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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**

**Rapport du Représentant du Secrétaire général pour les droits de l'homme
des personnes déplacées dans leur propre pays, Walter Kälin**

Additif*

Mission en Azerbaïdjan

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé, et il est distribué en anglais et en russe seulement.

RÉSUMÉ

Le Représentant du Secrétaire général pour les droits de l'homme des personnes déplacées dans leur propre pays, Walter Kälin, a effectué une mission officielle en Azerbaïdjan du 2 au 6 avril 2007, à l'invitation du Gouvernement azerbaïdjanais. Il avait pour principal objectif d'étudier la situation des droits des personnes déplacées dans leur propre pays en Azerbaïdjan, y compris leurs droits à l'éducation, aux services de santé, à des moyens de subsistance et à un logement convenable, ainsi que d'engager un dialogue avec le Gouvernement afin d'examiner les réalisations obtenues, les mesures à l'examen et les plans futurs, notamment en ce qui concerne le rapatriement, à terme, des personnes déplacées. Le Représentant a également souhaité échanger des vues avec la communauté internationale et la société civile. Il a exprimé ses vues préliminaires dans un communiqué de presse publié le 6 avril 2007, et l'intégralité de ses conclusions et recommandations figure dans le présent rapport.

Le Représentant s'est rendu à Bakou, à Soumgait, à Sabirabad, à Imisli et à Bilasuvar. Il s'est entretenu avec le Président, le Vice-Premier Ministre et le Président du Comité d'État sur les réfugiés et les personnes déplacées à l'intérieur de leur pays, le Ministre des affaires étrangères et d'autres fonctionnaires de haut rang. Il a par ailleurs tenu des consultations avec des personnes déplacées et leurs représentants dans les zones rurales et urbaines.

Tout en soulignant le droit des personnes déplacées dans leur propre pays au rapatriement librement consenti en toute sécurité et dignité, le Représentant a salué les efforts récemment déployés par le Gouvernement pour offrir des conditions de vie acceptables aux personnes déplacées dans le besoin. Compte tenu de l'ampleur du problème que constitue le déplacement de personnes en Azerbaïdjan, le Représentant jugeait remarquables les résultats déjà obtenus. Il était convaincu que le Gouvernement prenait très au sérieux la responsabilité qui lui incombait en vertu du droit international de réaliser les droits politiques, civils, économiques, sociaux et culturels des personnes déplacées. Cela étant, les conditions de vie médiocres des personnes déplacées qui, après de nombreuses années, vivaient toujours dans des abris collectifs, le préoccupaient beaucoup. Les groupes vulnérables parmi les déplacés, tels que les personnes âgées, les personnes ayant subi un traumatisme et les malades mentaux, ainsi que les ménages dirigés par une femme, sont particulièrement touchés.

Le Représentant a encouragé le Gouvernement à continuer de fournir une aide humanitaire aux déplacés et de mettre en œuvre ses plans visant à apporter des solutions de logement convenables à toutes ces personnes, y compris celles qui vivent en milieu urbain. Il a souligné que l'emplacement des zones nouvellement établies devait à la fois garantir la sécurité physique des personnes déplacées et éviter de les priver d'emploi et d'autres perspectives économiques. Il a suggéré que les programmes conçus par le Gouvernement à cet effet mettent l'accent sur la création de moyens de subsistance et sur la participation des personnes déplacées à l'élaboration et à l'exécution de ces programmes, tout en accordant une attention particulière à la santé des personnes particulièrement vulnérables et à leurs besoins dans d'autres domaines.

Le Représentant a exhorté la communauté internationale et les donateurs à soutenir les efforts déployés par le Gouvernement à cet égard, notamment au moyen de l'assistance technique. Il a également appelé la communauté internationale à redoubler d'efforts pour tenter de trouver une solution pacifique au conflit, ce qui permettrait à ceux qui le souhaitent de rentrer chez eux.

