



## 人权理事会

## 第十六届会议

## 议程项目 3

增进和保护所有人权——公民权利、政治权利、  
经济、社会和文化权利，包括发展权

## 负责国内流离失所者人权问题的秘书长代表 瓦尔特·卡林的报告

增编

对 2007 年访问阿塞拜疆的后续访问\*

### 内容提要

负责国内流离失所者问题秘书长代表于 2010 年 5 月 19 日至 24 日对阿塞拜疆进行了一次后续访问。他上一次访问该国是在 2007 年。虽然注意到自上次访问取得了重要进展，如关闭帐篷营等，秘书长代表强调，持续近 20 年的流离失所问题长期得不到解决，继续对该国近 60 万名国内流离失所者的人权构成影响。

阿塞拜疆政府动用了大量资源，改善国内流离失所者总的生活条件。若干国内流离失所者的住房条件因而获得了改善，过去五年来，这一部分人口的贫困率也因此大幅下跌。然而，他们的权利仍然受到各种问题的影响，不论是新的或是老的问题，包括获得适足住房问题，这仍是一个长期存在的问题，以及健康和教育权利。必须作出更多的努力，为国内流离失所者提供谋生机会，减少对政府资源的依赖。代表鼓励政府继续作出努力，解决这些问题，减少某些流离失所群体所经历的被隔离和封闭的影响，并促进国内流离失所者自食其力以及全面的经济和社会融合。

特别代表还强调，有必要更加努力，以缔结一项和平协议，包括考虑到国内流离失所者权利的协议。

\* 本文件的内容提要以所有正式语文分发。报告本身附于内容提要之后，仅以提交语文印发。

## Annex

### **Report of the in Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, on his follow-up to the visit to Azerbaijan in 2007**

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## I. Introduction

1. In accordance with his mandate contained in Human Rights Council resolution 6/32, and by invitation of the Government of Azerbaijan, the Representative of the Secretary-General on the human rights of internally displaced persons (the Representative), Walter Kälin, conducted an official mission to Azerbaijan from 19 to 24 May 2010. This visit built upon the Representative's previous mission in April 2007.<sup>1</sup> His main objectives were to observe the changes and progress made since his last visit, to identify remaining or newly emerging problems, and provide relevant recommendations in light of these.

2. During the course of his visit, the Representative met with President Ilham Aliyev, Deputy Prime Minister Ali Hasanov, the Ministers of Foreign Affairs and Economic Development, as well as Deputy Ministers of Health, Labour and Social Protection, and Education. He also met with the Ombudsperson of Azerbaijan and representatives of the international community and non-governmental organizations. He visited locations where internally displaced persons live in Baku, Beylagan and the Lachin winter grounds in Aghjabedi.

3. The Representative expresses his thanks for the exchange he was able to have with all of his interlocutors, which enabled him to gain a clearer picture of the present situation of internal displacement in Azerbaijan. He would like to thank the internally displaced persons who were ready to share their experiences with him.

## II. Current situation of internally displaced persons

### A. Demographic and geographic composition

4. According to Government figures, there are an estimated 586,013 internally displaced persons (IDPs) in Azerbaijan.<sup>2</sup> Of an overall population of 9 million people in Azerbaijan, approximately 7 per cent are internally displaced, representing one of the countries with the largest per capita displaced populations. The vast majority of IDPs originate from seven territories around Nagorno-Karabakh and have been displaced since the Armenia-Azerbaijan Nagorno-Karabakh conflict which ended with the 1994 ceasefire still in place until today.

5. While there are IDPs living in every district of the country, the majority live in and around the capital Baku and Sumgayit. Other significant numbers live in rural settlements close to the contact line. Displaced persons living in urban areas merge and live side by side with the local population. Those living in rural areas, however, often live in isolated settlements far from local towns. Overall, relations with the local populations have been positive, marked by understanding for their situation and the general absence of discrimination. The Representative found indications, nonetheless, that frustrations within displaced communities, as well as tensions with locals may be mounting as a result of the prolonged displacement.

6. The displaced population has a diverse socio-economic profile, although most have a basic primary and secondary education and come from agricultural backgrounds. The conflict and subsequent displacement had a disruptive effect on the education of those displaced and particularly the youth, making it impossible for many to continue their

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<sup>1</sup> See A/HRC/8/6/Add.2.

<sup>2</sup> Letter of the State Committee for Refugees and IDPs (providing IDP statistics with age and gender breakdown), 2 January 2010.

studies.<sup>3</sup> The protracted nature of the displacement has also had a negative effect on their psychological and social condition, particularly in the case of women, children and the elderly. This has been exacerbated in many cases by the isolation and marginalization they experience resulting from, among other things, the greater difficulties they face in integrating fully into the economic life of the country and becoming self-reliant. The conflict also resulted in an important number of displaced persons being disabled and handicapped, and some orphaned.<sup>4</sup>

## B. Living conditions, unemployment and poverty rates

7. Azerbaijan has experienced significant improvements in the living conditions of its population in the last decade, a period in which reform efforts sought to advance overall living standards and during which the average household consumption more than doubled.<sup>5</sup> Yet, a full picture or agreement on the current living conditions of IDPs in the country does not exist. It is generally considered, however, that a large percentage remain especially vulnerable to poverty and other risk factors, as most lack self-reliant economic opportunities and continue to be heavily dependent on State transfers.<sup>6</sup>

8. According to a World Bank survey, the majority of IDPs live in urban areas, as do the majority of those who are considered poor. Despite this high poverty rate among the urban displaced, those living in rural areas continue to be at higher risk of poverty than their urban counterparts, as well as at a higher risk of poverty than the rest of the rural populations in the country.<sup>7</sup>

9. While the general incidence of poverty among IDPs has diminished significantly in the last five years and is no longer as substantially different from the rest of the general population, important differences distinguish and exacerbate poverty among internally displaced communities. These factors are related, among others, to housing conditions, sources of livelihood and the location or areas of settlement. The first two factors are addressed in the relevant sections of this report. With regard to the areas of settlement, this has been found to be a key factor in relation to the risk of poverty. Indeed, while IDPs living in Baku appear to be at a decreased risk of poverty, the trend for those living in other major urban areas actually reveals a significantly greater risk of poverty, accompanied by very difficult living conditions. As such, Government and donor support to IDPs appear to date, to have had limited impact in cities outside Baku.<sup>8</sup>

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<sup>3</sup> UNHCR, European Commission Humanitarian Aid, "Azerbaijan: Analysis of Gaps in the Protection of Internally Displaced Persons (IDPs)" (October 2009), p. 10. Referred to as "Gaps Analysis".

