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# Azerbaijan

## Displaced then discriminated against - the plight of the internally displaced population Executive Summary

### Introduction

*“We don’t exist, this is not a life. We are ready to live with the Armenians of Karabakh and we have not forgotten our historical home there. But we won’t see peace for at least ten years, that’s why we want decent living conditions now.”*

Ayaz, an internally displaced man from the town of Cəbrayıl, has been living in Sumqayıt, a suburb of the Azerbaijani capital Baku, for 14 years. In his fifties, he shares a room measuring five by three metres with his wife and adult sons, in a former students’ hall. There are 30 families living in his corridor of some 12 rooms; some of them live with up to 10 people in a room. Ayaz’ room is crammed with bags and boxes, everything that an extended family might need. He has applied to the municipal authorities for better housing, but says:

*“the state has never shown any interest in the problems of displaced people living in Baku. We don’t hear anything from the state, so what happens is displaced people just take land belonging to the municipality around Sumqayıt for themselves. Then they come back to us and say, you’re just temporary here, you can’t have land here.”*

Elmar, displaced from the province of Kəlbəcər, dismisses the idea of return. He told Amnesty International, “I’d gladly lose my status as a displaced person. The government should stop deceiving me that I’ll be able to return. So many people have already died since being displaced – and they have nothing to leave to their descendents. It’s my choice whether to return or not.”

Despite Azerbaijan’s transformation into a regional economic hub, the social and economic rights situation for the hundreds of thousands of people internally displaced in the early 1990s has seen little improvement. Amnesty International is calling for action by the state and by the international community to address this situation.

The Azerbaijani government, in conjunction with international agencies, has taken steps to meet the minimum essential requirements of the internally displaced population. These include new housing settlements, food aid, land allocation, start-up payments and preferential tax rates. However, in a context of protracted displacement Amnesty International believes that these measures are insufficient to guarantee the progressive fulfilment of internally displaced people’s economic and social rights, as required by international human rights law. Furthermore, the organization is concerned that a system of policies and practices effectively discriminates against and segregates the internally displaced population. These problems are compounding the already considerable problems posed by displacement, and serving to prolong the social exclusion of internally displaced people.

Azerbaijan in the South Caucasus has one of the largest proportions of internally displaced people in the world. Some 600,000 Azerbaijanis have lived in internal displacement

for over a decade as a result of the territorial conflict in and around Nagorny Karabakh between 1991 and 1994. They are ethnically Azeri residents of the former Nagorny Karabakh autonomous region, whose Armenian population claims independence from Azerbaijan, and of seven Azerbaijani provinces surrounding it, occupied since the early 1990s in whole or in part by Armenian forces.

In international human rights law and Azerbaijani national legislation internally displaced people enjoy the same legal protection and rights as other citizens. Yet in Azerbaijan they suffer violations of their rights to freedom of movement, adequate housing, health care and work. Taken together, these violations constitute a system of discrimination against the displaced. Practices of discrimination and segregation discourage and inhibit the integration of displaced people into local communities. This restricts their capacity to opt for integration or resettlement in another part of the country as an alternative to return if a peace settlement is reached.

International agencies are reducing their involvement in programmes to support the internally displaced in Azerbaijan, leaving them in the hands of the state. A key aspect of Azerbaijan's policy since 2001 has been to move the displaced out of emergency relief centres and rehouse them in new, purpose-built settlements across the country. However, the resettlement policy has been marred by a lack of consultation with those being relocated. There are practically no opportunities for the internally displaced to influence decision-making processes directly affecting them. Those in new settlements are not consulted on the location of their new homes, and have been relocated to new settlements in remote or otherwise unsuitable locations and without sufficient infrastructure to support community life. Displaced people living in urban areas report being ignored by municipal authorities, and although they have more opportunities to find work in the urban economy, remain particularly vulnerable to housing shortages.

