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**Report of the Representative of the Secretary-General on the human rights of
internally displaced persons, Walter Kälin**

Addendum*

Mission to Azerbaijan

* The summary of this report is circulated in all official languages. The report itself contained in the annex to the summary is circulated in English and Russian only.

SUMMARY

At the invitation of the Government of Azerbaijan, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, conducted an official mission to Azerbaijan from 2 to 6 April 2007. His main objective was to study the situation of IDPs in Azerbaijan, including their rights to access education, health services, livelihoods and adequate housing, and to engage in dialogue with the Government to discuss past achievements, pending measures and future plans, not least concerning the eventual return of the displaced. The Representative also sought to exchange views with the international community as well as civil society. He outlined his initial views in a press statement released on 6 April, with the complete findings and recommendations being set out in the present report.

The Representative visited Baku, Sumgait, Sabirabad, Imishli and Bilasuvar. He met with the President, the Deputy Prime Minister and Chairman of the State Commission on Humanitarian Assistance and for Refugees/IDPs, the Minister of Foreign Affairs, as well as with other high-ranking officials. He also consulted IDPs and their representatives in rural and urban areas.

While stressing the right of IDPs to return voluntarily to their former homes in safety and dignity, the Representative welcomed the Government's recent efforts to provide adequate living conditions to displaced persons in need. Given the magnitude of the displacement problem in Azerbaijan, the Representative was impressed with the results already achieved. He was satisfied that the Government takes very seriously its responsibilities under international law to fulfill the political, civil, economic, social and cultural rights of IDPs. At the same time, the substandard living conditions of IDPs who, after many years, continue to live in collective shelters were of great concern to the Representative. Vulnerable groups among the displaced, such as elderly, traumatised and mentally ill persons, as well as female-headed households, are particularly affected.

The Representative encouraged the Government to continue providing humanitarian assistance to the displaced as well as implementing its plans to provide adequate housing solutions to all IDPs, including those living in urban areas. The Representative stressed that newly created settlements should be located so as to both guarantee the physical security of IDPs and to prevent cutting them off from employment and other economic opportunities. He suggested that the emphasis of the Government's programmes to this effect be placed on the creation of livelihoods and on the participation of IDPs in the design and implementation of these programmes, all the while paying special attention to the health and other needs of particularly vulnerable individuals.

The Representative appealed to the international community and to donors to support the Government's efforts in this regard, particularly through technical assistance. He also called on the international community to renew its efforts to find a peaceful solution to the conflict, thus enabling those wishing to do so to return to their homes and places of origin.

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Introduction

1. Following an invitation by the Government of Azerbaijan, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (the Representative) conducted an official mission to Azerbaijan from 2 to 6 April 2007, in pursuance of his mandate¹ to engage in coordinated international advocacy and action for improving protection and respect of the human rights of internally displaced persons (IDPs) through dialogue with governments as well as non-governmental organizations and other relevant actors. His main objective was to study the situation of IDPs in Azerbaijan, including their rights to access education, health services, livelihoods and adequate housing, with a view to assessing to what extent the recommendations made by his predecessor after a mission carried out in 1998² had been implemented. At the same time, he intended to engage in dialogue with the Government to discuss past achievements, pending measures and future plans, not least concerning the eventual return of the displaced. The Representative also sought to exchange views with the international community as well as civil society, and to strengthen partnerships among relevant actors. He outlined his initial views in a press statement released on 6 April, with the complete findings and recommendations being set out in the present report.
2. The Representative visited Baku, Sumgait, Sabirabad, Imishli and Bilasuvar. He met with the President, the Deputy Prime Minister and Chairman of the State Commission on Humanitarian Assistance and for Refugees/IDPs, the Minister of Foreign Affairs, and with the Ministers of Economic Development, Education, Health, Labour and Social Protection, as well as with the Chairperson of the State Committee of Family, Women, and Children Issues, the Ombudsperson and the Head of the Human Rights Commission of Parliament. He also discussed with international agencies and non-governmental organizations, and consulted IDPs and their representatives in rural and urban areas.
3. The Representative would like to express his gratitude and recognition of the full cooperation of the authorities of Azerbaijan and their willingness to receive him, as well as for the open and constructive nature of the meetings. The Representative is indebted to the UN country team under the leadership of the Resident Coordinator, and in particular to OHCHR and UNHCR, for the high quality of briefings and advice as well as the generous logistical support to his mission. He is grateful for the information and expertise provided to him by representatives of the humanitarian community and by international and non-governmental organizations. Finally, he would like to thank the internally displaced persons who were ready to share their experiences with him.

¹ Commission on Human Rights Resolution 2004/55, para. 24

² Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1998/50, Profiles in displacement: Azerbaijan (E/CN.4/1999/79/Add.1),

4. The Representative's conclusions and recommendations in this report are informed by the Guiding Principles on Internal Displacement³ (the Guiding Principles), which are recognized by States as "an important international framework for the protection of IDPs".⁴ The Representative stresses that IDPs in Azerbaijan are, as citizens of their country, entitled to enjoy the protection of all guarantees of international human rights and humanitarian law subscribed to by the State or applicable on the basis of customary international law. IDPs do not lose, as a consequence of their being displaced, the rights of the population at large. At the same time, they have specific needs distinct from those of the non-displaced population which need to be addressed by specific protection and assistance measures. The rights of IDP are reflected and detailed in the Guiding Principles. The primary duty and responsibility to provide such protection lies with the national authorities, and IDPs have the right to request and receive such protection and assistance from their Government (Principle 3). As the Representative stressed in his 2006 report to the Commission on Human Rights,⁵ protection must not be limited to securing the survival and physical security of IDPs but relates to all relevant guarantees, including civil and political as well as economic, social and cultural rights attributed to them by international human rights and humanitarian law. In this regard, Azerbaijan has an obligation to prevent any violations of these rights from occurring or from re-occurring; to stop them while they are being committed; and to ensure reparation to and full rehabilitation of victims.