<sup>4</sup> "Gaps Analysis", p. 10

<sup>5</sup> World Bank, *Azerbaijan: Living Conditions Assessment Report*, Report No. 52801-Z (March 2010), p. 7.

<sup>6</sup> *Ibid.*, p. 33.

<sup>7</sup> *Ibid.*, p. 34. Due to technical reasons, a discrepancy exists between the World Bank report which notes that 86 per cent of all IDPs live in urban areas and the official 2009 Government statistics indicating that this figure is only 51 per cent (see: letter of the State Committee for Refugees and IDPs).

<sup>8</sup> *Ibid.*, p. 36.

### III. Frameworks for the assistance and protection of internally displaced persons

#### A. Domestic response

10. In addition to having ratified most major international human rights instruments, Azerbaijan is a party to regional human rights treaties including the European Social Charter, the European Convention for the Protection of Human Rights and Fundamental Freedoms and many of its Protocols,<sup>9</sup> also recognizing the jurisdiction of the European Court of Human Rights. Moreover, according to its Constitution, international treaties constitute an integral part of the Azerbaijani legal system and are to prevail in the event of conflicting provisions in national legislation.<sup>10</sup>

11. Azerbaijan has developed and now had in place for many years, an important body of national legislation addressing the situation of its internally displaced population which aims to normalize their status as citizens with equal rights, while also affirming their special situation and needs. The key legislation relevant to the displaced population has remained essentially the same as that in place at the time of the Representative's visit to Azerbaijan in 2007.

12. Central among this body of legislation is the 1999 Law of the Republic of Azerbaijan on the Status of Refugees and Internally Displaced Persons, which provides a definition of an internally displaced person<sup>11</sup> and regulates their rights and obligations. It includes a wide range of rights which both assert their equal rights as citizens, including equal access to the labour market, employment opportunities and the courts, as well as provisions which provide for various forms of special assistance from the State.

13. With regard to the latter, these rights to special assistance are further detailed in the 1999 Law on the Social Protection of Internally Displaced Persons and Persons Equated to Them, which provides for their right to, inter alia: free temporary accommodation; public health care; social assistance; pensions; State education from the primary to the University levels; exemption from payment of utilities and taxes; the allocation of land plots; the provision of preferential loans; and assistance in seeking employment. This law therefore provides for special financial and other forms of assistance to IDPs, while also allowing for the possibility of external humanitarian assistance from the international community.

14. Various other provisions in a number of laws grant particular rights to IDPs such as the 2004 Presidential Decree prohibiting the forced eviction of IDPs from their current place of residence until their return to their place of origin or resettlement.<sup>12</sup>

15. Based on Presidential Decree no. 298, the Government also adopted in 2004, the State Programme for the Improvement of Living Standards and Generation of Employment for Refugees and Internally Displaced Persons. This programme seeks to improve living conditions for displaced populations, in particular by: improving public utility services and housing conditions; reducing poverty, including through a number of employment and income-generation initiatives; and ensuring coordination with humanitarian agencies on

<sup>9</sup> More particularly, Protocols 1–8, 11 and 14.

<sup>10</sup> Art. 148, para. 2, of the Constitution; see exception in article 151.

<sup>11</sup> Art. 1, defines an internally displaced person as “any person who has moved to another place by being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression or natural or manmade disaster”.

<sup>12</sup> Order of the President of the Azerbaijan Republic on adoption of “The State Programme for Improvement of Living Standards and Generation of Employment for Refugees and Internally Displaced Persons” No. 298, 1 July 2004.

issues such as durable solutions and mine clearance in liberated areas. This decree was followed by another in 2007, namely Decree No. 2,475, which aimed to improve infrastructure, promote construction projects (e.g. houses and community facilities), and generate employment opportunities for IDPs by 2011. Significantly, the 2004 State Programme is linked to broader development plans of the country, including the State Programme on Alleviation of Poverty and Sustainable Development in Azerbaijan 2008–2015, the common country assessment and the United Nations Development Assistance Framework, which also includes displaced populations.<sup>13</sup>

## **B. International responses**

16. Over the years, international and national agencies in Azerbaijan have gradually reduced and reoriented their activities from large-scale emergency programmes to smaller-scale development programmes. This is largely in response to the protracted nature of the displacement situation, the fact that the most urgent humanitarian needs have been addressed and the growth of the State economy. While assuming its full responsibilities with regard to its internally displaced population, and related costs, the Government of Azerbaijan continues to express its interest in continued engagement with the international community.<sup>14</sup>

17. The current support from the international community includes a number of programmes, including initiatives to improve livelihoods, such as: a soft loan scheme by the World Bank; small-scale livelihood projects through micro-credit schemes; a multi-crop greenhouse project; and skills training for youths in Sumgayit. Other types of support to the displaced population are also provided in the form of relief items, community-based projects in selected settlements and advocacy activities promoting a rights-based protection approach to displacement problems.

18. In addition, the United Nations Country Team and some individual international agencies have integrated the protection and assistance needs of internally displaced persons into their country programmes. A project of particular note was the undertaking of a gaps analysis on the protection of IDPs in Azerbaijan, a European Union-funded project led by the Office of the United Nations High Commissioner for Refugees (UNHCR) in collaboration with the Government, the results of which were presented in March 2010. This detailed analysis constitutes an important tool which will enable all relevant actors to take stock of the situation of IDPs in the country and set relevant priorities and objectives. UNHCR also provides free legal counselling and assistance to IDPs, through its implementing partner.

## **IV. Specific rights and issues of concern to internally displaced persons**

### **A. Access to adequate housing**

19. The Government of Azerbaijan has committed significant resources towards the construction and improvement of housing for IDPs. According to Government figures, between 2001 and 2009, a total of 646.1 million manats, largely from the State Oil Fund, were allocated for the construction of new settlements, individual housing units, and related buildings and infrastructure such as schools and medical centres, natural gas pipelines,

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<sup>13</sup> “Gaps Analysis”, pp. 13–14.

<sup>14</sup> See UNHCR, Baku, summary report dated 12 May 2010.

sewage systems and power lines. This enabled, inter alia: the construction of 64 new rural or semi-rural settlements in the regions and individual housing for 18,190 internally displaced and refugee families (81,800 individuals); 123 school buildings and 45 medical points; as well as kindergartens, post offices and major infrastructures providing essential community services such as electricity and sewage systems.<sup>15</sup>

20. However, given the scale and number of displaced persons in the country, these efforts, despite their magnitude, have not reached the majority of IDPs, most of whom continue to live in poor or substandard housing conditions, including makeshift housing in abandoned apartments and private accommodation offering no security of tenure and poor conditions. While the closing of the tented camps and the relocation of IDPs to new settlements or urban accommodation are significant achievements, these efforts have provided housing solutions to a relatively small percentage (i.e., approximately 14 per cent) of IDPs in the country. Inadequate living conditions and infrastructure therefore remain the primary areas of concern for the majority of IDPs, in both rural and urban areas.