Annex

**REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL
ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS,
WALTER KÄLIN**

MISSION TO AZERBAIJAN

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I. INTRODUCTION

1. Following an invitation by the Government of Azerbaijan, the Representative of the Secretary-General on the human rights of internally displaced persons conducted an official mission to Azerbaijan from 2 to 6 April 2007, in pursuance of his mandate (Commission on Human Rights resolution 2004/55, para. 24) to engage in coordinated international advocacy and action for improving protection and respect of the human rights of internally displaced persons through dialogue with Governments, non-governmental organizations and other relevant actors. His main objective was to study the situation of internally displaced persons in Azerbaijan, including their rights to have access to education, health services, a livelihood and adequate housing, with a view to assessing to what extent the recommendations made by his predecessor after a mission carried out in 1998¹ 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 and 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 Committee on Refugees and Internally Displaced Persons, the Minister for Foreign Affairs and with the Ministers for 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 had discussions with international agencies and non-governmental organizations, and consulted internally displaced persons and their representatives in rural and urban areas.

3. The Representative would like to express his gratitude and recognition for the full cooperation of the authorities of Azerbaijan and their willingness to receive him, and for the open and constructive nature of the meetings. The Representative is indebted to the United Nations country team under the leadership of the Resident Coordinator, and in particular to the Office of the High Commissioner for Human Rights and the United Nations High Commissioner for Refugees (UNHCR), for the high quality of briefings and advice and 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 Report of the Representative of the Secretary-General, 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 the present report are based on the Guiding Principles on Internal Displacement,² which are recognized by States as an important international framework for the protection of internally displaced persons (General Assembly resolution 60/1). The Representative stresses that internally displaced persons 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. Internally displaced persons 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 that need to be addressed by specific protection and assistance measures. The rights of internally displaced persons are reflected and detailed in the Guiding Principles. The primary duty and responsibility to provide such protection lies with the national authorities, and internally displaced persons 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 (E/CN.4/2006/71, paras. 4-12), protection must not be limited to securing the survival and physical security of internally displaced persons 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 re-occurring; to stop them while they are being committed; and to ensure reparation to and full rehabilitation of victims.

II. CONTEXT OF INTERNAL DISPLACEMENT

A. History of displacement

5. From 1988 to early in 1991, up to 300,000 ethnic Armenians fled from Azerbaijan to Armenia, while 185,000 or more ethnic Azerbaijanis fled from Armenia to Azerbaijan owing to rising ethnic violence and growing tensions over the status of the formerly autonomous region of Nagorny Karabakh.¹ According to the Government, 250,000 ethnic Azerbaijanis left Armenia and 250,000 ethnic Armenians left Azerbaijan. In 1989, about 50,000 Meskhetian Turks found refuge in Azerbaijan. Following the independence of Azerbaijan 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; approximately one-fifth of the territory of Azerbaijan was occupied. By the time a ceasefire was concluded in May 1994, an estimated 650,000 persons had been forcibly displaced within Azerbaijan. Reportedly, approximately 30,000 additional people, mainly ethnic Armenians from different areas of origin, remained displaced within Nagorny Karabakh itself,³ however, little is known about their situation. The Government estimates that, on top of the immense human suffering, the war caused considerable damage to

² E/CN.4/1998/53/Add.2, annex.

³ International Crisis Group, Nagorno Karabakh: Viewing the conflict from the ground, Europe report No. 166 - 14 September 2005, p. 5.

public infrastructure and private assets. Entire towns were levelled and infrastructure, including public buildings, such as hundreds of schools, were destroyed or dismantled after the fighting stopped.

6. The Representative's predecessor in office, 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 were met. He 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 microcredit, with the full participation of women. He also called for measures aimed at improving coordination among and between national and local authorities to address the needs of the internally displaced; reforming legislation governing activity of non-governmental organizations, especially in relation to taxation and their lending activities, in order to create an environment more supportive of their 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 were 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.¹

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.⁴ These figures include descendants of internally displaced persons born in displacement and who have the right to acquire the status of internally displaced person.⁵ Given an overall population of about 8.5 million, Azerbaijan thus continues to suffer from one of the highest proportions of displaced persons in the world. Approximately half of the displaced reside in urban areas, such as in 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, 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

⁴ Information on about 1 million refugees and IDPs formed as a result of ethnic cleansing policy in Armenia and occupation of 20 per cent of territories of Azerbaijan by Armenian forces 1988-2005, Government publication under the responsibility of Deputy Prime Minister Ali Hasanov, 2005.

⁵ Law on Children's Rights (1998), article 39.