I. CONTEXT OF INTERNAL DISPLACEMENT

A. History of Displacement

5. Between 1988 and early 1991, up to 300,000 ethnic Armenians fled from Azerbaijan to Armenia while 185'000 or more ethnic Azerbaijanis fled from Armenia to Azerbaijan due to rising ethnic violence and growing tensions over the status of the formerly autonomous region of Nagorny-Karabakh.⁶ According to the government, these figures are 250'000 for ethnic Azerbaijanis coming from Armenia and 250'000 for ethnic Armenians who left Azerbaijan. In 1989, about 50'000 Meskhetian Turks found refuge in Azerbaijan. Following Azerbaijan's independence from the Soviet Union in October 1991 and the unilateral, non-recognized declaration of independence by the authorities of Nagorny-Karabakh in January 1992, the conflict over the region escalated into full-scale war causing a high number of casualties,⁷ and an approximate fifth of Azerbaijan's territory

³ E.CN.4/1998/53/Add.2

⁴ General Assembly Resolution A/60/L.1 of 15 September 2005

⁵ UN Doc E/CN.4/2006/71, paras. 4 – 12.

⁶ Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1998/50, Profiles in displacement: Azerbaijan (E/CN.4/1999/79/Add.1), paras. 29-30..

⁷ Id., para. 24.

was occupied.⁸ By the time a cease-fire was concluded in May 1994, an estimated 650,000 persons had been forcibly displaced within Azerbaijan.⁹ Reportedly, approximately 30,000 additional persons, mainly ethnic Armenians from different areas of origin, remained displaced within Nagorny-Karabakh itself¹⁰, however, little is known about their situation. The Government estimates that on top of the immense human suffering, the war triggered considerable damage to public infrastructure and private assets. Entire towns have been leveled and infrastructure, including public buildings such as hundreds of schools, has been destroyed or dismantled after the fighting stopped.

6. The Representative's predecessor in office, Mr. Francis Deng, following his mission to Azerbaijan in 1998, urged the Government to address the "substandard living conditions" of the internally displaced "in a comprehensive and effective manner, with particular attention [to be] paid to ensuring that their most basic needs for food, shelter, clothing and medical services are met." He had observed serious health problems including malnutrition, and a lack of adequate sanitation. One of his main recommendations was to improve "educational services and economic opportunities for the internally displaced, for instance through skills-training programmes, meaningful income-generating activities and opportunities for micro-credit, with the full participation of women." He also called for measures aimed at "improving coordination among and between national and local authorities addressing the needs of the internally displaced; reforming legislation governing NGO activity, especially in relation to taxation and their lending activities, in order to create an environment more supportive of NGO work; safeguarding the right to freedom of movement and choice of residence by ensuring the removal of remnants of the propiska system; and ensuring that internally displaced persons are not discriminated against or otherwise negatively affected by the process of land privatization currently under way". Finally, the former Representative stressed the "need to find a lasting and peaceful solution to the conflict."¹¹
7. At the time of the Representative's visit, 686,586 persons (176,258 families) from Nagorny-Karabakh and seven adjacent regions were registered as displaced by the Government.¹² These figures include descendants of IDPs born in displacement, who have the right to acquire IDP status.¹³ Given an overall population of about eight million and a half citizens, Azerbaijan thus continues to suffer from one of

⁸ Id., para. 24.

⁹ Id., paras. 29-30.

¹⁰ International Crisis Group (ICG), Nagorno-Karabakh: Viewing the conflict from the ground, Europe Report N°166 –14 September 2005, p. 5.

¹¹ Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1998/50, Profiles in displacement: Azerbaijan (E/CN.4/1999/79/Add.1), para. 119.

¹² *Information on about one million refugees and IDPs formed as a result of ethnic cleansing policy in Armenia and occupation of 20% of territories of Azerbaijan by Armenian forces 1988-2005*, Government publication under the responsibility of DPM Ali Hasanov (2005)

¹³ 1998 Law on Children's Rights, Article 39.

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

B. General Human Rights Situation in Azerbaijan

8. Azerbaijan is party to the following international human rights instruments: the International Covenant on Civil and Political Rights and its two Optional Protocols; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention on the Rights of the Child and its Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography and on the Involvement of Children in Armed Conflict; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Azerbaijan is also a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and it has signed, but not yet ratified, its Optional Protocol. Azerbaijan has not issued a standing invitation to the Special Procedures of the Human Rights Council. It is party to other international conventions, including the Convention on the Prevention and Punishment of the Crime of Genocide and the 1951 Refugee Convention and its 1967 Protocol. It is also a party to the four 1949 Geneva Conventions, but not the 1977 Protocols additional to these Conventions. Finally, at the international level, Azerbaijan is also party to the 1954 Convention relating to the status of stateless persons and the 1961 Convention on the reduction of statelessness. At the regional level, Azerbaijan is party to the European Convention on Human Rights and Fundamental Freedoms, including several of its Protocols, as well as the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment and its Protocols.
9. The Constitution of the Republic of Azerbaijan (Articles 148 and 151) recognizes that adopted international agreements constitute an integral part of its legal system, taking precedence over contradicting national legislation. As a *lex specialis* rule, the Constitution (Article 12) provides for the primacy of international human rights over the appropriate constitutional provisions. In line with Guiding Principle 5, all State authorities are thus bound by this article to ensure human rights protection and abide by international humanitarian law guarantees throughout the territory under their jurisdiction.