21. Government efforts to continue addressing this concern include: the implementation of both the original and the amended State Programme on the Improvement of Living Conditions for Internally Displaced Persons; new building projects such as the six nine-storey buildings constructed in Benegadi (Baku) and the new complex in Qabala; as well as plans for other future urban housing construction projects which the Government shared with the Representative during this visit. In this regard, the Representative was encouraged to learn that land plots (where necessary) had been allocated and planning was under way for the construction of a number of new settlements and multi-storey buildings, together with the necessary social infrastructure and public utilities, in various regions and cities in the country, in addition to the housing projects being implemented in Baku.

22. According to the Government, renovations have already been completed in 50 settlements and will soon be undertaken in the remaining 80 of the total 130 collective centres used to house displaced persons; a project which has been made possible through microprojects funded by the World Bank. Collective centres used to house internally displaced persons are most typically former dormitories, public buildings, sanatoriums and health camps, and exist in various regions and cities, including Baku and Sumgait.<sup>16</sup> Some of these new settlements and housing construction projects are intended to replace the 15 Finnish-style settlements which temporarily sheltered displaced persons, but which are no longer habitable. Other projects of note include the renovation of 1,500 houses in settlements in parts of Fuzuli.

23. The Representative visited IDPs living in both newly built multi-story buildings in the outskirts of Baku, as well as families still living in dilapidated and overcrowded university dormitories in the centre of Baku. While the former are provided apartments according to the size of their family and expressed satisfaction with their housing, many of families remaining in overrun collective centres – in Baku as well as other urban areas – continue to live in a one-room space, which in many cases does not afford any privacy, private bathrooms or kitchen facilities. One such dormitory which the Representative visited was to be renovated and returned to the University for its original function as a dormitory for university students, thereby making it a priority to ensure that adequate alternative housing is available for the resident IDPs. In such cases, it would be important to consult with residents on the new locations for resettlement, and to ensure that they are

<sup>15</sup> Office of the Cabinet of Ministers of the Republic of Azerbaijan, Department for Problems of Refugees, IDPs, Migration and Affairs with International Organizations, “Information about the state, social provision and current needs of refugees and IDPs who are displaced as a result of Armenia-Azerbaijan, Nagorno Karabakh conflict, as well as of asylum-seekers in the Republic of Azerbaijan”, (April 2010), p. 4.

<sup>16</sup> Cabinet of Ministers, information about the State, p. 6.

provided some viable alternatives rather than compelled to move far away from their current neighbourhoods, where they have established their lives, including employment, schooling for their children and social networks.

24. While overcrowding, substandard housing and insecure tenure are the general housing concerns of the urban displaced, particular groups have additional concerns. The Representative highlights, for example, that overcrowding is likely to affect the need for privacy and personal development of children and adolescents from displaced communities, and that current housing conditions may not be able to meet the particular needs of certain groups such as the disabled, the elderly and single mothers. Moreover, while many displaced persons living in settlements benefit from more spacious accommodation, the remoteness of some settlements and the lack of public transport facilities continues to pose important barriers to the livelihood and social integration needs of these displaced communities, as well as to adequate access to certain essential services. More livelihood projects and the provision of public transportation services in order to better access local communities could alleviate the situation, in particular if they are provided through cooperation with the Ministry of Transport and local authorities.

25. Of particular concern since the Representative's last visit to Azerbaijan, is the increased risk of future evictions in urban areas; a new problem that has emerged as a result of, inter alia, the pressures of privatization, urbanization, and increased public construction works. IDPs have been granted guarantees against eviction in domestic legislation.<sup>17</sup> However, these guarantees are increasingly placed under pressure by a number of new factors. One such factor is a number of decisions in cases brought to the European Court of Human Rights. These decisions have subsequently been used as precedents by domestic courts in judgements relating to eviction orders. The threshold case in this regard is the European Court *Akimova v. Azerbaijan* case (19853/03) of 2007, although several other cases have followed it, including a number of more recent judgements from December 2009 to July 2010, which hold that the Government must enforce domestic judgements involving the evictions of IDPs.<sup>18</sup>

26. In addition to instances, such as the above, where evictions are related to disputes involving private property rights, the Representative stressed the need to also address the increasing risk of future evictions due to the pressures of privatization of State property and the need for public constructions works.

27. The Representative would like to recall that evictions, as such, are not prohibited under international human rights law. In some cases, evictions may become inevitable where IDPs refuse to leave their accommodation voluntarily and the owners insist on regaining possession. Nonetheless, evictions should be carried out in full compliance with international standards and, in particular, not be undertaken without offering persons concerned with viable alternatives as regards housing, livelihoods and access to basic services such as health and education. In the context of internal displacement in Azerbaijan, this requires the development and implementation of a comprehensive housing strategy

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<sup>17</sup> Order of the President of the Azerbaijan Republic on adoption of "The State Programme for Improvement of Living Standards and Generation of Employment for Refugees and Internally Displaced Persons" No. 298, 1 July 2004. Paragraph 2 reads: "Officials of the relevant State bodies shall be instructed not to allow eviction of IDPs from public buildings, apartments, lands and other places, temporarily occupied by them during the period of 1992–1998, regardless of ownership, until they return to their homeland or move to new settlements and houses for temporary residence".

<sup>18</sup> See: *Mirzayev v. Azerbaijan* (application No. 50187/06); *Jafarov v. Azerbaijan* (application No. 17276/07); *Gulmammadova v. Azerbaijan* (application No. 38798/07); *Hasanov v. Azerbaijan* (application No. 50757/07); *Hajiyeva and others v. Azerbaijan* (application Nos. 50766/07, 50786/07, 50871/07 and 50913/07); and *Isgandarov and others v. Azerbaijan* (application Nos. 50711/07, 50793/07, 50848/07, 50894/07 and 50924/07).



which ensures that the rights of the displaced are respected in regard to eventual evictions, and programmes which offer practical housing alternatives or housing schemes (e.g. rental subsidies) to IDPs in need which do not disrupt access to livelihoods and basic services.

28. The Representative observes that consultation processes with IDPs have generally been either insufficient or absent, with regard to the location, design and implementation of new housing projects. Lack of consultation can be especially problematic for particularly vulnerable persons, such as the disabled and the elderly who may have special housing requirements or for whom housing impacts on their access to essential services. It also affects the urban displaced who must leave districts in which they have lived for many years in order to move to unknown locations, or who must adapt to housing schemes which may not be the most suited to the needs of displaced communities. Similarly, the lack of consultation continues to affect those who are either currently living or eventually to move to new and often isolated settlements. The latter in particular, would benefit from more information and consultation, especially in regard to issues of access to livelihoods and services, as well as security, as recent settlements are situated precariously close (in some cases less than 5 km) to the contact line, such as is the case of some newly built villages in parts of Fuzuli.