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 Convention relating to the Status of Refugees of 1951 and its Protocol of 1967. It is also party to the four 1949 Geneva Conventions, but not the 1977 Protocols additional to them. Finally, at the international level, Azerbaijan is also party to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961. 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. Articles 148 and 151 of the Constitution of the Republic of Azerbaijan recognize that adopted international agreements constitute an integral part of its legal system, taking precedence over contradicting national legislation. As a *lex specialis*, the Constitution (art. 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 the protection of human rights 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, the strengthening 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.⁶ For this purpose, the President 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 into line with international standards, further developing cooperation with international organizations, ensuring the protection of rights of all segments of the population, improving the activities of State bodies in upholding human rights, strengthening interaction between State and civil society and promoting human rights education.⁶

11. Since the establishment in 2002 of the office of the Ombudsman, whose mandate includes an individual complaints mechanism, the Ombudsperson has organized training sessions for non-governmental organizations and Government officials on the national action plan for human rights, created a 24-hour 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 internally displaced persons.

⁶ SEC.DEL/4/07, 16 January 2007 (Permanent Mission of Azerbaijan to the OSCE).

12. With regard to the human rights of internally displaced persons, in 2004, the Committee on Economic, Social and Cultural Rights noted that they suffered from persistently high unemployment, an inadequate standard of living and a high incidence of malnutrition, infant mortality and other health problems.⁷ In 2005, the Committee on the Elimination of Racial Discrimination raised concerns about discrimination of, inter alia, displaced persons in the areas of employment, education, housing and health.⁸ 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, and recommended that such children be placed in schools in local communities in order to facilitate their integration.⁹ Finally, in 2007, the Committee on the Elimination of Discrimination against Women noted that internally displaced women and girls remained in a vulnerable and marginalized situation, in particular with regard to access to education, employment, health and housing.¹⁰

iii. RESPONSES TO INTERNAL DISPLACEMENT

A. Domestic responses

13. The 1999 Law of the Republic of Azerbaijan on internally displaced persons and refugee status defines an internally displaced person as “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 man-made disaster” (art. 1). The status of internally displaced person ceases 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 (art. 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, internally displaced persons are exempt from income tax, higher education fees and certain court fees, and their access to bank loans is facilitated. They enjoy free access to education and health services. Under the 1998 Labour Code, they 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

⁷ Committee on Economic, Social and Cultural Rights, Concluding Observations on Azerbaijan, 26 November 2004 (E/C.12/1/Add.104).

⁸ Committee on the Elimination of Racial Discrimination, Concluding Observations on Azerbaijan, 14 April 2005 (CERD/C/AZE/CO/4), para. 12.

⁹ Committee on the Rights of the Child, Concluding Observations on Azerbaijan, 17 March 2006 (CRC/C/AZE/CO/2), paras. 24 and 58.

¹⁰ Committee on the Elimination of Discrimination against Women, Concluding Comments on Azerbaijan, 2 February 2007 (CEDAW/C/AZE/CO/2), para. 31.

registering for State pensions. A Cabinet decision of 1999 outlawed the eviction of internally displaced persons living in public buildings or private property, unless they were offered alternative accommodation under adequate conditions. The State covers their 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 (approx. \$11) to every internally displaced person, which is to be continued for three years following their return in order to facilitate reintegration. The Government also assists internally displaced persons living in communal settlements with other subsidies and donations, such as seed, fertilizer and agricultural tools.

15. During the 1990s, the Government primarily focused on the priority of the return of internally displaced persons to their homeland and therefore did little to address the housing and economic needs of the displaced. In 2002, it commenced a resettlement programme, pursuant to 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 internally displaced persons, the majority of them were still living in very difficult conditions in tent camps, railway carriages, run-down public buildings not suitable for normal living and other temporary settlements. In response to these problems, it formalized the State programme for the improvement of living standards and generation of employment for refugees and internally displaced persons, adopted by presidential decree in 2004 to improve living standards while maintaining the goal of return, which the Government affirmed would be subject to the free decision of the displaced.

16. The State programme comprised a range of measures and assigned deadlines and concrete responsibilities to competent ministries and State agencies, with the expectation of quarterly reports to monitor implementation. A major component of the programme was the closure of substandard shelters and the allocation of adequate alternative housing and land plots for agricultural purposes. It was also stipulated that relevant officials must not tolerate attempts to evict internally displaced persons from public buildings, apartments and land they temporarily occupied between 1992 and 1998, regardless of ownership issues, until the displaced returned or moved to new temporary settlements or houses. The programme further encouraged private companies to recruit refugees and internally displaced persons.

