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CONSEIL DES DROITS DE L'HOMME
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**PROMOTION ET PROTECTION DE TOUS LES DROITS DE L'HOMME,
CIVILS, POLITIQUES, ÉCONOMIQUES, SOCIAUX ET CULTURELS,
Y COMPRIS LE DROIT AU DÉVELOPPEMENT**

**Informations présentées par le Bureau du Commissaire
aux droits de l'homme (Médiateur) d'Azerbaïdjan¹**

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme a reçu la communication² ci-après, reproduite conformément à l'article 7 b) du règlement figurant dans la résolution 5/1 du Conseil des droits de l'homme, qui dispose que «la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, y compris la résolution 2005/74 du 20 avril 2005».

¹ Toutes les institutions nationales de défense des droits de l'homme présentant des informations sont dotées du statut A auprès du Comité international de coordination des institutions nationales pour la promotion et la protection des droits de l'homme.

² La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

ANNEX

State of human rights protection of internally displaced persons in the Republic of Azerbaijan

Displacement and forced migration remain one of the most serious problems Azerbaijan is facing in the field of human rights promotion and protection. Year 2008 marks twenty year anniversary of the Armenian aggression against Azerbaijan. This aggression resulted in occupation of Nagorno Karabakh and seven surrounding regions that being an inseparable part of Azerbaijan constitute approximately twenty per cent of the country territories, grave breaches of the Geneva Conventions and gross violation of human rights as well as in massive displacement of people.

According to the information provided by the State Committee for Refugees and Internally Displaced Persons, as a result of the Armenian aggression 250 000 of ethnic Azerbaijanis fled from Armenia, thus, becoming refugees, and 650 000 of people were internally displaced in Azerbaijan. According to the most recent information, up to date 686 586 persons are registered as IDPs in the country. As the Representative of the UN Secretary General on the human rights of internally displaced persons, Mr. Walter Kälin duly noted in his report on the mission to Azerbaijan, with the population of about eight million and a half citizens scope of the displacement Azerbaijan suffers from is one of the biggest in the world³.

Deprived of their native lands and property these people were forced to live in tent camps, with no infrastructure, without adequate shelter, access to safe drinking water, sanitation, education or healthcare facilities for several years. During his meeting with IDPs at a tent camp on the territory of Barda region on 11 September 2004 the President of the Republic of Azerbaijan stated: "Tent camps in the country will be soon closed down, and the IDPs will be moved to the new settlements". Closing down of tent camps, as well as protection of refugees and IDPs has been a top priority task for both the government and the Commissioner for Human Rights for the last four years.

By 2006 forty seven new settlements with their own socio-technical infrastructure were built on financial means provided by the State Oil Fund (including two settlements funded by international organisations) with 6411 individual houses covering a total area of 400 000 square metres, eighteen schools for 3150 pupils, eighteen kindergartens, two hospitals and sixteen

³ Report of the Representative of the Secretary General on the human rights of internally displaced persons, Walter Kälin, submitted pursuant to General Assembly Resolution 60/251, Mission to Azerbaijan, (A/HRC/8/6/Add.2), para. 7.

medical centres were built, 197 kilometres of asphalt road, 170 kilometres of water pipelines, 350 kilometres of electric transmission lines and 133 kilometres of irrigation pipelines were laid, seventy six farms were created, and 47 000 plots of land were provided for development on local agriculture. Consequently housing conditions of 32 000 persons, including 1330 refugee and 5081 IDP families, have been improved. The process continued consistently in 2007 with AZN thirty eight millions raised from the state budget and more than AZN 110 million – from the State Oil Fund.

It should be noted that the last three tent camps were closed on 29 December 2007, and the IDPs living here were moved to new settlements. On this day on the Commissioner's initiative and in collaboration with the State Committee for on Protection of Refugees and Internally Displaced Persons an event was held on the occasion of closing of the Galagayin tent camp in Sabirabad region. The Commissioner observed repatriation of the last residents of the camp to the new settlements in Fuzuli and Bilasuvar regions, as well as demolition of the remainders of the camp and planting of new trees.

The Commissioner pays regular attention to the IDPs, receives their complaints and assists in solution of their problems. For rational solution of these problems the Commissioner has been closely co-operating with the UN High Commission for Refugees (UNHCR). She also discussed these issues with the Commissioner for Human Rights of the Council of Europe Mr. Thomas Hammarberg during his official visit to Azerbaijan in September 2007.