Amnesty International does not take a position on the dispute over the territory of Nagorny Karabakh. Return to original homes in conditions of dignity and security is the right of all internally displaced people, but rights to integration or resettlement elsewhere in the country must not be forfeited.

Amnesty International is concerned that current limitations on the exercise of rights to freedom of movement, adequate housing, health care and work result in discriminatory practices and segregation for Azerbaijan's internally displaced people. Some of these practices appear to be aimed at maintaining the internally displaced as a distinct community, and are justified by state officials on the grounds that measures must be "temporary" pending ultimate return to pre-war homes. However, after some 14 years of displacement and in the context of rising oil revenues, Azerbaijan has an obligation to ensure more than the minimum essential levels of rights for internally displaced people. These may have been appropriate in an emergency response, but they are inadequate today.

Amnesty International calls on the government of Azerbaijan and the international community to address:

- restrictions to the right to freedom of movement which have a particularly egregious effect on the internally displaced

- discrimination against and segregation of the internally displaced
- restrictions on access to basic economic and social rights, including the rights to adequate housing, health care and work for internally displaced people.

This paper and the recommendations summarize the longer report *Azerbaijan: Displaced then discriminated against - the plight of the internally displaced population (AI Index: EUR 55/010/2007)*.

## Internal displacement in Azerbaijan

The conflict over Nagorny Karabakh is one of several minority-majority conflicts contesting sovereignty between former federal units of the Soviet Union. As a result of the conflict between 1988 and 1994, more than 700,000 Azerbaijanis were displaced from Nagorny Karabakh and seven provinces around it. Despite an ongoing peace process organized under the aegis of the Organization for Security and Co-operation in Europe, no proposals have proved satisfactory to the conflicting parties.

Statistics published in 2005 by the Azerbaijani State Committee for Refugees and Internally Displaced Persons put the total number of those internally displaced in Azerbaijan at 686,586.<sup>1</sup> In 2004 the United Nations High Commissioner for Refugees (UNHCR) put the number of internally displaced people “of concern to UNHCR” at 578,545.

Internally displaced people suffer higher rates of poverty than the rest of the population (especially in rural areas), and have consequently remained highly dependent on subsidies and aid. In 2004 the United Nations World Food Programme reported that a quarter of the displaced population still relied on food rations.<sup>2</sup> Across poverty, health and financial dependence on state subsidies, internally displaced people consistently fare worse than the rest of the population. Internally displaced children receive poorer quality education, often attending school in shifts outside of normal hours and higher proportions leaving school, with an incomplete education. Although it is difficult to obtain accurate statistics for employment, most sources agree that the displaced suffer disproportionately from unemployment and under-employment.

While health care, employment and housing also pose problems for other Azerbaijani citizens, displaced people cannot deploy the same coping mechanisms, such as selling assets or cultivating kitchen gardens. Surveys conducted by various international agencies suggest that the situation for many internally displaced people has deteriorated as families have grown and food rations have remained the same.

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<sup>1</sup> *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* (Baku: State Committee on Refugees and Internally Displaced Persons, 2005), p.10.

<sup>2</sup> World Food Programme, *World Hunger: Azerbaijan*, October 2004, cited in Norwegian Refugee Council/Global IDP Project, *Profile of Internal Displacement: Azerbaijan* (2005), accessible at <http://www.idpproject.org>, p.45.

## Legal standards

Human rights treaties to which Azerbaijan is a party require Azerbaijan to respect and protect without discrimination the rights of internally displaced people to life, to an adequate standard of living, including adequate food, water and housing and to the highest attainable standard of health. These legal provisions provide a vital framework for the protection of the rights of internally displaced people.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) emphasizes that states are required to take progressive steps to realize the rights specified in the Covenant, which include rights to adequate housing, water, sanitation and the right to the highest attainable standard of health. According to Article 2(1) of the ICESCR, states' parties must ensure the "progressive realisation" of economic, social and cultural rights, "according to the maximum of their available resources", including those available through international assistance. Immediate obligations include a commitment to realize these rights free from discrimination, the prioritization of "core minimum" levels of these rights, and targeted measures for those in the most vulnerable situations.