17. At the time of the Representative's visit, the Government had already resettled thousands of the most vulnerable families of internally displaced persons to temporary new settlements. According to the State Committee on Refugees and Internally Displaced Persons, 10,450 housing units were constructed between 2004 and 2006. In 2006 alone, 13 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 remote settlements, only a minority of internally displaced persons living there have found employment in schools, clinics or small factories constructed by the Government. While pilot projects for upgrading skills and vocational training, free of charge to internally displaced persons, have been initiated and there is the intention to

expand them in the near future, the vast majority of internally displaced persons in rural areas remain unemployed. In urban areas, they were reportedly more likely to benefit 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 per cent in 2002 to 20 per cent in 2006. The Heydar Aliyev Foundation, in cooperation with the State Oil Company of the Azerbaijan Republic, reportedly created special workplaces for internally displaced women. The exercise was deemed successful by the Government and is to be replicated.

19. The Government acknowledged that the continuously difficult situation for the majority of internally displaced persons was partly a reflection of its failure to anticipate the protraction of the conflict. At the same time, significant problems remained; in the 1990s, the Government did not assist internally displaced persons sufficiently and its responses were less well coordinated. Other obstacles to efficient responses, such as corruption and embezzlement, are now reportedly being combated and legislation has largely been brought into line with international standards. Indeed, the \$1 million allocated by the Government for assistance to internally displaced persons in 1995 had risen to \$200 million by 2006, of which \$100 million came from the State Oil Fund. At the time of the Representative's visit, the Government was planning to allocate \$225 million (124 million from the State Oil Fund) in 2007.

20. The money allocated would be spent to fulfil the President's pledge to demolish all existing tent camps by the end of 2007. As the next step, the Government planned to address the housing needs of internally displaced persons living in urban collective centres, such as public buildings. According to the Deputy Prime Minister, the rehabilitation of over 100 collective centres is planned, and will be swiftly implemented if funds became available. Although the Government stressed that the rapidly rising national income reduced the need for international humanitarian assistance, such a need nevertheless persisted owing to the magnitude of other problems confronting the Government, such as poverty and unemployment.

21. The Deputy Prime Minister, who is also Chairman of the State Committee on Refugees and Internally Displaced Persons, is responsible for the Government resettlement programme and for coordinating the responses of other governmental agencies 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 State Committee oversee the assistance programmes and report directly to the Deputy Prime Minister's office. Reportedly, this arrangement has significantly improved the necessary coordination between relevant actors.

22. Recently, the Government initiated work on a framework plan on the return of displaced persons. It is hoped that the 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 the first step, the daunting task of mine clearance would have to be undertaken. The Government had already prepared mine clearance activities with the United Nations Mine Action Service, the United Nations Development Programme (UNDP) and the World Bank, and has begun to remove mines near the ceasefire line, in line with the recommendations of the Representative's predecessor. Next,

destroyed public and economic infrastructure would need to be restored, a process estimated to take several years before the return of internally displaced persons could be envisaged. The Government will not shy away from its responsibility to assist internally displaced persons during the readjustment, reconstruction and reintegration phase.

23. The Representative was thoroughly impressed with the most generous hospitality extended towards internally displaced persons by the general population.

B. International responses

24. The attention of the United Nations to the issue of internal displacement in Azerbaijan goes back to the early 1990s, when the Security Council demanded the immediate cessation of hostilities and the withdrawal of occupying forces and urged the parties concerned to resume negotiations immediately 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 would obstruct a peaceful solution of the problem (resolution 822 (1993)). In its subsequent resolution 844 (1993), the Council reiterated its demand for the immediate cessation of all hostilities and the withdrawal of occupying forces. In its resolution 874 (1993), the Council also requested 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.

25. The Minsk Group of the Organization for Security and Cooperation in Europe began mediation efforts in early 1992.¹¹ In 1995, a co-chairmanship was established, resulting in management roles for France, the Russian Federation and the United States of America.¹² Representatives from these States have had regular closed meetings 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 frustration at the apparent lack of political will shown by the negotiating parties.