## **B. Access to employment, livelihoods and an adequate standard of living**

29. While some progress has taken place since the Representative's visit to the country in 2007, the lack of economic opportunities, together with housing, remains the key concerns for IDPs in Azerbaijan. According to Government figures, the poverty level among IDPs currently stands at 25 per cent,<sup>19</sup> which is substantially less than the 63 per cent poverty rate among the displaced reported in 2007.<sup>20</sup> It is nonetheless significantly higher than the overall poverty rate of 13.2 per cent among the general population.<sup>21</sup>

30. Moreover, in line with the discrepancy in general poverty rates between rural and urban residents, poverty is also more prevalent among IDPs in rural areas. However, it is worth noting that the State benefits they receive appear to render them less vulnerable to extreme poverty than their local counterparts.<sup>22</sup> Furthermore, while living in Baku appears to decrease the incidence of poverty among displaced persons, their living conditions in other major cities such as Ganja and Sumgait vastly increase the incidence of poverty.<sup>23</sup>

31. Higher poverty rates among IDPs also reflect their overrepresentation among the unemployed. While constituting 7 per cent of the overall population, they represent 13.4 per cent of all registered unemployed in the country.<sup>24</sup> In a 2008 study, it was estimated that over half of IDPs are not active participants in the labour force, i.e., they are neither working nor looking for jobs, in comparison to 36 per cent of the general population.<sup>25</sup>

32. Laudable new efforts have been made by the Government and the international community to enhance livelihood opportunities for IDPs over the last several years. Most notably, in May 2008, the World Bank and the Government of Azerbaijan concluded a new project agreement of US\$ 24 million covering the period 2009–2011, to support the economic development of IDPs. Moreover, according to the Government, over 17,000 IDPs

<sup>19</sup> Cabinet of Ministers, information about the State, p. 5.

<sup>20</sup> A/HRC/8/6/Add.2, para. 35.

<sup>21</sup> As of 13 March 2009, the poverty figure reportedly stood at 13.2 per cent. Data available from <http://en.apa.az/news.php?id=98813>.

<sup>22</sup> *Living Conditions Assessment Report*, p. 34.

<sup>23</sup> *Ibid.*, p. 36.

<sup>24</sup> Figures provided during the visit by the Ministry of Labour and Social Protection on 24 May 2010.

<sup>25</sup> *Living Conditions Assessment Report*, p. 35.

benefited from new community microprojects implemented in 2009, within the framework of new credit agreements.<sup>26</sup> Other programmes, such as those provided by regional vocational centres, seasonal work programmes and business training for small entrepreneurs, as well as initiatives to create new farms, and construction works in new settlements, have benefited IDPs as well as the general population.<sup>27</sup> These efforts complement the long-standing employment and small business assistance programmes targeting the displaced, which are provided by the Social Fund for Development of Internally Displaced Persons.<sup>28</sup>

33. Despite some of these efforts, livelihood and employment opportunities do not appear to have substantially improved for IDPs, and in particular for those living in rural or semi-rural settlements. While persons living in such settlements are often allocated small plots of land in which they can grow a limited amount of vegetables or raise small animals for domestic consumption, such activities are insufficient in themselves to provide for their needs and can at best supplement other sources of revenue. Often located in remote areas, at considerable distances from major urban areas, and with no public transportation easily available, IDPs in these settlements continue to have few, if any, livelihood or employment prospects. In this regard, the Representative remains concerned during this second visit, by the dependency syndrome being engendered among these displaced communities – which is increasingly diminishing their prospects for becoming economically active and self-sufficient.

34. Self-sufficiency also appears to be difficult to attain among IDPs who are working, however. According to a World Bank study, approximately 73 per cent of IDPs reported Government assistance as their main source of livelihood, and only 15 per cent claimed to rely on their own earnings (e.g. from employment). One of the most important sources of income for the internally displaced is Government assistance in the form of social transfers and exemptions, which amounts to more than half of their overall income. This renders them more vulnerable to possible changes in Government policy than the rest of the population, since they are heavily dependent on sources of livelihood which are effectively outside their control.<sup>29</sup>

35. IDPs remain exempt in whole or in part from many charges and taxes, including household utilities, and educational and health-care fees. This additional social protection and assistance has managed to reduce their poverty levels, particularly over the last five years,<sup>30</sup> and to protect the most vulnerable groups of internally displaced from some the worst effects of poverty. The latter may also be eligible for targeted social assistance benefits, based on the Law on Targeted Social Assistance which came into effect in 2009. According to Government information, over 166,332 families have had access to these benefits, of which 11,212 were IDPs.<sup>31</sup>

36. While many IDPs continue to depend on Government assistance to make ends meet, others are likely to no longer be in need of such assistance. The Representative therefore recommends and agrees with the Government that it would now be timely to undertake a comprehensive needs assessment to determine more precisely who among the internally displaced population is actually still in need of specific assistance. This would allow, among other things, the Government to better target assistance to the most vulnerable and

<sup>26</sup> Cabinet of Ministers, information about the State, p. 10.

<sup>27</sup> Ministry of Labour and Social Protection, 24 May 2010.

<sup>28</sup> This fund was established by Presidential Decree of 6 December 1999.

<sup>29</sup> *Living Conditions Assessment Report*, p. 37.

<sup>30</sup> According to the Government, poverty levels among IDPs have decreased from 74 to 25 per cent in the last 5 years. Office of the Cabinet of Ministers, information about the State, p. 5.

<sup>31</sup> Ministry of Labour and Social Protection, 24 May 2010; and figures provided by the Government of Azerbaijan received 7 December 2010.

estimate the numbers of persons who have achieved economic self-sufficiency in their new place of residence. It would, in addition, enable the Government to determine more precisely the patterns of dependence on different forms of State assistance and the differing needs in the major regions of the country. In Baku, where over 200,000 of the displaced live, it would be important to understand the level of economic self-sufficiency that has been achieved, what measures are still necessary in order to improve this and what are the current needs of the most vulnerable.

37. In other cities, rural areas and new settlements, the overall dependence on Government assistance and poverty among the displaced is clearer due to the lack of job prospects and other indicators. Measures to improve livelihood opportunities in the regions, and rural areas in particular, would be essential to break the cycle of chronic dependency that has affected displaced populations in these areas; a cycle of dependency that is at risk of becoming a cycle of poverty should Government assistance be diminished in the future. While many displaced may have been attracted by the better housing conditions in these new settlements, the conditions of isolation and dependency resulting from the lack of livelihood opportunities in these settlements are most likely to increase their economic and social vulnerability in the future – and render them ill-equipped to rebuild their lives in their place of origin should returns become possible.

