

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
96th session of the Human Rights Committee
(13-31 July 2009)**

Republic of Azerbaijan

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Table of Contents

I. Background to internal displacement in the Republic of Azerbaijan	2
II. Main issues of concern	2
<i>Restrictions on liberty of movement and freedom to choose one's residence</i>	
<i>Early marriage of internally displaced girls</i>	
<i>Discrimination of internally displaced women</i>	
<i>Limited public participation of internally displaced people</i>	
IV. Recommendations	4

Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. The online database can be accessed at www.internal-displacement.org

I. Background to internal displacement in Azerbaijan

1. Over 570,000 people are currently internally displaced in Azerbaijan due to the conflict between Azerbaijan and Armenia over the territory of Nagorno-Karabakh. The conflict began in 1988, and by the time a ceasefire agreement was signed in 1994, some 30,000 people had died and over 700,000 people had been internally displaced within Azerbaijan. Over half of the internally displaced people (IDPs) are women and children.
2. Before the two parties agreed to a ceasefire in 1994, about 50,000 IDPs were able to return to their homes. Although the ceasefire has continued to hold, there is still no political resolution to the conflict 15 years later. The remaining IDPs continue to be prevented from returning to their homes as Azerbaijan still does not have effective control over Nagorno-Karabakh and seven surrounding districts.

II. Main issues of concern

Restrictions on liberty of movement and freedom to choose one's residence (Article 12)

3. Citizens of Azerbaijan must register their residence as part of an internal registration system, the so-called *propiska* regime. Many IDPs who move away from where they settled at the beginning of displacement struggle to register their new residence. This is due to bureaucratic processes and corruption, because they lost documents when they became displaced, and because a government policy to prevent migration to cities, while not designed to discriminate against IDPs, has a particular impact on them.
4. Without residence registration, IDPs struggle to enjoy some of their rights. They face particular difficulties accessing employment, housing, medical services, education, pensions, bank loans and government assistance for IDPs. Access to these services and entitlements without residence registration typically requires the payment of bribes.
5. The government is reportedly revising legislation on the registration system to improve the rights of IDPs to freedom of movement and choice of residence. The UN Representative of the Secretary General on the Human Rights of IDPs welcomed this step in his 15 April 2008 report A/HRC/8/6/Add.2 and added that he hoped “[the revision] will reduce problems formerly experienced related to access to communal services and bank loans as well as to judicial procedures, particularly concerning property rights.” In the meantime, the system contravenes ICCPR Article 12, which guarantees the right of those lawfully on the territory of Azerbaijan to liberty of movement and freedom to choose their residence.
6. Some IDPs also face restrictions on their freedom of movement and choice of residence as a result of the government resettlement programme. New villages built for IDPs by the government are segregated from the non-displaced population and are often far from administrative centres without public transport services. It is also not clear to what extent relocation to the new villages has been a result of a conscious, voluntary choice of displaced families, and what information was available to them beforehand on factors such as location, infrastructure and income opportunities.

Early marriage of internally displaced girls (Article 23)

7. The marriageable age for women in Azerbaijan is 17 years. Several cases of early marriage of internally displaced girls were identified during field research of international humanitarian organizations in 2007.

8. Early marriage in Azerbaijan usually happens in impoverished areas where there is a tradition of dowry. Given the poor economic situation of internally displaced families, internally displaced girls are especially vulnerable to early marriage. However, the true extent of such marriages is hard to determine since they are often kept hidden.

9. Early marriage of girls contravenes ICCPR Article 23 which guarantees the right of men and women of marriageable age to marry and states that no marriage shall be entered into without the free and full consent of intending spouses.

Discrimination of internally displaced women (Article 26)

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

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

11. Unlike men with FDP status, women with FDP status are not always entitled to confer FDP status on their children born in displacement. The status of children is determined based on the status of the head of the household. According to an internal regulation of the State Committee for Refugees and IDPs, men are primarily considered the heads of household. Women are only considered head of the household if they are divorced or unmarried, in which case their children may claim IDP benefits.

12. Women with FDP status who marry men without FDP status are not entitled to confer the status on to their children. As a consequence their children cannot access the benefits deriving from it, which includes monthly government food allowances. Article 4 of *Instructions regulating the distribution of monthly food allowances to IDPs* of 5 February 2002 states the following:

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

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

13. There is no equality in the law for men and women with IDP status. Women are discriminated against on the basis of their civil status in this regard. This contravenes CCPR Article 26, which guarantees non-discrimination with respect to equal protection before the law.

Limited public participation of internally displaced people (Article 25)

14. Article 212 of the Election Code of Azerbaijan states that a candidate may only be elected as a municipality member at their place of permanent residence. IDPs are still permanently registered at their place of origin, not their current place of residence. As a result, they cannot be elected at their current electoral constituency. The current practice limits IDPs' rights under Article 25(b) of ICCPR, which guarantees the right and opportunity of citizens to stand for election.

15. The government has not involved or consulted IDPs while developing, planning or implementing policies and programmes to address their needs. IDPs living in new villages have explained how they would have welcomed the chance to state their opinion on resettlement beforehand. The views of IDPs have also not been sought in negotiations for a peace agreement. This limits IDPs' rights stated under Article 25(a) of ICCPR that citizens shall have right and opportunity to take part in conduct of public affairs.

IV. Recommendations

At the 96th session of the Human Rights Committee, IDMC invites the Committee to consider the following recommendations:

To the Government of the Republic of Azerbaijan:

Restricted liberty of movement and freedom of choice of residence

- Take measures to ensure IDPs can access services and benefits at their current residence regardless of their residence registration;

Early marriage of internally displaced girls

- Provide data on marriages involving girls under 17 years, including prevalence, trends and their legal status, in particular among displaced communities;
- Consider revising legislation to increase the minimum age of marriage for females to 18 years;

Discrimination of internally displaced women

- Amend national legislation to ensure that men and women with "forcibly displaced" status are treated the same in accordance with the Constitution of the Republic of Azerbaijan and international obligations, and given equal consideration for conferring the status onto their children;

Limited public participation of internally displaced people

- Amend the Electoral Code to ensure citizens can stand as candidates for municipal elections at their current place of residence regardless of their residence registration;
- Ensure the systematic involvement and participation of IDPs, including particular segments of the displaced population such as women, children, elderly and the disabled, in all stages of national programmes and policies affecting them as well as peace negotiations and reconciliation mechanisms.