The UN Guiding Principles on Internal Displacement – a collection of norms derived from international human rights, humanitarian and refugee law – also set out the obligations of the government of Azerbaijan in this area.

The Azerbaijani Constitution guarantees a number of basic rights and freedoms, including the rights to life, physical and mental integrity, freedom of movement, association and political participation and freedom from discrimination. Article 25.3 guarantees the equality of rights and freedoms for all irrespective of "race, nationality, religion, gender, origin, property status, social position, convictions or political, trade union or social affiliation"; Articles 35, 38, 41 and 42 guarantee the rights to work, social security, health care and education. These Constitutional guarantees are articulated in greater detail in other legislation.

The key law on internally displaced people is the 'Law of the Republic of Azerbaijan on the Status of Refugees and Forcibly Displaced Persons', adopted on 21 May 1999. This provides a range of emergency humanitarian assistance, including free transport to and from the location of temporary residence in displacement; free medical assistance and everyday foodstuffs for the elderly, children, the economically disadvantaged and bereaved families; receipt of one-off "start-up" payments and other assistance from the state; the pursuit of compensation in respect of property lost or damaged; and recognition of the right to return to the original place of residence.

## The right to freedom of movement

*"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”.*

Internally displaced Azerbaijani man, Baku.

The retention of the internal registration system, known by its Russian term as the *propiska* system, violates the rights of internally displaced people in Azerbaijan to freedom of movement and to choose a place of residence, rights enshrined in international law. The restrictions resulting from the application of the registration system also impede access to social services.

The *propiska* system, inherited by Azerbaijan and other post-Soviet states, was designed to control internal population movements and prevent unauthorized migration. The *propiska* – a certificate in the internal passport – is a residency permit and is required for access to health care, employment, housing and many social services. 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 system has particularly negative implications for the internally displaced. Many had their residence determined by chance, as they were re-registered as resident in their new locations immediately following displacement. Many were displaced to economically depressed regions in central Azerbaijan. With the authorities keen to stem rural to urban migration, residence permits for large cities, especially Baku, are notoriously difficult to obtain.

Many internally displaced people are caught in a trap: tied to their registered residence in order to access food aid and other assistance and unable to move in search of employment opportunities elsewhere. As a result many displaced families have been broken up as husbands move without a *propiska* to Baku to work, while other family members remain in the place where they are registered. Many displaced people working in major cities return monthly to the place they are registered in order to receive food packages.

Often, displaced people have to circumvent the law in order to access health care or to work in locations for which they do not have a *propiska*, typically by paying bribes. As a result, many are paying for services which they are entitled to receive free of charge.

Changing one's *propiska*, and in particular re-registering in Baku, is a cumbersome process surrounded in corruption. Government officials do not disguise the fact that they are keen to stem migration of displaced people to Baku. Amnesty International was told by representatives of international organizations of government plans to move urban displaced people out of Baku to new purpose-built settlements in Sabirabad and Saatli.<sup>3</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 emphasized that displaced people are easier to count and support when they are settled

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<sup>3</sup> Amnesty International interviews with representatives of international organizations, Baku, July 2006.

compactly in purpose-built settlements, whereas in Baku or Sumqayit they “disappear and run their own businesses and livelihoods”.<sup>4</sup>

The Representative of the UN Secretary-General on Internally Displaced Persons has stated that the *propiska* system is “inconsistent with the right to liberty of movement and freedom to choose one’s residence enshrined in article 12 of the [ICCPR] and reflected in Guiding Principle 14.”<sup>5</sup> The Azeri Constitution has officially abolished the *propiska* system but in practice it persists since a number of laws continue to refer to it.