26. A number of United Nations and other specialized agencies are present in Azerbaijan, including the International Labour Organization (ILO), the International Organization for Migration, UNDP, the United Nations Population Fund (UNFPA), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund, the United Nations Development Fund for Women, the World Food Programme (WFP) and the World Health Organization (WHO), as well as financial institutions, such as the International Monetary Fund and the World Bank. WHO is assisting the Government to achieve the Millennium Development Goals, which include the reduction of child and maternal mortality. In

¹¹ The Organization for Security and Cooperation in Europe, The Secretariat - Conflict Prevention Centre, "Survey of OSCE long-term missions and other OSCE field activities", 12 September 2006.

¹² The Minsk Group co-chairmen are: Ambassador Bernard Fassinier of France, Ambassador Yuri Merzlyakov of the Russian Federation and Deputy Assistant Secretary of State Matthew Bryza of the United States. The permanent members include Belarus, Finland, Germany, Italy, Sweden, Turkey, as well as Armenia and Azerbaijan, and, on a rotating basis, the OSCE troika.

tandem with other organizations such as the International Committee of the Red Cross, WHO will increasingly focus on addressing mental health problems. ILO endeavours to provide internally displaced persons with useful skills, for example in the area of construction work, which would enlarge their employment prospects and serve them on their return. In coordination with non-governmental organizations, UNHCR has been rehabilitating residential and school buildings occupied by internally displaced persons in urban centres, implemented community-based projects for the benefit of children and the elderly, and conducted vocational training. UNHCR is planning an initial mission to Nagorny Karabakh and subsequently to surrounding territories in the near future to assess the situation there and in the other territories held by the Armenian forces in the light of the situation of internally displaced persons and refugees and in anticipation of a major population movement following a peace agreement. WFP has been distributing food aid and supporting coping strategies and income-generation. In 2007, it planned to provide monthly food assistance to 136,000 families of internally displaced persons. The World Bank provides funding for shelter, employment, education, infrastructure and health-care programmes.

27. 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 non-governmental organizations, such as the Norwegian and Danish Refugee Councils, are engaged in advocacy for the human rights of internally displaced persons and in the construction and rehabilitation of shelters and schools for them. They also provide loans for income-generation projects and support the development of microcredit institutions. A number of non-governmental organizations have reportedly experienced unreasonable constraints by the registration system of Azerbaijan and by high taxes, despite reforms to simplify procedures in 2003.

28. The international community has progressively reduced its attention to internally displaced persons in Azerbaijan and has shifted from direct assistance to more broad-based economic development programmes or technical support and advocacy. Many United Nations agencies and other international actors were forced to reduce their activities owing to a lack of donor support. The cuts by WFP in the provision of food rations have been noted with particular concern. Waning donor support is apparently due to funding constraints in favour of emergencies elsewhere, increasing oil revenues at the State's disposal and strengthened Government support for internally displaced persons, impatience with the perceived lack of progress towards a peaceful resolution of the conflict and the mainstreaming of programmes for internally displaced persons into broader economic development programmes.

29. As regards the future, the United Nations country team advocates for voluntary return under adequate conditions, and insists that returnees be able to have access to 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 internally displaced persons, UNICEF

would be responsible for water supply, sanitation and education, UNDP for early recovery, WFP for food provision and WHO for health care. The World Bank would be involved in the planning efforts for the return and the funding of some of the infrastructure in the reconstruction process. UNHCR also advocates for phased returns subject to the personal preferences of internally displaced persons, some of whom will want to return immediately, while others may consider remaining in their current places of residence while recovering their former household and property.

IV. 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, internally displaced persons are generally not dramatically worse off than the non-displaced population. This achievement, impressive given the magnitude of the problem, is mainly due to sustained Government support, such as monthly allowances, free accommodation and free services, such as electricity and education for internally displaced persons. At the same time, a number of additional needs, specific to internally displaced persons could be identified, some of which would require further investigation. They include the quality of education for displaced children, nutritional deficits, and mental and other health problems. The lack of relevant statistical data and surveys conducted in accordance with international standards makes it difficult to develop appropriate responses to these challenges.

A. Access to adequate housing

31. Among the most disadvantaged groups of internally displaced persons are those who have lived in tent camps, railway wagons and mud brick houses for more than a decade. Their shelters provide inadequate protection against the harsh winters and the stifling heat of summer, and they suffer from an unreliable supply of water and electricity. Most internally displaced persons 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 (such as sewerage systems and toilets) in the dwellings of 41.2 per cent of internally displaced persons did not meet even the most basic requirements.¹³ The Representative 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.