### C. Education

38. There continues to be a lack of sufficient information with regard to the educational patterns and needs of IDPs, and children in particular. According to the 2009 Gaps Analysis, the level of literacy among displaced communities, which stands at 97.1 per cent, is not considerably different from the rest of the population.

39. However, no precise data is available on the countrywide enrolment of children from displaced communities, as compared to local enrolment rates.<sup>32</sup> Such information would be useful in view of concerns about early marriage, poverty and child labour among some displaced children, which are noted as possible reasons for school dropouts in displaced communities – although it is unclear at the moment whether these phenomena are more prevalent among displaced communities than among the general population.<sup>33</sup>

40. The Representative found that despite persistent concerns regarding the quality of education of children from these communities, the Government had not yet undertaken a study on this issue, despite their assurances to this effect during his visit in 2007.<sup>34</sup> He acknowledges that some significant efforts have been made to improve the educational sector overall. These include the construction of over 2,000 schools and the refurbishing of many others over the last five years, the provision by the State of free school books (from the first to the eleventh grade) and a programme to make computers available in all schools.<sup>35</sup> It is unclear however, to what extent the construction and refurbishing of school buildings have benefited children from displaced communities. Many parents of displaced children continue to express concern that their schools are substandard, and note in particular, inadequate school infrastructure, and the lack of adequate educational facilities, equipment, playgrounds, and qualified teachers, especially in rural IDP settlements – thus

<sup>32</sup> “Gaps Analysis”, pp. 39–40.

<sup>33</sup> Ibid.

<sup>34</sup> A/HRC/8/6/Add.2, para. 69.

<sup>35</sup> Information provided by the Ministry of Education during the visit, 22 May 2010.

leading to the recommendation during a workshop in March 2010 that assessments be conducted in this regard.<sup>36</sup>

41. Moreover, the Representative stresses that while the national strategy to improve Azerbaijan's educational system, and the new incentives programmes to encourage teachers to work in rural areas is expected to also have a positive impact on displaced communities, it would be important for the Ministry of Education to undertake a review of the remaining substandard IDP schools, as well as a study to assess the quality of education being provided to children from internally displaced communities.

42. The Representative welcomes that the previous official segregation policy in schools in Azerbaijan between IDP and non-IDP children has been abolished. Parents may therefore now elect whether they wish their children to go to a mixed school or one primarily attended by displaced children. In certain areas, however, this choice may either not exist in practice, such as in settlements consisting only of displaced persons, or may be limited by the fact that in some instances IDPs are unable to afford the expenses related to the requirements of local schools (e.g. clothing and equipment),<sup>37</sup> whereas IDP schools may exercise more flexibility in this regard.

43. During a visit to a school in one such new settlement conducted in the course of his mission, the Representative noted that all the children with whom he spoke, including children of kindergarten age, articulated their fervent wish to return to their place of origin. This strong emphasis on history, and in particular on return to their place of origin, is perhaps best understood in the context of the separate administrative structure which applies to IDP schools; a structure which is based on a policy of maintaining the original administrative structures in existence before the conflict, including the executive as well as the school structures. Thus, schools from those regions are virtually recreated or transferred to other locations in the country, with the same administrative structure, staff and name as they originally had, and with children from those regions also being registered in that school. According to the Ministry of Education, maintaining these administrative structures in place is expected to facilitate the speedy relocation and operation of these schools once return to their place of origin is made possible.<sup>38</sup> While noting the reasons for this policy the Representative would encourage the Government of Azerbaijan to promote mixed schools in order to facilitate the integration of displaced children and to place more emphasis on aspects conducive to reconciliation which will be essential should return become feasible.

## D. Health

44. In his 2007 report on his mission to Azerbaijan, the Representative noted the psychological stress experienced by IDPs due, among other factors, to experience of war, isolation, uncertainty about their future and their living conditions. It was also concluded that there was a lack of adequate structures and services to address mental health issues among displaced communities.<sup>39</sup> At the time of the Representative's visit in 2010, some notable plans and initiatives were being developed in this regard, to improve the situation. These include a World Health Organization in-depth study on the mental health of IDPs, conducted in collaboration with the Government of Azerbaijan, and a number of other

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<sup>36</sup> UNHCR, "Summary: Workshop on the Protection of IDPs", 3 March 2010, pp. 2–3. See also A/HRC/WG.6/4/AZE/3, para. 8.

<sup>37</sup> A/HRC/WG.6/4/AZE/3, para. 43.

<sup>38</sup> Ministry of Education, 22 May 2010.

<sup>39</sup> A/HRC/8/6/Add.2, para. 46.

United Nations agencies.<sup>40</sup> Preliminary results of the assessment confirm that mental health issues continue to be of concern and that internally displaced persons continue to need assistance in this area. In particular, the results showed that mental health issues were twice as prevalent among internally displaced women as men. In Azerbaijani society, mental health problems continue to be affected by social stigma, a factor which should also be included in a mental health strategy.

45. The Representative was encouraged to learn from the Ministry of Health that a national plan was to be developed as a result of this study, and that other important health reform initiatives were being undertaken in the country more generally. As part of these reforms, the Ministry informed that mental health problems would now be included as an integral part of primary health services, especially on an outpatient basis, that the number of doctors addressing mental health problems would be increased by 40 per cent and that other activities were being planned in the area of rehabilitation for patients with mental health problems. In view of the mental health assessment undertaken by the World Health Organization, these services would be provided to IDPs as a first priority.

46. According to national legislation, public health care is free of charge in Azerbaijan. However, IDPs, like the overall population, face certain problems accessing adequate health care. In urban areas, access to basic health care is generally seen as adequate by most displaced persons, although poor urban families and vulnerable groups such as the elderly, single mothers and disabled persons experience more difficulties in this respect. In particular, IDPs in rural areas and more remote settlements continue to have poor access to health-care services, despite the more recent construction of some new medical facilities in a number of settlements. This was confirmed in the 2009 Gaps Analysis, which noted that the remote location of some settlements made it difficult to access health facilities and to receive specialized services such as gynaecological care or treatment for chronic conditions such as diabetes and tuberculosis.<sup>41</sup> The Representative also noted that, while IDPs face many of the same obstacles in accessing adequate health care as other citizens, other factors, such as poverty levels, distances to health facilities, sanitary conditions, psychological factors associated with forced displacement and the lack of certain services – such as regular availability of clean water and heating in winter – continue to negatively influence the health of some IDPs.