10. Several human rights problems, including torture and ill-treatment in places of detention, acts of intolerance or infringements of freedom of expression, have been noted by international experts. According to the Government, “[s]trengthening of efforts in promoting rule of law and protection of human rights is one of [its] main priorities” and it “has gained significant achievements in implementation of its international commitments,” although the “continuation of systematic reforms in the protection of human rights” is required.¹⁴ For this purpose, the President of the Republic of Azerbaijan issued an Executive Order approving the “National Action Plan on the Protection of Human Rights” in December 2006. The Plan envisages measures aimed at bringing existing legislation in line with international standards, further developing cooperation with international organizations, ensuring the protection of rights of all segments of the population, improvement of the activities of state bodies from the perspective of upholding human rights, strengthening interaction between state and civil society and promoting human rights education.”¹⁵
11. Since the 2002 establishment of the office of the Ombudsman, whose mandate includes an individual complaints mechanism, the Ombudsperson has organized trainings for NGOs and Government officials on the National Action Plan for Human Rights, created a 24-hours hotline to receive complaints of ill-treatment and torture, monitored prisoners’ rights, and engaged in awareness raising and advocacy on behalf of vulnerable groups, including IDPs.
12. As regards the human rights of internally displaced persons, the Committee on Economic, Social and Cultural Rights, in 2004, noted that IDPs suffer from persistently high unemployment, inadequate standard of living as well as a high incidence of malnutrition, infant mortality and other health problems.¹⁶ The Committee on the Elimination of Racial Discrimination, in 2005, raised concerns about discrimination of, *inter alia*, displaced persons in the areas of employment, education, housing and health.¹⁷ In 2006, the Committee on the Rights of the Child expressed its concern “about discriminatory attitudes towards certain groups of children” including internally displaced children,¹⁸ and recommended that such children “are placed in schools in local communities in order to facilitate their integration.”¹⁹ Finally, the Committee on the Elimination of Discrimination against Women noted in 2007 that “internally displaced women and girls remain

¹⁴ SEC.DEL/4/07, 16 January 2007 (Permanent Mission of Azerbaijan to the OSCE)

¹⁵ SEC.DEL/4/07, 16 January 2007 (Permanent Mission of Azerbaijan to the OSCE)

¹⁶ Committee on Economic, Social and Cultural Rights, Concluding Observations on Azerbaijan, 26 November 2004, E/C.12/1/Add. 104.

¹⁷ Committee on the Elimination of Racial Discrimination, Concluding Observations on Azerbaijan, CERD/AZE/CO/4, 14 April 2005, para. 12.

¹⁸ Committee on the Rights of the Child, Concluding Observations on Azerbaijan, 17 March 2006, CRC/C/AZE/CO/2, para. 24.

¹⁹ *Id.*, para. 58

in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing”²⁰

II. RESPONSES TO INTERNAL DISPLACEMENT

A. Domestic Responses

13. The 1999 “Law of the Republic of Azerbaijan on IDP and Refugee Status” defines as an IDP “any person who has moved to another place being forced to leave his/her permanent residence within the territory of the Republic of Azerbaijan in connection with military aggression, natural or manmade disaster” (Article 1). IDP status will cease if the person returns to the place of his/her former residence or is provided with appropriate living space in the same region or, if such resettlement is impossible, if he/she is provided with a proper apartment elsewhere under a special decree of the State (Article 14).
14. In addition, dozens of decrees, legislative acts and Cabinet of Ministers decisions contain provisions addressing the special needs of displaced persons. In order to alleviate their difficult situation, IDPs are exempt from paying income tax, higher education fees as well as certain court fees, and their access to bank loans is facilitated. IDPs enjoy free access to education and health services. Under the 1998 Labour Code, IDPs are included among the vulnerable groups benefiting from special protection against unemployment. They are also exempt from the obligation to present their employment record when seeking employment or registering for State pensions. A 1999 Cabinet decision outlawed the eviction of IDPs living in public buildings or private property, unless IDPs were offered alternative accommodation under adequate conditions. The State covers IDPs’ expenses for communal services, such as gas, water and electricity supply, as well as transport costs. It also hands out a monthly food allowance of nine Manat (approximately USD 11) to every IDP, which is to be continued for three years following their return in order to facilitate reintegration. The Government also assists IDPs living in communal settlements with other subsidies and donations, such as seeds, fertilizers and agricultural tools.
15. While during the 1990s, the Government primarily focused on the top priority of eventual return of IDPs to their homeland and therefore did little to address the housing and economic needs of the displaced, in 2002 it commenced a resettlement programme, following a presidential decree, with the aim of offering improved living conditions to the worst off among the displaced population. The Government then realized that “despite the wide range of measures taken to improve the living standards of and generate employment for refugees and IDPs, the majority of them are still living in very difficult conditions in tent camps, railway carriages, run down public buildings not suitable for normal living and

²⁰ Committee on the Elimination of Discrimination against Women, Concluding Comments on Azerbaijan, CESAW/C/AZE/CO/2, 2 February 2007, para. 31.

- other temporary settlements.” In response to these shortcomings, it formalized the “*State Programme for the improvement of living standards and generation of employment for refugees and IDPs*”, adopted by presidential decree in 2004 aimed at easing their fate while maintaining the goal of return, which it affirms would of course be subject to the free decision of the displaced.
16. The *State Programme* proposes a range of measures and assigns deadlines and concrete responsibilities to competent ministries and State agencies, with the expectation of quarterly reports tracking implementation. A major component of the Programme is the closure of substandard shelters and the allocation of adequate alternative housing and land plots for agricultural purposes. It is further stipulated that relevant officials must not tolerate attempts to evict IDPs from public buildings, apartments and land they temporarily occupied between 1992 and 1998, regardless of ownership questions, until the displaced return or move to new temporary settlements or houses. The Programme further recommends that private companies recruit refugees and IDPs preferentially.
 17. At the time of the Representative’s visit, the Government had already resettled thousands of the most vulnerable IDP families to temporary new settlements. According to the State Committee for Refugees and IDPs, 10,450 housing units were constructed between 2004 and 2006. In 2006 alone, thirteen settlements (3,860 houses) complete with infrastructure were constructed in different regions. It should be noted that the Government regards it as expedient to settle displaced communities together in order to preserve their social structures predating displacement, so as to facilitate eventual reintegration in places of origin.
 18. As job opportunities are scarce in the often remote settlements, only a minority of IDPs living there have found employment in schools, clinics or small factories constructed by the Government. While pilot projects of skills upgrading and vocational training, free of charge to IDPs, have been initiated and there is an intention to expand them in the near future, the vast majority of IDPs on rural areas remains unemployed. In urban areas, IDPs were reportedly more likely to profit from general measures such as the creation of around 340,000 jobs since 2004, as a result of which the absolute poverty level fell from 49% in 2002 to 20% in 2006. The Heydar Aliyev Foundation, in cooperation with the State Oil Company of the Azerbaijan Republic (SOCAR), reportedly created special workplaces for IDP women. The exercise was deemed successful by the Government and is planned to be replicated.
 19. The Government acknowledged that the continuously difficult situation for the majority of IDPs was partially reflective of its failure to anticipate the conflict becoming protracted. At the same time, significant problems remained because in the 1990s, the Government did not assist IDPs sufficiently and its responses were less well coordinated. Other obstacles to efficient responses, such as corruption and embezzlement, were now reportedly being combated and legislation has largely been brought in line with international standards. Indeed, compared to the

USD one million allocated by the Government for IDP assistance in 1995, this figure has risen to USD 200 million in 2006, of which 100 come from the State Oil Fund. At the time of the Representative's visit, the Government was planning to allocate USD 225 million, 124 from the State oil fund, in 2007.