## The right to adequate housing

Despite moves to provide more durable housing for the displaced, their right to adequate housing is not being fulfilled. In new settlements, concerns include lack of security, failure to consult, inadequate social services, lack of employment opportunities, poor quality construction, lack of sanitation and heating, and lack of access to security of tenure. In urban areas, displaced people face sub-standard housing in disused public buildings, and, in some cases, forced evictions.

The duration of the displacement means that there is no longer any reasonable justification for the Azerbaijani government to limit its provision of housing for the internally displaced to “basic shelter”<sup>6</sup> – as might have been appropriate in an emergency response.

### **New settlements**

Originally from the village of Xocalı, Elvira was forced to flee her home during hostilities in February 1992 in which hundreds of inhabitants of her village were killed. She and her two sons fled to Ağdam, only to be displaced again when Armenian forces occupied Ağdam in 1993. She then fled to Baku. After living in a guesthouse for a number of years, she was allocated housing in one of the new settlements in Goranboy region. Elvira was given a one-room house for herself and her two sons; they added two small additional rooms, in addition to a kitchen, at their own expense. Although there is an electricity supply to the house, there is no gas or running water; Elvira must go to a nearby stream to fetch water. Some two years on from moving into the house, the plaster is falling off the walls, there are severe structural cracks across several walls and in places the floor is caving in. Elvira says that without heating the house is freezing in winter, but she sees little choice but to remain.

The improvement of housing has been a key focus of government programming for the displaced. The government has already reportedly rehoused all those living in old farm

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<sup>4</sup> Amnesty International interview with Telman Mammedov, State Committee for Refugees and IDPs, Baku, 11 July 2006.

<sup>5</sup> 25 January 1999, E/CN.4/1999/79/Add.1, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/c4b0fea3859395d78025675a0035e2b3?OpenDocument>, paragraph 45; 199 (e).

<sup>6</sup> Principle 18 of the *Guiding Principles* states that competent authorities shall provide internally displaced persons with and ensure safe access to, *inter alia*, basic shelter and housing.

buildings; it aims to rehouse all those in tents and disused railway carriages by the end of 2007. As a result of these initiatives the number of internally displaced people living in newly built houses increased from 10,511 in 2003 to 67,779 in 2004.<sup>7</sup> Nonetheless, survey data for 2004 suggested that the majority still lived in hostels and non-residential premises. These are the principal target of the ongoing construction of further new settlements.

The new purpose-built settlements in rural regions look impressive at first sight. Orderly, well-tended rows of small houses arranged according to a grid system with attached plots of land undoubtedly represent a significant improvement over emergency relief centres (popularly known as “tent cities”). 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 (and for which they would receive no compensation if they moved). 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.

Internally displaced people cannot gift, sell or sub-let the settlement houses, which remain the property of the state. They therefore have no legal security of tenure, and the fact that they do not own their homes further complicates attempts to change internal registration. According to state officials this arrangement is necessary because the new settlements are being constructed as a “temporary solution” to the problem of displacement. Azeri refugees from Armenia, who are allowed to own and sell the houses they inhabit, are in a different situation: refugee return to Armenia is acknowledged to be unlikely. However, this distinction results in a discriminatory framework denying internally displaced people the access to security of tenure accorded to other citizens of Azerbaijan and refugees from Armenia.

While acknowledging the improvement over tents and wagons, inhabitants of the new houses voiced various complaints about the quality of the housing. They complained about the gap between project plans and the final result: “we would have European towns if [the new settlements] had been built to plan”. Most of the new houses visited by Amnesty International had structural damage, sometimes severe, 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 the failure of government to pay construction companies. The new settlements have been built rapidly, reportedly within two months in some cases, often by workforces composed of displaced people. Displaced people in Goranboy who had formed part of the workforce constructing a new settlement told Amnesty International that salaries were not paid by the state to the building firms, who then appropriated some of the construction materials as “compensation”. In their view this explained the shoddiness of construction in their town; they themselves received only two-thirds of their agreed salaries.