¹³ 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.

B. Resettlement

32. Having visited the newly Government-constructed settlements of Bilasuvar, the Representative found that, apart from the virtual absence of economic opportunities, basic services and adequate conditions seemed to be in place. He regretted that, owing 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 and the lack of 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 for 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 centres, for example those in Baku, Sumgait and Ganga. Timely consultations would not only ensure the efficient use of Government resources, but might also give internally displaced persons 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 internally displaced persons are fully informed of any resettlement plans.

34. Isolated, though seemingly regular, security incidents or threats had reportedly endangered the physical security of internally displaced persons settled near the ceasefire line. In accordance with Guiding Principle 10, which stipulates that internally displaced persons should 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 near the ceasefire line should be constructed at a minimum security distance of several kilometres.

C. 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 per cent 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 internally displaced persons, of whom only 20 per cent are fully employed.¹³ The reduction of the officially reported overall unemployment rate to 6.8 per cent in November 2006 may have had some, albeit unknown impact on the employment of internally displaced persons.

36. Guiding Principle 22 provides that internally displaced persons, whether or not living in camps, should 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 internally displaced persons in rural areas.

37. Employment opportunities in rural areas are extremely scarce, making internally displaced persons rely almost exclusively on donations and allowances as well as on income from agricultural activities. The latter, however, are limited by the size and quality of allocated lands. Jobs created in settlements in agriculture and in the few medical, educational and production facilities benefit but a minority of families of internally displaced persons with steady employment and wages.¹⁴ The Government's resettlement programme includes microcredit 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 internally displaced persons living in rural areas. According to a Government survey conducted in 2005, only 12.7 per cent of displaced women were in formal employment compared to 92.8 per cent of rural local women. The Representative was concerned that a significant number of rural internally displaced persons seemed to suffer from a dependency syndrome, which in itself now diminished their prospects of becoming self-sufficient. He remarked that experience in other countries had shown that people who had been idle for a decade or more were unlikely to be able to rebuild their houses or be self-sufficient upon return.

39. In urban centres, internally displaced persons seemed to find employment more easily but often in low-paying jobs and in the informal economy. They can sometimes be at a disadvantage in relation to resident populations, partly because of their predominantly rural origins and related specialized skills, as well as of their lack of key information, established networks and initial capital to start a business.¹⁵

D. Education

40. Overall, internally displaced children in Azerbaijan have access to schools. The literacy rate of internally displaced persons is equal to that of the general population, and internally displaced students benefit from free school bags, uniforms, books and stationery, as well as free access to higher education. The Representative was impressed to learn that, since 2004, 700 schools had been built or renovated by the Government with the support of UNICEF and UNFPA, many of them for the purpose of ensuring continued access to education for displaced children. He was satisfied that the issue was a priority for the Government and one causing little concern to displaced parents, in contrast with many other countries the Representative had visited. He concluded that the problem lay primarily in the quality of the education provided rather than in ensuring access as such.

41. Nevertheless, problems in the education sector persist. Pointing out that education in general required significant Government attention, the Minister for Education indicated to the Representative that the long-lasting conflict had indeed had a negative impact on the quality of

¹⁴ "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.

¹⁵ Balikci, Asen. *IDPs in Baku: a qualitative approach*, University of Montreal, May 2004.

education for displaced children. The financial and social hardships for their families, the material condition of schools, the quality of teachers and the psychological condition of displaced children all played a potentially adverse role. According to the Minister, teachers working in schools for internally displaced persons 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 schools for displaced children were 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 the homes of internally displaced persons further contributed to lowering the performance of their children in school. The Minister also suspected that displaced children were overall less likely to enrol in university, partly because of financial constraints or a socially-induced lack of motivation, but owing to the lack of relevant data, this could not be verified.

42. Recalling the recommendation of the Committee on the Rights of the Child that States ensure that refugee and displaced children are placed in schools in the local communities in order to facilitate their integration,¹⁶ 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 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 were held in shifts or in separate classrooms. In line with the view of his predecessor, the Representative agreed with the Government that keeping communities together could 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 commute to distant schools. Over time, however, the social segregation and potentially lower quality of education became problematic.