20. This money would be spent to fulfill the President's pledge to demolish all still existing tent camps by the end of 2007. As a next step, the Government planned to address the housing needs of IDPs living in urban collective centres, such as public buildings. According to the Deputy Prime Minister, it is planned to rehabilitate over a hundred collective centres and such plan will be swiftly implemented if funding is available. Although the Government stressed that the rapidly rising national income reduced the need for international humanitarian assistance, such need nevertheless persisted due to the magnitude of other problems confronting the Government, including poverty and unemployment.
21. The Deputy Prime Minister, who functions at the same time as Chairman of the State Committee on Humanitarian Assistance and for Refugees/IDPs (SCR), is responsible for the Government's resettlement programme and for co-ordinating other governmental agencies' responses to internal displacement as well as the activities of international and non-governmental organizations. The Committee cooperates closely with local Executive Committees; in each district, officers of the Executive Committees and the SCR oversee the assistance programmes and report directly to the Deputy Prime Minister's office. Reportedly, this arrangement has improved the necessary coordination between relevant actors significantly.
22. Recently, the Government has initiated work on a Framework Plan on the Return of Displaced Persons. It is hoped that this plan will be supported by and implemented in close cooperation with the international community. The Government acknowledged that adequate conditions must first be put in place before returns can proceed in safety and dignity. As a first step, the daunting task of mine clearance would have to be undertaken. Already, the Government had prepared mine clearance activities with UNMAS, UNDP and the World Bank, and has begun to remove mines near the ceasefire line, in line with the Representative's predecessor's recommendations. Next, destroyed public and economic infrastructure would need to be restored, a process estimated to take several years, before the return of IDPs could be facilitated. The Government would not shy away from its responsibility to assist IDPs during the readjustment, reconstruction and reintegration phase.
23. The Representative was thoroughly impressed with the most generous hospitality extended towards IDPs by the general population.

B. International Responses

24. United Nations involvement with internal displacement in Azerbaijan goes back to the early 1990s when the UN Security Council demanded the immediate cessation of hostilities and withdrawal of occupying forces and urged the parties concerned immediately to resume negotiations for the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe and refrain from any action that will obstruct a peaceful solution of the problem.”²¹ In a subsequent resolution, the Council reiterated its demand for the immediate cessation of all hostilities and the “withdrawal of the occupying forces”.²² The Council also “request[ed] the Secretary-General and relevant international agencies to provide urgent humanitarian assistance to the affected civilian population and to assist displaced persons to return to their homes.”²³
25. The Minsk Group of the Organization for Security and Co-operation in Europe (OSCE; formerly CSCE), began mediation efforts in early 1992.²⁴ In 1995, a Co-Chairmanship was established, resulting in management roles for France, the Russian Federation, and the United States of America.²⁵ Representatives from these States have regularly been meeting behind closed doors with the Presidents and Foreign Ministers of Azerbaijan and Armenia for well over a decade in the hope of reaching a compromise on some of the seemingly intractable conditions of the two parties. Given the lack of tangible progress to date, the Co-Chairs have at times expressed their frustrations with the apparent lack of political will by the negotiating parties.²⁶
26. A number of United Nations and other specialized agencies are present in Azerbaijan, including ILO, IOM, UNDP, UNFPA, UNHCR, UNICEF, UNIFEM, WFP, and WHO, as well as financial institutions, such as the IMF and the World Bank. The World Health Organization assists the Government to achieve the Millennium Development Goals, which include the reduction of child and maternal mortality. In tandem with other organizations such as ICRC, WHO will increasingly focus on addressing mental health problems. The International Labour Organization endeavours to endow IDPs with useful skills, for example in the area of construction work, which would enlarge their employment chances and at the same time serve them upon their return. In coordination with NGOs, UNHCR has been rehabilitating IDP-occupied residential and school buildings in urban centres, implemented community-based projects for the benefit of children and the elderly, and conducted vocational training. UNHCR is planning an initial

²¹ S/RES/822 (1993), para. 2.

²² S/RES/884 (1993), para. 4

²³ S/RES/874/ (1993), para. 11.

²⁴ OSCE, The Secretariat – Conflict Prevention Centre. “Survey of OSCE Long-Term Missions and Other OSCE Field Activities.” 12 September 2006.

²⁵ The Minsk Group Co-Chairmen are Ambassador Bernard Fassier of France, Ambassador Yuri Merzlyakov of the Russian Federation, and Deputy Assistant Secretary of State Matthew Bryza of the United States. The Minsk Group permanent members include the following states: Belarus, Germany, Italy, Sweden, Finland, Turkey as well as Armenia and Azerbaijan and on a rotating basis the OSCE Troika.

²⁶ Statement by the Minsk Group Co-Chairs, July 3 2006.