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<sup>7</sup> SPPRED, *Progress Report 2003-2004*, p.45.

### **Forced evictions in urban areas**

A different set of problems confronts the displaced living in urban areas. Following displacement, many families found shelter in public buildings, schools, kindergartens, student halls and dormitories and unfinished apartment blocks. Although the displaced are protected from forced eviction by presidential decree, in practice such evictions take place. In one case recounted to Amnesty International, Mehriban, a woman from Zengilan district, and her family occupied a small house on the outskirts of Baku after being displaced in 1993. The house belonged to the Ministry of Defence and was originally designated for military personnel. In 1999 the Ministry of Defence attempted to reclaim the house and took Mehriban to court. The family lost the case in the local court, at the Court of Appeal and at the Supreme Court. She and her family were evicted and given alternative accommodation in an uncompleted apartment block on the outskirts of Baku without running water, gas or electricity.

The onset of a construction boom, particularly in Baku, has created significant demand for land and for public buildings to be demolished to make way for new high-rise developments. Private businessmen reportedly buy such properties from municipal authorities or public organizations and displaced people living there are often evicted without notice, consultation, an opportunity to challenge an eviction order, adequate compensation, or adequate alternative accommodation. Evictions of this sort 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.”<sup>8</sup>

### **The right to health**

Kərim lives in a settlement in Goranboy made up partly of new housing, partly of old houses formerly belonging to Armenians. He was displaced in 1993 from Kəlbəcər, but complains that for some reason although displaced people from Xocalı in the same settlement received new housing, displaced people from Kəlbəcər were not allocated new housing. Kərim continues to live in an old house formerly belonging to Armenians. He has not received a land allocation or start-up payment either. He, his wife and two children must share an apartment with another family, making eight people in all. Many of the windows have no glass and all of the children in the apartment suffer from rheumatism. The families have diverted wires from the central electricity supply; open wiring lines the walls and ceilings of their apartment. They cannot afford to buy crockery or cutlery and must take it in turns to eat and drink with what they have. Kərim’s daughter Zarema has anaemia. Although legally Kərim has the right to

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<sup>8</sup> Paragraph 16, CESCR General Comment 7 on Article 11 of the ICESCR: The Right to Adequate Housing: Forced Evictions, adopted 20 May 1997, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/959f71e476284596802564c3005d8d50?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/959f71e476284596802564c3005d8d50?Opendocument)

receive treatment for his daughter's condition free of charge, in practice he can only get treatment for her in Baku, a six hour bus ride away. He must pay for the transport and treatment costs himself.

Although internally displaced people are legally entitled to free health care wherever they live, Amnesty International is concerned that Azerbaijan is failing to give the highest priority to ensuring that the displaced have access to minimum essential levels of health services at the very least. This is an immediate obligation under international human rights law. Although resources have been expended on basic health care infrastructure, this has not been matched by a commensurate investment in health care professionals, undermining the quality of the health care provided. According to a state official in a new settlement in Goranboy region, the newly constructed clinic "has equipment but no expertise". This is due firstly to an informal principle that social services for internally displaced people must be staffed only by displaced people, and secondly to low salaries. In addition, funds to support necessary ancillary services, for instance to buy fuel for ambulances, are inadequate. These costs are passed on to the displaced. Furthermore, Amnesty International has received reports that displaced people have to pay for health care services and medicines which they are entitled to receive without charge.

In urban contexts, a wider range of health services and infrastructure is available, but in new settlements the health infrastructure provides only the most elementary health care. For those still living in tent camps, only rudimentary health care is available. For medical care beyond basic needs and first aid, such as reproductive health care, displaced people are frequently required to travel long distances at their own expense.

