



# “LIFE IN A BOX”

OLDER PEOPLE'S EXPERIENCES OF DISPLACEMENT AND PROSPECTS FOR RETURN IN AZERBAIJAN

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**Cover photo:** An older woman looking out of the window of a dormitory for displaced people in Baku, Azerbaijan © Ahmed Muxtar

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# CONTENTS

<b>MAP</b>	<b>4</b>
<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>METHODOLOGY</b>	<b>9</b>
<b>1. BACKGROUND</b>	<b>11</b>
1.1 CONFLICT AND DISPLACEMENT	11
1.2 RETURN OF DISPLACED PERSONS	11
<b>2. LEGACY OF VIOLENCE</b>	<b>13</b>
<b>3. CHALLENGES IN DISPLACEMENT</b>	<b>17</b>
3.1 ACCESS TO ADEQUATE HOUSING AND SANITATION	19
3.2 EMPLOYMENT AND LIVELIHOOD	23
<b>4. PROSPECTS FOR RETURN</b>	<b>26</b>
4.1 SECURITY CONCERNS	27
4.2 ECONOMIC CONCERNS	28
4.3 PARTICIPATION IN RETURN PROCESS	30
<b>5. CONCLUSIONS AND RECOMMENDATIONS</b>	<b>32</b>
RECOMMENDATIONS	32

# MAP



# EXECUTIVE SUMMARY

The armed conflict in the 1990s over Nagorno-Karabakh, which was disputed territory between Azerbaijan and Armenia long before either state gained independence from the Soviet Union, resulted in huge territorial losses for Baku. Azerbaijan struggled to resettle more than half a million people displaced from Nagorno-Karabakh and seven surrounding regions, and many lived in overcrowded tent camps, dormitories, schools, and abandoned buildings for years and sometimes decades.

Renewed fighting with Armenia in 2020 resulted in Azerbaijan taking back control over much of the territory lost in the 1990s, which it plans to resettle with displaced persons starting as soon as this year. Organizing the return of potentially hundreds of thousands of displaced people is a monumental task, particularly given that Armenian forces laid anti-personnel landmines on a massive scale and committed and oversaw the widespread destruction of property in areas they controlled. Conversations around return raise questions for all displaced people, but especially for older people – the focus of this report – who are often invisible in humanitarian responses and who, due to their strong attachment to pre-war communities, may opt to return in large numbers.

Our research shows that, over the last two decades, the Azerbaijani government has taken important steps toward improving the living conditions of displaced people, but that troubling gaps remain: many older people in displacement continue to live in housing that is physically inaccessible to them, and to live in communities where they cannot make a living on an equal basis with other groups. Displaced people, including displaced older people, are rarely consulted about their preferences with regards to where or in what conditions they live.

With large-scale returns now on the horizon, it is vital that the Azerbaijani government immediately prioritizes ensuring that the opinions of displaced older people are properly considered in planning and implementing such returns. In particular, the authorities should share information more regularly and comprehensively with displaced older people in accessible formats, and allow them to fully participate in decisions relating to such key issues as housing, livelihood, access to support services, and security.

Research for this report was carried out between September and December 2021, including in-person interviews in Armenia and Azerbaijan in November 2021. In Azerbaijan, Amnesty International interviewed 40 displaced older people, including 23 older men and 17 older women between the ages of 58 and 88. This report highlights the specific challenges older people face in displacement, including lack of access to adequate housing and livelihoods, and presents forward-looking questions about how the Azerbaijani government can meaningfully include all older people in conversations around their return.

Separately, Amnesty International interviewed 42 older people in Armenia and Nagorno-Karabakh, as well as many relatives of older people impacted by the conflict there. That research focused largely on the 2020 conflict, in which older ethnic Armenians were disproportionately impacted by violence. While most of the older Azerbaijanis interviewed for this report had witnessed or experienced violence at the hands of ethnic Armenians or Armenian forces between 1988 and 1994, the fact that these events took place many years ago made it challenging to verify them. Therefore, while this report includes some of those accounts, its primary focus is on contemporary issues around the displacement and return of older people in Azerbaijan.