- mission to Nagorny-Karabakh and subsequently surrounding territories in the near future to assess the situation in Nagorny-Karabakh and the other territories held by the Armenian forces in view of the IDP/Refugee situation and in anticipation of a major population movement following a peace agreement. The World Food Programme has been distributing food aid and supporting coping strategies and income-generation. In 2007, it intends to provide monthly food assistance to 136,000 IDP families. The World Bank provides funding for shelter, employment, education, infrastructure and health care programmes.
27. The ICRC is focusing on missing persons, detainees in connection with the conflict, and mine-awareness programmes, as a result of which mine accidents have already been reduced. Various NGOs, such as the Norwegian and Danish Refugee Councils, are engaged in advocacy for IDPs' human rights and in the construction and rehabilitation of IDP shelters and schools. They also provide loans for income-generation projects and support the development of micro-credit institutions. A number of NGOs have reportedly experienced unreasonable constraints by Azerbaijan's registration system and by high taxes, despite reforms to facilitate procedures in 2003.
 28. The international community has progressively reduced its specialized attention to IDPs in Azerbaijan and has shifted from direct assistance to more broad based economic development programmes or technical support and advocacy. Many UN agencies and other international actors were forced to reduce their activities due to a lack of donor support. WFP's cuts in the provision of food rations have been noted with particular concern. The waning donor support can seemingly be attributed to funding constraints in favour of emergencies elsewhere, increasing oil revenues at the State's disposal as well as strengthened Government support of IDPs, the impatience with the perceived lack of progress towards a peaceful resolution of the conflict as well as the mainstreaming of IDP programs into broader economic development programs..
 29. As regards the future, the UN country team advocates for voluntary return under adequate conditions, and insists that returnees must be able to re-access and restore their property where possible. Its assistance to the return, which has been welcomed by the Government, would be led by sectors under the overall coordination of UNHCR: UNHCR and ICRC would be in charge of ensuring the protection of IDPs, UNICEF would be responsible for water supply, sanitation and education, UNDP for early recovery, WFP for food provision and the WHO for health care, etc. The World Bank would be involved in the planning efforts for the return as well as in funding some of the infrastructure in the reconstruction process. UNHCR also advocates for phased returns subject to the personal preferences of IDPs, some of whom will want to return immediately, whereas others may consider remaining in their current places of residence while recovering their former household and property.

III. PROTECTION NEEDS OF INTERNALLY DISPLACED PERSONS DURING DISPLACEMENT

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

Access to adequate housing

31. Among the most disadvantaged groups of IDPs are those continuing to live in tent camps, railway wagons, and mud-brick houses after more than a decade. Their shelters provide inadequate protection against the harsh winters and the stifling heat in summer, and they suffer from unreliable water and electricity supply. Most IDPs in urban areas reside in run-down, overcrowded dormitories or public buildings, including former schools. Entire families including an additional young generation now growing up are cramped into single rooms which do not offer any privacy. These substandard shelters lack sufficient or adequate sanitary facilities, access to potable water, or waste disposal. A 2005 Government survey found that the sanitary conditions (sewerage systems, toilets etc.) in the dwellings of 41.2% of IDPs did not meet even the most basic requirements.²⁷ The Representative hence concluded that these conditions were clearly not in accordance with the right to an adequate standard of living, including the right to adequate housing, as provided for by Guiding Principle 18.

Resettlement

32. Having visited the newly Government-constructed settlements of Bilasuvar, the Representative found that, apart from a virtual absence of economic opportunities, basic services and adequate conditions seemed to be in place. He regretted that, due to time constraints, he was not able to also visit the new settlements in the Fizuli and Agdam areas. He is thus not in a position to comment on complaints reported to him about the poor quality of houses in those regions, the lack of

²⁷ Government of Azerbaijan, 2005 quoted in “Azerbaijan: IDP living conditions improve, but peace deal remains elusive – A profile of the internal displacement situation”, Internal Displacement Monitoring Centre, March 2007

utilities, such as medical services, public transport, means of communication and the lack of arable land promised but not yet provided to inhabitants.

33. Drawing on his experience from other countries, the Representative felt that the quality of the new settlements in addressing the needs of displaced persons could be further enhanced by involving affected communities in the planning and implementation of the Government's programmes undertaken on their behalf. The need for greater consultation with the communities will be particularly important during the next phase of rehabilitation of urban collective centers for example in Baku, Sugmait and Ganga. Timely consultations would not only ensure the efficient use of Government resources, but they might also give IDPs a sense of ownership and control over their lives. Guiding Principle 18 calls on the authorities to make special efforts "to ensure the full participation of women in the planning and distribution" of supplies such as shelter and medical services. In order to reduce potential anxiety related to what may be perceived by some as renewed uprooting, it must be ensured that IDPs are fully informed of any resettlement plans.
34. Isolated, though seemingly regular, security incidents or threats were reported to endanger the physical security of IDPs settled near the ceasefire line. In accordance with Guiding Principle 10, which stipulates that IDPs "shall be protected, in particular, against [...] attacks against their camps or settlements and the use of anti-personnel mines", the Representative suggested that, where possible, new settlements constructed near the ceasefire line should keep a minimum security distance of several kilometers.

Access to Livelihoods

35. According to UNHCR, some 63 per cent of the displaced (including refugees) live below the poverty line. Unemployment, at a rate of 10.7% in 2005 according to Government figures based on a survey done in accordance with ILO standards, was a general problem in Azerbaijan, which affected youth disproportionately, and was also higher among IDPs, of whom only 20 percent are fully employed.²⁸ The reduction of the officially reported overall unemployment rate to 6.8% in November 2006 may have had some, albeit unknown impact on the employment of IDPs.
36. Guiding Principle 22 provides that IDPs, whether or not living in camps, shall enjoy the right to seek freely opportunities for employment and to participate in economic activities. The Representative concluded that in Azerbaijan, second to the impossibility to return and inadequate accommodation, the lack of economic opportunities seemed to be the main remaining challenge, most of all for IDPs in rural areas.

²⁸ Government of Azerbaijan, 2005 quoted in "Azerbaijan: IDP living conditions improve, but peace deal remains elusive – A profile of the internal displacement situation", Internal Displacement Monitoring Centre, March 2007.