## **The right to work**

Azerbaijan is obliged not to obstruct the right to work, and also to take steps to ensure that the right is progressively realized. Several aspects of the current situation in Azerbaijan raise concern. These include the retention of the internal registration system, the number of displaced people employed in the informal or grey market and the location of settlements in remote and economically depressed parts of the country. Statistics demonstrate that the displaced are far more dependent than the rest of the population on benefits as their main source of income – 8.5 per cent compared to less than 0.1 per cent.<sup>9</sup>

Most displaced people who move from rural areas to work in urban centres are unable to change their internal registration, obliging them to return to their registered residence to receive benefits. The internal registration system also restricts their capacity to take advantage of certain privileges afforded them to encourage self-reliance, such as a preferential profit tax rate for enterprises in rural areas and lower rates of income tax. These advantages are outweighed by the fact that internally displaced people encounter problems in securing loans from local banks because they are not officially registered as residents.

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<sup>9</sup> SPPRED, *Progress Report*, p.46.

### **Unemployment in the new settlements**

*“Where would I get a job here? There is only work in Baku. If there is a company or firm operating out here they only give jobs to their relatives. For young people especially, there’s no work out here”.*

Azerbaijani internally displaced man in Biləsuvar.

Finding work was identified as the main problem by most inhabitants of the new settlements interviewed by Amnesty International.

A family in Biləsuvar 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. 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.

Public sector employment and agricultural activity represent the only forms of livelihood in the new settlements visited by Amnesty International. However, several displaced people said that without relatives or informal connections, public sector jobs could only be obtained through the payment of bribes. A few displaced people survive as informal traders in sundries such as cigarettes or drinks, others as taxi drivers. The only alternative is for male family members to emigrate as migrant workers to the capital Baku or abroad to Turkey or Russia; in Russia, Azeris and other Caucasians face routine discrimination and harassment at the hands of police and in wider society.<sup>10</sup>

Central to the problem of unemployment is the choice of location for the new purpose-built settlements. Location decisions are taken by government officials in Baku with little regard or even knowledge as to suitability. These decision-making processes are in any case non-transparent and do not include opportunities for consultation. This fails to meet the requirements of the Committee on Economic, Social and Cultural Rights General Comment 4 on the right to adequate housing, which specifies that there should be “genuine consultation with, and participation by, all of those affected, including the homeless, the inadequately housed and their representatives”.<sup>11</sup> Officials making these decisions reportedly do not visit proposed locations. Settlements have been constructed in areas lacking irrigation and

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<sup>10</sup> Amnesty International has documented the incidence of violent racism directed, among others, at ethnic groups from the South Caucasus in its report *Russian Federation: Violent racism out of control*, 4 May 2006, AI Index: EUR 46/022/2006. Available at <http://web.amnesty.org/library/Index/ENGEUR460222006?open&of=ENG-RUS>

<sup>11</sup> Adopted 13 December 1991, available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/469f4d91a9378221c12563ed0053547e?Opendocument)

transport links to appropriate markets. Some have infertile soil or are within range of Armenian armed forces.

Resettlement of displaced people in remote and infertile parts of Azerbaijan is leading in practice to their segregation and violations of their basic rights. Isolated from markets, infrastructure and transport networks, they have few opportunities to interact with local communities or foster self-reliance. 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.

## Conclusions

Amnesty International believes that everyone, irrespective of status, is entitled to respect for and protection of their human rights. The entire population of Azerbaijan, including the internally displaced, should therefore be able to enjoy all human rights guaranteed under domestic and international human rights law, without discrimination. The principle of non-discrimination is enshrined in Articles 2(1) and 2(2) of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) respectively, and acknowledged in the UN Guiding Principles on Internal Displacement (1, 4, 22 and 29). Article 2(1) of the ICCPR obliges Azerbaijan to “ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origins, property, birth or other status.”

Since the onset of the Nagorny Karabakh conflict, the government of Azerbaijan, with the assistance of the international community, has struggled to address the needs of those displaced as a result of the conflict. Amnesty International acknowledges the government’s efforts but remains concerned that violations of the human rights of internally displaced people are restricting their right to choose between return, integration or resettlement in another part of the country under conditions that fully respect their human rights.