47. The lack of medical personnel in particular, is a key challenge in rural areas and more remote parts of the country, a problem which affects IDPs living in such areas. In this regard, the Representative was also encouraged to learn during this last visit, that the Government, including the Ministry of Health, had begun to implement new reforms providing special incentives such as better wages and housing for professionals such as doctors and teachers to work in more remote regions of the country. According to the Ministry of Health, this programme has already begun to show results with 50 per cent of new graduates going to work in remote areas in the last year.

48. The Representative was also informed that a survey on reproductive health among IDPs had recently been conducted. While the results had not yet been analysed at the time of the visit, the Ministry of Health reported that initial results indicated multiple pregnancies a year among some communities. This may indicate a need for further focus on internally displaced communities with regard to family planning and reproductive health issues. Internally displaced women, and especially single mothers, are also reported to often have difficulty in accessing skilled antenatal care and gynaecological services, owing to lack of resources or available specialized staff and equipment.

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<sup>40</sup> The final draft of this study was submitted to the Minister of Health for consideration and for further submission to the Cabinet of Ministers.

<sup>41</sup> “Gaps Analysis”, pp. 37–38.

49. By law, IDPs are to be provided many types of medication free of charge. However, in practice, they – like other parts of the population – may sometimes face obstacles in accessing it due to the need to pay unofficial fees, or because geographic distances mean that they must pay fees to ensure a speedier delivery of the medicine to remote regions.

## **E. Registration, documentation and freedom of movement**

### **1. IDP registration / certificates**

50. According to the 2009 Gaps Analysis, IDPs often continue to experience difficulties in obtaining the documents necessary for a certificate confirming their internally displaced person status (IDP certificate) – a status formally entitling them to related assistance, free medical care and exemption from payment of taxes or utilities. Documents required to obtain an IDP certificate include evidence of their place of origin and original personal identification documents. Persons who fled without essential documents, and who now reside in rural or remote areas, often face important bureaucratic obstacles, corruption and delays in obtaining such documentation. As a result some IDPs decide not to obtain IDP certificates. Persons who are dependant on others and have limited knowledge of legal procedures or limited access to local authorities, such as single mothers and women living in rural areas, elderly persons, orphans and children over 16 years of age, may also have particular difficulty in obtaining IDP certificates.

51. In the Representative's mission report to Azerbaijan in 2007, he noted that less than half of internally displaced persons possessed IDP certificates.<sup>42</sup> According to information he has received at present, it is difficult to gauge whether this estimate continues to be accurate. Indeed, while noting certain difficulties in obtaining this certificate, estimates on the current scale of the problem are not possible since some displaced persons, in particular those living in remote rural areas, do not report to authorities in order to register for IDP certificates.<sup>43</sup>

### **2. Residency documents and freedom of residence**

52. During his visit in April 2007, the Representative was informed that the Government was in the process of amending legislation related to residency registration requirements, with a view to improving the rights of freedom of movement and choice of residence for IDPs in the country.<sup>44</sup> To date, however, such reforms have not taken place, and IDPs continue to experience significant obstacles in obtaining residency documents in their elected place of residence owing to Government policies designed to limit urban migration. Residency registration is necessary in order to access an important range of rights and benefits, including access to: formal employment or Government assistance; health care, education and other communal services; pensions; bank loans and judicial procedures, including those related to property rights. Moving their district of residence also indirectly affects on their eligibility to receive IDP-specific Government assistance and social entitlements such as a monthly subsistence allowance.<sup>45</sup>

53. Moreover, while in theory IDP certificates can be reissued with a new place of residence – should it be approved (which is a rare occurrence), IDPs must demonstrate that they will not need Government assistance or benefits. In practice, because few can meet this criteria, many families opt to remain registered in their former place of residence so as not to lose Government assistance and to have one family member, often the male head of

<sup>42</sup> A/HRC/8/6/Add.2, para. 50.

<sup>43</sup> "Gaps Analysis", pp. 26–27.

<sup>44</sup> A/HRC/8/6/Add.2, para. 51.

<sup>45</sup> CCPR/C/AZE/CO/3, para. 18.

household, move informally to another district in search of employment.<sup>46</sup> Despite guarantees of freedom of movement and residence in the Azerbaijani Constitution, IDPs continue to be limited by administrative rules which limit their choice of place of residence and eligibility to receive IDP-specific Government assistance. At the same time, IDPs who continue to be disproportionately affected by unemployment and poverty are often compelled by these Government policies to remain or move to remote IDP settlements, including newly constructed settlements increasingly close to the contact line.

## F. Participation

54. While the participation of IDPs in decisions which affect them is always an important right and a vital part of successful programmes and strategies to assist them, the protracted nature of the displacement in Azerbaijan has come to make this an urgent need. The lack of information, consultation and participation of IDPs has been noted, for example, in relation to decisions on the establishment of new IDP settlements. In addition to their lack of participation in the development of resettlement programmes, it is unclear how much information has been provided to them on the location, infrastructure and livelihood opportunities available to them in new settlements, which are often in remote locations with little if any transportation facilities.<sup>47</sup> Similarly, there is little evidence that full information is provided to IDPs, or that they are adequately consulted in relation to housing plans in urban areas. IDPs have generally not been included in the development and implementation of Government policies and programmes to respond to their needs, either during displacement or with regard to durable solutions.<sup>48</sup> This may result in programmes and policies that do not properly take into account the needs of this population, including the specific needs of particularly vulnerable groups such as the elderly persons with disabilities and female-headed households. The Representative strongly encourages the Government of Azerbaijan to more fully and actively promote consultations and the participation of IDPs, including vulnerable groups, in all programmes and decisions which may impact on their lives both in the immediate and the long-term future.

## G. Particularly vulnerable groups

55. The internally displaced population in Azerbaijan is approximately equally divided between women (50.9 per cent) and men (49.1 per cent), with a relatively high proportion of children (33.4 per cent) and elderly persons (11.4 per cent).<sup>49</sup> Displacement has had a particularly negative impact on women, children and the elderly, including both on their psychological and social well-being, but also in terms of the isolation and marginalization they suffer as a result of difficulties in integrating the labour market or becoming self-reliant. Feelings of dependency, uncertainty about the future, and poverty continue to deeply affect internally displaced communities in general, and in particular their social integration and mental health.

56. Women, and especially female-headed households and single mothers, are reported to be particularly affected by isolation and, as outlined above, mental health problems, as well as by the lack of access to livelihoods and resources – a factor which further exacerbates their social vulnerability and health condition. In addition, awareness of gender-based violence is low among these communities, as well as among police and medical staff, and limited medical, legal or psychological services are available for

<sup>46</sup> “Gaps Analysis”, pp. 28–29.

<sup>47</sup> A/HRC/WG.6/4/AZE/3, para. 48.