37. Employment opportunities in rural areas are extremely scarce, making IDPs rely almost exclusively on donations and allowances as well as on income from agricultural activities. The latter, however, is limited in view of the size and quality of allocated lands.²⁹ Jobs created in settlements in agriculture and in the few medical, educational and production facilities benefit but a minority of IDP families with steady employment and wages.³⁰ The Government's resettlement programme includes micro-credit and income generation projects, but these did not yet seem to have been fully carried out nor to have yielded visible results.
38. The Representative was deeply concerned about this absence of livelihoods and economic opportunities for IDPs living in rural areas. According to the Government, a 2005 survey found only 12.7% of displaced women to be in formal employment compared to 92.8% of rural local women. The Representative was concerned that a significant part of rural IDPs seemed to suffer from a dependency syndrome, which in itself now diminished their prospects to become self-sufficient. He remarked that experience in other countries has shown that people who have been idle for a decade or more would hardly be able to rebuild their houses and be self-sufficient upon return.
39. In urban centers, IDPs seemed to find employment more easily but often in low-paying jobs and in the informal economy. IDPs can sometimes be at a disadvantage in relation to resident populations, stemming partly from their predominantly rural origins and related specialized skills, as well as their lack of key information, of established networks and of initial capital to start a business.³¹

Education

40. Overall, internally displaced children in Azerbaijan have access to schools. The literacy rate among IDPs equals that of the general population, and IDP students benefit from free school bags, uniforms, books and stationery as well as free access to higher education. The Representative was impressed to hear that since 2004, 700 schools had been built or renovated by the Government with the support of UNICEF and UNFPA, many of them with the purpose of ensuring continued access to education for IDP children. He was satisfied that the issue was a priority for the Government and one causing little concern to displaced parents, by contrast to many other countries the Representative had visited. He concluded that problems lay primarily in the quality of the education provided, rather than in ensuring access as such.
41. Nevertheless, problems in the educational sector persist. Pointing out that education in general required significant Government attention, the Minister of

²⁹ "Assessment of the IDP situation in Azerbaijan and cooperation mechanisms in place to address their needs", UNHCR-OCHA Mission to the Republic of Azerbaijan, March 2005

³⁰ Ibid.

³¹ Balikci, Asen. "IDPs in Baku: A qualitative approach", University of Montreal, May 2004

Education indicated to the Representative that the long-lasting conflict did indeed have a negative impact on the quality of education for displaced children. The financial and social hardship of their families, the material condition of schools, the quality of teachers, and the psychological condition of IDP children all played a potentially adverse role. According to the Minister, teachers working in IDP schools were often themselves stressed and suffering from psychological problems due to their displacement. Some were in need of updating their professional skills, but the Government was unable to organize special courses for them. Despite the Government's efforts, many IDP schools remained in worse shape than local schools, some of which also suffered, for example, from a lack of heating during winter months. The precarious, overcrowded living conditions in IDP homes contributed additionally to lowering the performance of IDP children in school. The Minister also suspected that displaced children were overall less likely to enroll at university, partly due to financial constraints or a socially-induced lack of motivation, but due to the lack of data this could not be verified.

42. Reminiscent of the Committee for the Rights of the Child's recommendation to States to "ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration",³² the Representative inquired into the logic and current status of separate educational facilities, above all in urban areas. He learned that the Government was trying to preserve the social fabric of communities, which would eventually facilitate their reintegration upon return. This led to some schools in Baku accommodating regional schools from Fizuli, Kelbajar or Lachin, so that in effect two schools were housed in one building and classes took place in shifts or in separate classrooms. Leaning on the view of his predecessor in office, the Representative agreed with the Government that keeping communities together may indeed constitute an advantage in a situation where return was imminent or where these communities were living in isolation. In this way, the overcrowding of local schools could be avoided, and children in isolated rural areas would not have to be bussed to faraway schools. Over time, however, the social segregation and potentially lower quality of education became problematic.
43. The Representative was informed that schools now under construction are intended to cater to both local and IDP children, and that parents were free to choose which of the surrounding schools to send their children to, regardless of their IDP status. The Representative was pleased to see mixed schools in Sumgait reflecting the Government's new policy.

Health

44. While public medical care in Azerbaijan was generally agreed to be in need of improvement, some vulnerable groups among the IDPs are particularly badly affected. First of all, persons living in sub-standard accommodation in rural areas

³² Committee for the Rights of the Child, Concluding Observations on Azerbaijan, 17 March 2006, CRC/C/AZE/CO/2, para. 58.

are obviously at a higher risk of catching diseases due to the lack of sanitary facilities, sewage systems, and the exposure to the elements. The extremely overcrowded living conditions of IDPs in urban areas have also reportedly led to tensions and negative effects on the psychosocial development of children. According to the Government's plans, all newly constructed settlements were to be endowed with well-equipped hospitals; however, the Government conceded that shortages of medical supplies, as reported by international observers, may persist in remote villages.

45. Azerbaijan in its 2005 report to the Committee for the Elimination of Discrimination against Women pointed out that mortality was "generally highest among women of low levels of social development, and especially among refugees and displaced persons."³³ During his mission, the Representative was informed that maternal and child mortality differed from one settlement to another and was perhaps not particularly elevated among the displaced. He noted that reliable figures on this important issue were not available and a survey would be needed.
46. Most of all, however, the Representative observed that mental health continued to be a significant problem among IDPs, some of whom were traumatized by events during the conflict. As the Representative's predecessor in office had remarked during his mission to Azerbaijan in 1998, "the psychological stress experienced by the displaced is not only war-related, but also stems from the cramped and poor conditions in which many of them live, as well as from feelings of isolation and uncertainty about their future."³⁴ There is a lack of adequate structures and services to properly address the mental health issue.
47. The Chairperson of the State Committee on Women, Children and Family Issues, whose Committee was about to establish psychological support stations in the country, stressed the need of involving IDPs in all social, political and economic processes to increase their participation. According to her, the protracted conflict situation had led to some, particularly middle-aged, IDPs suffering from a certain "victim" or "immigrant" attitude, and it was important to encourage them to become fully active members of society again.

Particularly vulnerable groups

48. Vulnerable groups such as the elderly, female-headed households, traumatized and mentally ill persons are disproportionately represented among the inhabitants of collective accommodation facilities and new settlements, whereas young males had reportedly often moved to the cities or emigrated to seek better employment

³³ Combined second and third periodic reports of States parties: Azerbaijan, 8 March 2005, CEDAW/C/AZE/2-3, p.61.