A series of practices in effect discriminate against and segregate the internally displaced population. These include restrictions imposed by the unconstitutional retention of the internal registration (*propiska*) system, the construction of geographically and economically isolated settlements and the exclusion of the displaced from consultative processes.

Although the government allocates substantial resources to programmes for the displaced, these programmes are not being implemented in ways that safeguard the human rights of their supposed beneficiaries. State officials consistently emphasize the “temporary” nature of measures for the displaced, an emphasis increasingly at odds with the protracted nature of this displacement. Many displaced people are unsure of their rights and believe that steps towards integration where they currently live will result in diminished rights in the event of a peace settlement. 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.

Although physical conditions for people transferred from emergency relief centres to new settlements have improved and monthly allowances have been raised, there has not been an overall improvement in displaced people's enjoyment of fundamental human rights commensurate with the Azerbaijani state's obligations and the length of displacement. Current new settlements do not respect internally displaced peoples' right to adequate housing and impede their realization of other human rights.

Internally displaced people have been excluded from consultation at all levels. Government officials appear to view them as passive objects of policy rather than active bearers of rights. Decisions with crucial consequences, such as the location of new settlements, are taken without consultation and effective structures for a consultative process do not exist. Amnesty International was told consistently of the indifference of officials, or worse, their exploitative attitude towards the displaced.

Underlying many of these human rights concerns is the fact that there is no clearly elaborated document establishing what rights to restitution and compensation internally displaced people have in the event of return or permanent integration/resettlement. This means that displaced people 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 the principles of restitution and compensation be agreed, in consultation with representatives of the displaced, 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. Any document governing processes of restitution and compensation must include provisions for internally displaced people who opt for integration or resettlement in a location other than their pre-war homes.

## **Recommendations**

These recommendations summarize the longer list of recommendations given in the full report of which this is a summary.

### **Amnesty International calls upon the Azerbaijani authorities to:**

#### **1. Take steps to ensure the right of IDPs to genuinely participate in decisions affecting the exercise of their human rights. Such steps may include:**

- Creating consultative structures with representatives of IDPs who have the possibility, for example, of influencing decisions on the selection of locations for new settlements and other issues involved in their construction.

**2. Amend residence registration procedures to ensure that they do not violate human rights, including those of internally displaced people. In particular:**

- Reform Azerbaijani laws, policies and practices that still refer to the internal registration (*propiska*) system to make them consistent with the Azerbaijani Constitution which has abolished the system, and ensure that any replacement system fully respects and protects human rights, including internally displaced people's rights to freedom of movement and choice of residence.

**3. Take steps to eliminate discrimination in practice against long-term internally displaced people. In particular:**

- Ensure that internally displaced people 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 for essential health care.
- Ensure that internally displaced people housed in new settlements have equal access to procedures to secure legal title and security of tenure as other citizens.

**4. Take progressive steps to ensure that adequate resources are allocated to the realization of the human rights of internally displaced people:**

- The government of Azerbaijan should comply with its obligation under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights to devote the maximum of available resources to achieving progressively the full realization of economic, social and cultural rights, without discrimination against internally displaced people. To this end it should devote a level of resources to the realization of these rights commensurate with Azerbaijan's increasing economic development and prosperity.

**5. Ensure that all settlements 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 be close to basic health and education services, have good transport links and adequate employment opportunities.
- Internally displaced people 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.
- Review and monitor construction processes of further settlements to ensure the housing provided is adequate.

**6. Take progressive steps to realize the right of internally displaced people 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 internally displaced people living in remote settlements.

**Amnesty International calls upon the international community to:**

- Continue to support programmes for internally displaced people in Azerbaijan, while encouraging the government of Azerbaijan to devote the maximum of its available resources towards ensuring progressively the full realization of the human rights of the 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 full and transparent debates over the direction of policy towards the internally displaced.