<sup>48</sup> *Ibid.*, para. 54.

<sup>49</sup> Letter of the State Committee for Refugees and IDPs, 22 January 2010.

survivors. Yet gender-based violence, including domestic violence, sexual harassment, early marriage and both psychological and physical abuse are believed to often occur within internally displaced families and communities. More recently, some local authorities, such as in Gabala, have introduced measures to combat sexual and gender-based violence, including reporting and support mechanisms for survivors.<sup>50</sup>

57. There are reports that some children from internally displaced communities have had to drop out of school in order to help their families financially, a phenomenon which also exists more generally among poor rural populations. In the case of adolescent girls from poor displaced families, they are sometimes forced to leave school due to early marriage.<sup>51</sup> As regards persons with disabilities or other specific needs, and older persons, while they are specifically included in national IDP programmes, in practice few measures exist to identify and respond to their specific needs.<sup>52</sup> They do receive some social assistance, however, and are not discriminated against with regard to access to shelter or the allocation of new housing, although the construction of ramps and other facilities for disabled persons have been recommended to the Government.<sup>53</sup>

## V. Returns and other durable solutions

58. Ultimately, it is difficult to find durable solutions for the IDPs in Azerbaijan without a comprehensive peace agreement over Nagorno-Karabakh that addresses the specific rights and needs of the displaced. While some initiatives have been undertaken to advance peace negotiations since the Representative's first visit to Azerbaijan, including through the "Madrid Principles" presented by the Organization for Security and Co-operation in Europe (OSCE) Minsk Group Co-Chairs in Madrid on 29 November 2007 to Azerbaijan and Armenia as a set of basic principles for the peaceful settlement of the Nagorno-Karabakh conflict:<sup>54</sup> to date these have not provided a concrete resolution to the political impasse over Nagorno-Karabakh.

59. As during his last visit, the Representative noted that the majority of IDPs he met with continue to express their desire to return to their place of origin and have thus been unable to find a durable solution to their displacement. The return to their place of origin is dependent on a settlement of the conflict, while at the same time their possibilities for local integration in their current place of residence have been restricted by policies which consider the settlement of IDPs as temporary and fail to sufficiently promote social integration or create livelihood opportunities which would foster self-reliance.

<sup>50</sup> "Gaps Analysis", p. 23.

<sup>51</sup> A/HRC/WG.6/4/AZE/3, para. 43.

<sup>52</sup> See Law on the Social Protection of Disabled Persons of Azerbaijan; "Gaps Analysis", pp. 7, 8, 25.

<sup>53</sup> "Gaps Analysis", p. 25.

<sup>54</sup> See OSCE press release: "OSCE Minsk Group Co-Chairs issue statement on Nagorno-Karabakh", 29 November 2007 (available from <http://www.osce.org/item/28515.html>). The Basic Principles call for, inter alia: "--return of the territories surrounding Nagorno-Karabakh to Azerbaijani control --an interim status for Nagorno-Karabakh providing guarantees for security and self-governance, --a corridor linking Armenia to Nagorno-Karabakh; --future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will; --the right of all internally displaced persons and refugees to return to their former places of residence; and -- international security guarantees that would include a peacekeeping operation", Joint Statement on the Nagorno-Karabakh Conflict by President of United States Barack Obama, Russian President Dmitri Medvedev, and French President Nicholas Sarkozy at the L'Aquila Summit of the Eight, 10 July 2009. Available from [http://www.whitehouse.gov/the\\_press\\_office/Joint-Statement-on-the-Nagorno-Karabakh-Conflict/](http://www.whitehouse.gov/the_press_office/Joint-Statement-on-the-Nagorno-Karabakh-Conflict/).



60. The protracted nature of the displacement has nonetheless meant that a significant number of IDPs have begun a new life, particularly in urban areas. Some of them may wish to stay in their new place of residence, even if return becomes possible. This is particularly true for those who have found work or support networks in urban areas and for the youth, many of whom will never have lived in the place of origin of their families. The Representative therefore reiterates the need to ensure respect for the right of IDPs to choose between return and integration in the area of displacement or in another part of the country.

61. He also continues to be convinced that both the success of local integration and returns is contingent on the economic and livelihood opportunities which IDPs enjoyed during their displacement. The longer-displaced populations suffer from unemployment, poverty, dependency and the lack of meaningful activities, the less they will be equipped to deal with the challenges of return and reconstructing a new life.

62. Further efforts would be necessary in this regard, in the context of the Government relocation programmes to newly constructed IDP settlements as well, such as those in Fuzuli. While some of these settlements may be considered by some IDPs as temporary relocation sites which provided much needed housing alternatives, for others they may represent a long-term solution to displacement. In this context, Government assessments of these settlements and projects to improve infrastructure, services, transportation and employment opportunities would be necessary in order to render these settlements viable for durable solutions.

63. The Representative noted that, while more programmes promoting livelihood opportunities were still needed, some IDPs may after all these years have become self-reliant and integrated into their new place of residence. In this context, it would be opportune at this stage to conduct a needs assessment or profiling exercise in order to identify IDPs who are still in need of specific assistance, and those who no longer need special assistance. Such a survey could serve not only to determine the specific groups and the numbers of IDPs still in need of assistance, but would also provide an indication of the readiness, capacity and resources of these persons to successfully return, locally integrate or resettle in a different location.

64. Simultaneously, conducting a survey (suggested to be an anonymous survey or one conducted by independent partners) on intentions with regard to durable solutions among the internally displaced population in the country would contribute towards a realistic and multifaceted Government strategy, not only for returnees but also for groups opting for alternative solutions.

65. The Government has developed a “Great Return Programme”, which asserts the principle of voluntary return in the context of an eventual settlement of the Nagorno-Karabakh conflict. The Representative is encouraged by efforts to prepare a return programme and urges the Government of Azerbaijan to further these efforts by developing a strategic action plan which could serve in the technical implementation of the programme. In particular, such an action plan could address the complex issues which cannot be properly addressed in the course of a rapid and mass return movement, such as the challenge of building a new market economy, addressing property issues and privatization, ensuring the issuance of demining certificates and increasing the capacity of relevant actors. The expertise of different agencies and actors, such as UNHCR and development organizations, could provide valuable technical assistance in this regard.

66. In addition, the recent return of some IDPs to some areas near the contact line, such as certain areas in Fuzuli, could provide some lessons learned and examples of the future challenges such as establishing basic infrastructures, addressing property rights and other legal issues and creating other conditions for sustainable returns. Best practices from other countries and lessons learnt from these recent returns, could be integrated into a strategic

action plan for the return of other IDPs to their place of origin, in the event of an eventual peace settlement.