³⁴ Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1998/50, Profiles in displacement: Azerbaijan (E/CN.4/1999/79/Add.1), para.7

opportunities. The difficult social and financial situation of these groups, adding to uncertainty about the future, has created feelings of dependency, passivity and depression in many, which in turn has hindered their social integration and self-reliance and led to an increase in mental diseases. Elderly IDPs seemed to have more and bigger health problems than the non-displaced of the same age group, not only because of difficulties adapting, but also because their families may be poorer and their children could not take care of them to the same extent.

Food security

49. As a consequence of several of the aforementioned problems, about one third of IDPs is dependent on food aid. Virtually all of the World Food Programme's beneficiaries are IDPs. In October 2006, the Special Rapporteur on the Right to Food called on donors to support the WFP's programme in Azerbaijan, which was seriously threatened by funding shortfalls. He also called on the national authorities to address, in cooperation with UN agencies, the problem of food security for IDPs in a long-term perspective through adequate policies and programmes.³⁵ The Representative endorsed these calls.

Documentation

50. According to information before the Representative, less than half of IDPs are in possession of IDP cards documenting their status and rendering them eligible to receive assistance and allowance as well as exempting them from payments for public services. The Representative gained the impression that the provision of such services was handled in a flexible and generous manner by the authorities to the benefit of IDPs without such card. While he welcomed this open attitude, it seemed important to him that the granting of IDP cards for persons wishing to become registered, for example in view of future measures such as return assistance, should not be overly complicated in what has at times been described as a lengthy, bureaucratic process centralized in Baku.
51. It has also been brought to the Representative's attention that the Government is in the process of reforming legislation relating to registration requirements, with a view to improving IDPs' rights to freedom of movement and choice of residence.³⁶ He welcomes this step and hopes that it will reduce formerly experienced problems related to access to communal services and bank loans as well as to judicial procedures, particularly concerning property rights, etc.³⁷

³⁵ UN Expert on the Right to Food concerned about the effect of food aid cuts for displaced people in Chechnya and Azerbaijan, HR/06/127, 12 October 2006.

³⁶ Government of Azerbaijan, 2005 quoted in "Azerbaijan: IDP living conditions improve, but peace deal remains elusive – A profile of the internal displacement situation", Internal Displacement Monitoring Centre, March 2007

³⁷ Procedures for registration are regulated on basis of the Law on Registration of Citizens According to Place of Residence. Legal procedures for registration at the place of residence as well as re-registration and thereby IDPs access to communal services is often prevented by corrupted practice by local authorities (Executive Committees).

IV. PROTECTION NEEDS OF INTERNALLY DISPLACED PERSONS REGARDING RETURN AND OTHER DURABLE SOLUTIONS

52. One of the main rights of IDPs is their right to return to their places of origin, and arbitrary forced displacement is in itself a violation of this right. Regrettably, the hope of return nourished by large parts of Azerbaijani society has not been realized, due principally to the failure of peace negotiations, the continued presence of the occupying forces, landmines and ceasefire violations. The Representative noted the overwhelming desire of most IDPs he consulted to return to their homes or villages, some of them as soon as possible, and he was struck by the amount of suffering the prolonged displacement created in many. Of those IDPs the Representative met who had started a new life in urban areas, some said they would consider staying on even if return became a possibility.
53. In this context, it is important to note that in accordance with Guiding Principle 28, IDPs have the right to choose between return and integration in the area of displacement or another part of the country. Return shall be voluntary and conducted in safety and with dignity. Reintegration shall be facilitated. Returnees are entitled, according to Guiding Principle 29, to be protected against discrimination and to recover their property and/or to receive compensation in cases of damage or loss.
54. Experience shows that the degree of respect for these standards has a direct impact on the success of IDPs to return to their former homes and places of habitual residence. Successful return is mainly based on three elements: (i) ensuring safety for the life and limb of returnees, (ii) returning property to the displaced and reconstructing their houses, and (iii) creating an environment that sustains return and re-integration, that is, which allows life under adequate conditions, including income-generation opportunities, non-discrimination and possibilities for political participation.
55. The Representative shared the Government's approach that timely preparations for return were required in light of the enormous rehabilitation tasks ahead, even if return did not come about in the very near future. He was encouraged by the Government's acknowledgement, fully reflecting Guiding Principle 28, that national authorities "have the primary duty and responsibility to establish conditions, as well as provide the means, which allow IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled IDPs." He welcomed the determination of leading officials to ensure, in line with international standards, that local integration would be an alternative to return for those wishing to opt for such solution.

56. The Representative was convinced that the success of eventual return would, inter alia, be proportionate to the economic opportunities IDPs enjoyed during their displacement. Their capacity to return, reconstruct their houses and rebuild their lives could only be enhanced by them engaging in meaningful and useful activities, whereas unemployment and the development of a dependency syndrome risked the further disempowerment of IDPs.

Security

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

Property

58. Reportedly, only a small minority of IDPs hold documentation to prove their ownership of their previous homes and real estate. This might be a problem in the future if lost or damaged property is to be compensated. The Representative was informed that the few IDP families who have returned to their original places of residence in Fizuli district found their houses and property destroyed. As property restitution or compensation mechanisms had not been put in place, these returnees were subsequently confronted with legal problems including recognition of their property rights.³⁸ Such problems could be avoided if they were addressed in the early stages of return planning.

V. CONCLUSIONS AND RECOMMENDATIONS

59. The main cause of problems encountered by IDPs in Azerbaijan is the absence of a peaceful and lasting solution to the conflict over Nagorny-Karabakh and adjacent occupied territories. As a consequence, IDPs are unable to exercise their right to return voluntarily to their former homes in safety and dignity. While some have re-built their lives elsewhere in Azerbaijan, most continue to live in precarious temporary arrangements and have not yet found a durable solution to their plight.

The Representative calls on the international community to renew and intensify its efforts to achieve a peaceful solution and to implement Security Council resolutions calling for the withdrawal of occupying troops and for supporting the return of displaced persons on both sides to their places of origin in safety and

³⁸ Government of Azerbaijan, 2005 quoted in "Azerbaijan: IDP living conditions improve, but peace deal remains elusive – A profile of the internal displacement situation", Internal Displacement Monitoring Centre, March 2007

dignity. He calls on all parties to put humanitarian concerns before political considerations in order to end the suffering of displaced civilians. He encourages the Government of Azerbaijan to further pursue its chosen path of improving the living conditions of IDPs at their current place of residence or elsewhere in the country, pending a solution to the conflict.