43. The Representative was informed that schools currently under construction were intended to cater to both local and displaced children, and that parents were free to choose which of the surrounding schools to send their children to, regardless of their displacement status. The Representative was pleased to see mixed schools in Sumgait reflecting the Government's new policy.

E. Health

44. While public medical care in Azerbaijan was generally seen to be in need of improvement, some vulnerable groups among internally displaced persons are particularly affected. First of all, people living in substandard accommodation in rural areas are obviously at a higher risk of catching diseases owing to the lack of sanitary facilities and sewage systems and exposure to the elements. The extremely overcrowded living conditions of internally displaced persons in urban areas have also reportedly led to tensions and negative effects on the psychosocial development

¹⁶ Committee on the Rights of the Child, Concluding observations on Azerbaijan, 17 March 2006 (CRC/C/AZE/CO/2), para. 58.

of children. According to the Government's plans, all recently constructed settlements were to be provided with well-equipped hospitals; however, the Government admitted that shortages of medical supplies, as reported by international observers, might persist in remote villages.

45. In its 2005 report to the Committee for the Elimination of Discrimination against Women, the Government of Azerbaijan pointed out that mortality was generally highest among women of low levels of social development, and especially among refugees and displaced persons.¹⁷ During his mission, the Representative was informed that maternal and child mortality differed from one settlement to another and was perhaps not particularly high 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 internally displaced persons, some of whom were traumatized by events during the conflict. As the Representative's predecessor 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".¹⁸ 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 to increase the involvement of internally displaced persons in all social, political and economic processes. She believed that the protracted conflict situation had led to some (particularly middle-aged) displaced persons suffering from a certain "victim" or "immigrant" attitude, and it was important to encourage them to become fully active members of society again.

F. 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 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 disease. Elderly displaced persons 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 were often poorer and their children could not take care of them to the same extent.

¹⁷ See combined second and third periodic reports of States parties: Azerbaijan, 8 March 2005, (CEDAW/C/AZE/2-3).

¹⁸ Report of the Representative of the Secretary-General, 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.

G. Food security

49. As a consequence of several of the above-mentioned problems, about one third of internally displaced persons are dependent on food aid. Virtually all WFP beneficiaries are internally displaced persons. In October 2006, the Special Rapporteur on the right to food called on donors to support the WFP programme in Azerbaijan, which was seriously threatened by funding shortfalls. He also called on the national authorities to address, in cooperation with United Nations agencies, the problem of food security for internally displaced persons in a long-term perspective through adequate policies and programmes. The Representative endorsed these calls.

H. Documentation

50. According to information received by the Representative, fewer than half of internally displaced persons are in possession of cards certifying their status and making them eligible to receive assistance and allowance as well as exempting them from payments for public services. The Representative had the impression that the provision of such services was handled in a flexible and generous manner by the authorities to the benefit of displaced persons without such cards. While he welcomed this open attitude, it seemed important to him that the granting of cards to 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 was 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 the rights to freedom of movement and choice of residence for internally displaced persons.¹³ He welcomes this step and hopes that it will reduce problems formerly experienced related to access to communal services and bank loans as well as to judicial procedures, particularly concerning property rights.¹⁹

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

52. One of the main rights of internally displaced persons is their right to return to their places of origin; arbitrary forced displacement is in itself a violation of this right. Regrettably, the hope of return nurtured by large parts of Azerbaijani society has not been realized, mainly because of the failure of peace negotiations, the continued presence of the occupying forces, landmines and ceasefire violations. The Representative noted the overwhelming desire of most internally displaced persons he consulted to return to their homes or villages, some of them as soon as

¹⁹ 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 access by internally displaced persons to communal services is often prevented by corrupt practice by local authorities (executive committees).

possible, and he was struck by the amount of suffering the prolonged displacement created in many. Of the displaced persons 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, internally displaced persons have the right to choose between return and integration in the area of displacement or another part of the country. Return should be voluntary and conducted in safety and with dignity. Reintegration should be facilitated. According to Guiding Principle 29, returnees are entitled to be protected against discrimination and to recover their property and/or to receive compensation in the event of damage or loss.

