusion**

18. After more than 20 years in displacement, IDPs should no longer be responded to as a homogenous group with similar needs, as they might have been when they initially fled their homes. Some have managed to overcome the burden of their displacement by integrating into their places of refuge, but others have become more vulnerable over time. As such, a one-size-fits-all approach is no longer appropriate. A comprehensive profiling assessment is required to establish both the number of IDPs still in need, and the extent of those needs. This would help to ensure that the next state programme for IDPs fosters self-reliance and full social integration while waiting for return.

19. The government's official policy is for IDPs to return and resettle in Nagorno-Karabakh and the seven surrounding districts. Despite the fact that many IDPs have in effect integrated locally, it does not recognise such as a durable solution as to do so would imply giving up its claim to the enclave. Pursuing peace and at the same time undertaking efforts to strengthen IDPs capacities while still in displacement would make eventual return more rather than less likely. It would also help to ensure that IDPs are able to make informed choices about doing so when it becomes possible.