60. After a long period of responses to the needs of IDPs that were insufficient for diverse reasons, the Government, in line with the Representative's predecessor's recommendations made during the latter's mission to Azerbaijan in 1998 and in accordance with its responsibility to provide protection and humanitarian assistance to IDPs as recalled by the Guiding Principles (Principle 3) , has embarked on implementing comprehensive strategies to ensure that all human rights of the displaced are respected and their basic needs met. Given the magnitude of the problem of forced displacement in Azerbaijan, the Representative was impressed with the Government's achievements to date, which compare very favourably with national responses in many other countries affected by internal displacement. The Government's unqualified recognition of its responsibility for the protection of and assistance to the displaced, its extensive investment in improving their welfare, the priority the Government places on the issue as demonstrated by the anchoring of main responsibilities and coordination in the Deputy Prime Minister's office, and its smooth cooperation with the international community must all be acknowledged.

The Representative calls on the Government of Azerbaijan to proceed with and strengthen its implementation of the 2004 State Programme. He encourages the international community to support the Government's effort in this regard. At the same time, the Representative recommends that the Government, as well as international and non-governmental organizations, continue to deliver direct humanitarian assistance, grant allowances in cash and in kind, and exempt them from payments for public services. These advantages have gone a long way in alleviating the often very difficult situation of IDPs and removing them would likely put IDPs in a situation significantly worse than the resident population.

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

The Representative encourages the Government to realize its intention to close remaining tent and railway camps by the end of the year. In order to increase the success of its resettlement programme, the Representative recommends that the Government invite persons to be resettled, including women, to participate in the planning of the location, design and equipment of new compact settlements, and that competent authorities inform IDP communities in advance of the conditions awaiting them. The location of new settlements should be chosen so as to avoid endangering the physical security of IDPs due to close proximity to the ceasefire

line. Likewise, IDPs should not be cut off from their current places of employment. The Representative also suggests revisiting settlements already in use to take stock, in consultation with their inhabitants, of outstanding challenges to be addressed. He encourages international agencies to lend their expertise and other support for this purpose.

62. Many IDPs living in urban centres continue to suffer from substandard conditions of buildings, in particular the lack of sanitation and harmful overcrowding.

The Representative welcomes the Government's plan to address the needs of urban IDPs whose basic needs are not met and who are not targeted by the resettlement programme. It may be expedient to adopt a comprehensive programme for urban IDPs, centering on the rehabilitation of collective shelters and the provision of appropriate alternative accommodation.

63. Building on the Government's ongoing efforts to address prevailing housing problems, the main challenge now is the creation of livelihoods for IDPs, particularly in rural areas, where employment opportunities are scarce. The Representative observed that many IDPs seemed to be suffering from dependency syndrome. Experience shows that displaced persons who have been idle for many years will lose their capacity to become productive members of society again and to rebuild their lives once return is possible.

The Representative urges the Government to ensure that new settlements are suitable for agricultural purposes and that economic opportunities are foreseen in the planning. He reiterates his predecessor's recommendation to create, improve and expand income-generating activities, skills training and micro-credit programmes for IDPs, with particular attention to be paid to women, with the aim of reducing their vulnerability, increasing their self-reliance and preparing them for return and reintegration.. The Representative appeals to the Government and to international agencies to ensure that the needs and concerns of IDPs are adequately reflected in general policies and programmes including poverty reduction.

64. The Representative welcomes the Government's new policy of moving forward from segregated schools for IDPs in urban areas. Although there are indications that IDPs attending separate schools are disadvantaged, despite notable Government efforts, by an overall lower quality of education provided to them, and that IDP children may make less use of higher education opportunities than the resident population, the absence of reliable data does not permit unambiguous conclusions nor, more importantly, targeted reforms.

The Representative supports a suggestion by the Minister of Education to study the level and quality of education of IDPs with the aim of filling remaining gaps through specific programmes implemented in cooperation with the international

community. He encourages mixed schooling with local children wherever feasible.

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

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

66. The Representative welcomes the Government's early return planning and is encouraged by the intention of competent UN agencies as well as donors to support the plan. He shares the realistic view of the Government that return will not become possible immediately and should be conducted through a phased approach. He reiterates that, in line with international law, eventual return and meantime local integration are not mutually exclusive, but rather reinforce each other, as productive, active members of society are more likely to muster the strength and possess the skills needed to rebuild their communities of origin.

The Representative welcomes the Government's affirmation of the principle of voluntary return in safety and dignity, as well as its readiness to shoulder the burden of de-mining and reconstructing the occupied territories and facilitating the return and reintegration of the displaced. He urges all concerned actors to plan and eventually implement return-related activities on the basis of international law, including as set out in the Guiding Principles on Internal Displacement. A peaceful solution to the conflict is of paramount importance, as renewed hostilities are likely to engender additional displacement and would complicate the already daunting tasks of mine clearance and reconstruction. Mechanisms for property restitution, reconstruction or compensation should be put in place at an early stage. The participation and information of affected

individuals and groups must be ensured during all phases of the planning and implementation of the return process, including while return is not yet imminent, in order to keep the displaced persons' expectations realistic.

67. Despite its own assumption of many responsibilities, the Government communicated to the Representative the necessity of continued international support, to a lesser extent in the form of financial contributions and more in the areas of technical expertise and capacity building.

The Representative encourages the international community to continue supporting the Government in making sure that the outstanding needs of IDPs are fully addressed. Humanitarian assistance may continue to be required to a lesser extent as the Government scales up its own investment. The Representative sees the main role of international and non-governmental organizations in the contribution of technical expertise, the monitoring of progress and the provision of technical assistance, for example for needs assessment surveys, in particular in the areas of livelihoods and economic opportunities for the displaced; health, including mental health; and education. He also feels that international actors, in particular the UN country team, have an important role to play in assisting the Government and advising on a rights-based approach in its return planning.

....