54. Experience has shown that the degree of respect for these principles has a direct impact on the success of internally displaced persons returning to their former homes and places of habitual residence. Successful return is based on three main elements: (a) ensuring the physical safety of returnees; (b) returning property to the displaced and reconstructing their houses; and (c) creating an environment that sustains return and re-integration, namely, that 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 the 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 had the primary duty and responsibility to establish conditions, as well as provide the means allowing internally displaced persons 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, and that such authorities should endeavour to facilitate the reintegration of returned or resettled internally displaced persons. He welcomed the determination of leading officials to ensure, in compliance with international standards, that local integration would be an alternative to return for those wishing to opt for such a solution.

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

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. If only to facilitate these efforts and to minimize the risk of a high number of casualties, a peaceful solution to the conflict is necessary so that precise information about the location of mines can be obtained.

Property

58. Reportedly, only a small minority of internally displaced persons 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 families of internally displaced persons 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.¹³ Such problems could be avoided if they are addressed in the early stages of return planning.

VI. CONCLUSIONS AND RECOMMENDATIONS

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

60. **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 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 pursue further its chosen path of improving the living conditions of internally displaced persons at their current place of residence or elsewhere in the country, pending a solution to the conflict.**

61. **After a long period of responses to the needs of internally displaced persons that were insufficient for diverse reasons, the Government, in accordance 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 internally displaced persons as recalled by Guiding Principle 3, has begun to implement 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 by the Government's achievements, 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 it 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 should all be acknowledged.**

62. **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 and international and**

non-governmental organizations continue to deliver direct humanitarian assistance, grant allowances in cash and in kind, and exempt displaced persons from payments for public services. Such benefits have gone a long way to alleviating the often very difficult situation of internally displaced persons, removing them would probably put displaced persons in a situation significantly worse than that of the resident population.

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

64. 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 communities of internally displaced persons in advance of the conditions awaiting them. The location of new settlements should be chosen so as to avoid endangering the physical security of displaced persons due to proximity to the ceasefire line. Likewise, internally displaced persons 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.

65. Many internally displaced persons 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 internally displaced persons 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 displaced persons in urban areas, centring on the rehabilitation of collective shelters and the provision of appropriate alternative accommodation.

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

67. 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 that efforts be made to create, improve and expand income-generating activities, skills training and microcredit programmes for internally displaced persons, 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 internally displaced persons are adequately reflected in general policies and programmes, including those for poverty reduction.

68. The Representative welcomes the Government's new policy of moving forward from segregated schools for internally displaced persons in urban areas. Although there are indications that such persons attending separate schools are disadvantaged, despite notable Government efforts, by an overall lower quality of education provided to them, and that displaced 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.

69. The Representative supports a suggestion by the Minister for Education that the level and quality of education of internally displaced persons be studied, 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.

70. The Representative noted with concern that the special needs of elderly, traumatized and mentally ill displaced persons were insufficiently addressed. Elderly internally displaced persons seemed to be at a disadvantage compared to their non-displaced peers, owing to a variety of factors, such as difficulties in adjusting and diminished family support due 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 relevant data did not exist.

71. The Representative concluded that specific surveys and needs assessments, meeting international standards, into the situation of elderly and mentally ill internally displaced persons and their access to counselling 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 specific Government programmes should pay special attention to particularly vulnerable groups among internally displaced persons, including by continuing and increasing humanitarian assistance to persons unlikely to become self-sufficient on their own.

72. The Representative welcomes the Government's early-return planning and is encouraged by the intention of competent United Nations agencies as well as donors to support the plan. He shares the realistic view of the Government that return will not be possible immediately and should be conducted through a phased approach. He reiterates that, in accordance with international law, eventual return and 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.

73. 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 mine clearance and reconstruction of the occupied territories, and of facilitating the return and reintegration of the displaced. He urges all concerned actors to plan and implement any return-related activities on the basis of international law, including those 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 the informing of affected individuals and groups must be ensured during all phases of planning and implementation of the return process, including when return is not yet imminent, in order to keep the expectations of displaced persons realistic.

74. Despite the assumption of many responsibilities, the Government informed the Representative of 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 to support the Government in making sure that the outstanding needs of internally displaced persons 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 as contributing technical expertise, monitoring progress and providing technical assistance, for example for needs assessment surveys, in particular in the areas of livelihoods and economic opportunities for the displaced; in health, including mental health; and in education. He also feels that international actors, in particular the United Nations country team, have an important role to play in assisting the Government and advising on a rights-based approach in its return planning.