## VI. Conclusions and recommendations

67. The Representative of the Secretary-General on the human rights of internally displaced persons concludes that the Government of Azerbaijan has made significant progress in improving many aspects of the lives of IDPs since his visit to the country in 2007. He commends the Government of Azerbaijan for continuing to assume the primary responsibility for the care and protection of the close to 600,000 IDPs in the country. This has been accompanied by important budgetary allocations towards the implementation of its 2004 State Programme on Internally Displaced Persons and increased cooperation with key counterparts in the international and non-governmental communities that can provide valuable technical assistance. Simultaneously, the Government is undertaking a number of broader social reforms in the country which the Representative believes will also contribute to improving the lives of IDPs.

68. However, IDPs continue to face a number of problems, some of which are increasingly related to the protracted nature of their displacement. In addition, the vast majority have not found a durable solution to their situation. The full restoration of the human rights of IDPs requires first and foremost, a resolution to the outstanding peace negotiations over the Nagorno-Karabak conflict, so that those who wish to do so may exercise their right to return to their place of origin.

69. The Representative renews his appeal to the international community to strengthen their efforts to find a process which can advance peace negotiations, implement Security Council resolutions calling for the withdrawal of occupying forces and secure the return in safety and dignity of displaced persons on both sides to their places of origin.<sup>55</sup>

70. The Representative noted a number of areas and rights which, despite some substantial improvements, continue to require particular attention and efforts in order to improve the situation of internally displaced persons:

(a) In the area of housing, the substantial progress made over the last three years, which includes the closing of “tented camps” and railway carriages, the construction of thousands of houses in new settlements and recent plans to build new apartment buildings in order to address the problem of overcrowded and substandard collective centres in urban areas, including in Baku. However, more efforts and new housing strategies are necessary, particularly as housing security for IDPs may become increasingly precarious in view of the pressures of urbanization, economic expansion in large cities and privatization. An increased risk of evictions of IDPs exists as a consequence of decisions of the European Court of Human Rights and the domestic courts. Developing alternative housing strategies should be a priority in the coming years. Such strategies could include measures such as rental subsidies, or special rental agreements between the state and private owners.

(b) Important new reforms to the health sector, the construction of new medical facilities in some settlements, as well as other initiatives such as the mental health assessment of IDPs, have contributed significantly to improving the health prospects for this population. The Representative encourages the Government of Azerbaijan, to rapidly develop an action plan to implement the recommendations of

<sup>55</sup> Security Council resolutions 822, 884, and 874 (1993).

the mental health assessment of the World Health Organization, together with key international and non-governmental actors. He further highlights the continued need to increase access to specialized medical services such as gynaecology and treatment for chronic diseases, and to monitor and address complaints related to the demand for informal medical fees.

(c) The lack of employment and livelihood opportunities continues to be an area of major concern for IDPs. Despite some efforts in this regard over the last years, the majority of IDPs continue to depend on Government assistance to make ends meet, and cannot be considered economically self-reliant. Despite improvements in the overall figures, they continue to suffer from disproportionately high poverty and unemployment rates as compared to the overall population. The Representative calls on the Government and other stakeholders to strengthen efforts and programmes designed to improve the economic integration and employment opportunities of IDPs and to foster their self-reliance. He recommends that an assessment of livelihood opportunities should be an integral aspect of all IDP related policies and programmes, including housing. He also notes that certain groups among the internally displaced population, including persons who have lived in isolated settlements (including youth) or who have been unemployed for many years, as well as female-headed households and the elderly will require special assistance in many cases, both through State benefits which allow for an adequate standard of living, and to prepare them for re-entry into the labour market.

(d) While important efforts to improve national educational infrastructures can be noted, the overall progress in improving the quality of education of IDPs remains unclear. As recommended in his last mission report, the Representative encourages the Government to conduct a study to determine the level and quality of education provided to IDPs. Such a study would provide a basis for objectively determining the quality of education that children from displaced communities have been receiving, as well as for filling any gaps in this regard through specific programmes. Mixed schools should be promoted, so as to foster greater social integration of children from displaced communities.

(e) Difficulties in obtaining necessary documents continue to effect access by IDPs to basic rights and services. Persons with special needs such as older persons or those with disabilities, those who fled without their essential personal documents, and persons living in isolated areas are particularly affected. The Representative urges the Government to take measures such as simplified documentation procedures, allowing for “alternative” documents when those normally required are not available wherever possible in order to ensure that their rights are not adversely affected by such problems. The Representative also encourages international and non-governmental organizations to continue and strengthen their efforts in this regards, including through legal aid services.

71. While notable efforts have been made to improve the overall situation of many IDPs, the Representative believes that more targeted measures addressing the specific needs of particularly vulnerable groups, including female-headed households, the elderly, orphaned children and disabled persons, are necessary. The Representative recommends the Government, as well as relevant international and non-governmental organizations, take measures to better identify vulnerable groups, ensure that their specific needs are taken into account in all programmes and policies on internal displacement and actively promote targeted intervention and assistance programmes.

72. IDPs in Azerbaijan have now been displaced for nearly two decades. During this time, some have found a durable solution in their current place of residence and have successfully reintegrated into mainstream society both economically and otherwise. Therefore, while they may still have IDP-specific issues, such as those

related to property restitution or compensation, they may no longer be in need of Government assistance and benefits specifically targeting IDPs. The Representative therefore recommends that a needs assessment be conducted among the internally displaced population in order to determine who is still in need of assistance, de-register those who no longer require assistance from the list of beneficiaries and provide more targeted or increased assistance to particularly vulnerable groups.

73. The Representative commends the Government of Azerbaijan for its commitment to develop a comprehensive framework or action plan for the practical implementation of the “Great Return Programme”. Such a framework would be invaluable in addressing many of the complex and technical aspects related to eventual returns (e.g. infrastructure, economic and property issues) and greatly improve the state of preparedness should progress in the ongoing peace negotiations allow for voluntary returns. In light of the expertise of some international organizations, including key development, human rights and humanitarian actors, the Representative would recommend close collaboration between these actors, the Government and internally displaced communities in the elaboration of such a framework. A survey of intentions and the profile of possible returnees would also enable a more accurate planning process for eventual returns.

74. While voluntary return remains the preferred solution for the majority of IDPs, the Representative encourages the development of policies and strategies which will foster self-reliance and full social integration for all persons during their displacement. The Representative strongly believes that such a policy would improve the chances of a successful reintegration of persons who may eventually return to their places of origin, as well as the success of alternative durable solutions such as local integration or resettlement in another part of the country, for persons who are unable or do not wish to return to their place of origin. For internally displaced populations who have been relocated to remote settlements, an assessment of the sustainability of durable solutions in these locations would also be necessary, in addition to improvements with regard to public services and transportation facilities.

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