The Commissioner personally visited also the new IDP settlements in Aghjabadi, Barda, Beylagan, Bilasuvar, Saatli, Sabirabad regions, as well as "Gayidish" settlement of Fuzuli region, private houses, education and healthcare facilities. She got acquainted with the living conditions of IDPs and with difficulties their facing, quality of education and healthcare services. During these visits the Commissioner noted significant improvement in the state and living conditions of the IDPs. However, a number of problems were defined and consequently respective proposals were addressed to the relevant state authorities for solution of these problems.

For instance, the Commissioner noted lack of economic opportunities and labour places in rural areas and high rate of unemployment among the IDPs. She proposed to the State Committee for on Protection of Refugees and Internally Displaced Persons, as well as to regional executive authorities and the employers to involve IDPs into labour activities, as well as to draft and fulfill action plan in order to encourage people to participate in small business.

The Commissioner also believes that development of agriculture in rural areas can also contribute greatly to involvement of IDPs into labour. In her annual report for 2007 the

Commissioner addressed the government and highlighted the great necessity for adoption of targeted measures for development of agriculture and its different areas, e.g. growing of crops, cotton, tobacco, wine-growing, production of sugar-beet, weaving, silk production and stock breeding. She also stressed that it would be expedient to provide concession credits for the local agricultural production.

The Commissioner also considers that sphere of education of IDPs should be paid special attention by the government. It should be noted, however, that targeted reforms in the sphere of education are continuously held in the country and the resource base for education is being strengthened. Thus, only in 2007 with more than 1200 new schools were built, provided with modern equipment and put into commission the financial support of Heydar Aliyev Foundation. However, schools in remote regions and IDP settlement experience shortage of teaching staff. Taking into consideration the “Development Programme on provision of the secondary schools network of the Republic of Azerbaijan with professionals for 2005-2009”, the Law of the Republic of Azerbaijan “On the rights of the child”, as well as the provisions of the UN Convention on the Rights of the Child, the Commissioner highlighted problems mentioned above to the Minister of Education and recommended assigning the university alumni qualified in teaching to the villages, regions and settlements of the refugees and IDPs. The Commissioner’s recommendation was highly appraised by the Ministry of Education and it was noted that her recommendations would be taken into consideration during next assignment of university alumni to schools as teachers.

Although IDPs experience certain problems in the field of healthcare, some significant positive developments have been achieved in this field. Thus, on the special instruction of the country president new diagnostic centres were opened in the regions of the country (including Nakhchivan Autonomous Republic, Lankaran, Siyazan, Shirvan and others), as well as new healthcare facilities (including hospitals and ambulatories) were built, renovated and equipped in a number of regions. The Commissioner welcomes these efforts and hopes that they will be continued in future for enhancement of the quality and accessibility of healthcare services for the population, and particularly for the refugee and IDPs.

It should be noted that along with having common problems IDPs do not constitute a homogenous group. There are women, children, persons with disabilities, the elderly and others among them. The Commissioner has made relevant proposals to the government for adoption of necessary measures to address special needs of particularly vulnerable groups among the IDPs.

Although a lot of work has been done for improvement of the state of IDPs, the Commissioner believes that much more could be done with the support of international community. Therefore, the Commissioner would like to call on international organisations and

community to support efforts of Azerbaijan to ensure that all human rights and liberties of the IDPs are respected.

Lastly, the Commissioner would like to thank Mr. Kālin for drawing attention to such important problem as establishing and preserving of peace as the major factor for solution of the problems of IDPs in Azerbaijan⁴. Only peaceful solution of the Nagorno Karabakh war and establishment of lasting peace and culture of tolerance will provide the IDPs with the opportunity to realise their rights and return to their native lands and homes. The Commissioner has stressed this in a number of her statements related to the consequences of the Armenian aggression and violence committed during this war. The Commissioner would like to take this opportunity to once again call on all states, international organisations and all the international community to support Azerbaijan's strife for peaceful solution of the Nagorno Karabakh conflict and implementation of the Security Council and General Assembly Resolutions calling for withdrawal of the Armenian armed forces from Nagorno Karabakh⁵.

⁴ *Ibidem*, para. 59.

⁵ Security Council Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), as well as the General Assembly resolution on "The situation in the occupied territories of Azerbaijan" of 14 March 2008.