Under international law, there is no specific definition of older age. While chronological age – such as 60, or the local retirement age – is often used as a benchmark, this does not always reflect whether a person is exposed to risks commonly associated with older age. Amnesty International prefers a context-specific approach to older age, which takes into account the ways in which people are identified and self-identify as older people in a given context, as supported by the UN Office of the High Commissioner for Human Rights (OHCHR).

## LEGACY OF VIOLENCE

According to Azerbaijani government statistics, an estimated 8,000 Azeri civilians were killed in the conflict between 1988 and 1994. All of the people interviewed for this report experienced grave violations of their rights during those years: some were harassed and intimidated into fleeing; others saw their homes targeted with explosive devices or burned to the ground; while still others fled artillery attacks by the Armenian military on populated civilian areas. These experiences left lasting impressions and, in some cases, impacted the long-term physical and mental health of displaced people.

Eighty-eight-year-old Hasan M., who was 60 at the time he fled his home in Kalbajar region amidst intense fighting in 1993, recalled the difficulties he and others faced in escaping the violence. “Walking many kilometres through the snow on foot is very difficult as an older person,” he said. “A lot of people who were my age struggled.”

Minara M., 67, received a head injury as she was fleeing shelling by Armenian forces in 1993, and the car she was in crashed. She described the impact of that injury on her in older age: “I worked in the cotton fields for many years, but it’s very hard for me to go under the sun; I faint all the time because of my injury.”

Some interviewees said that older people from their communities, who were slower or unable to flee, were killed or injured in disproportionately high numbers. No independent figures exist as to what proportion of civilian casualties occurred among older people. Amnesty International reporting conducted across several conflicts shows that older people are often the last to flee violence, whether due to disabilities that make it harder for them to do so, lack of awareness of evacuation efforts, or deep ties to their homes and land.

The Armenian forces committed and oversaw the widespread destruction or seizure of civilian property and infrastructure, including cultural property, in the regions of Azerbaijan they occupied in the 1990s. Almost all of the people interviewed for this report said that, according to younger relatives or others who had visited their villages or towns and brought back photos or videos after the 2020 conflict, their homes, and in some cases even trees, gardens, and gravestones, had been destroyed. In 2021 alone, the Azerbaijani government said it had cleared over 40,000 landmines and other unexploded ordnance left behind by Armenian forces. Demining efforts are still ongoing.

The Armenian forces’ destruction of civilian objects and seizure of civilian property not required by military imperative, as well as their widespread use of landmines, an inherently indiscriminate weapon that has killed and maimed civilians, are violations of international humanitarian law and continue to undermine Azerbaijan’s efforts to resettle displaced populations in conflict-affected regions.

## CHALLENGES IN DISPLACEMENT

When more than half a million people from Nagorno-Karabakh and the seven surrounding districts were forcibly displaced to other parts of Azerbaijan in the 1990s, many were forced to live in overcrowded tent camps, dormitories, schools, sanatorium buildings, or abandoned railway cars, sheds, or buildings. They shared toilets and showers with dozens of people, and sometimes lived without electricity, heat, or running water. They struggled to meet their basic needs and pay for essential food and medication.

Over the last two decades, the Azerbaijani government has made considerable efforts to improve living conditions for those displaced in the 1990s, including by building apartments or homes for approximately 350,000 of the current population of 700,000 displaced people, according to official figures. They also provide monthly payments of 60 manats (US\$35) or 33 manats (US\$19) to all displaced people. According to World Bank statistics, poverty rates have fallen among the displaced population since the 1990s.

Despite significant steps forward, government figures indicate that at least 20,000 – and as many as 100,000 – displaced people, including displaced older people, still live in difficult conditions, such as dormitories or other types of informal housing. These accommodations are often overcrowded. It is difficult or impossible for people with disabilities to use them, and older people with disabilities are therefore often forced to rely on assistance from relatives or others simply to go to the toilet or to leave their homes, particularly if they live on upper floors.

“This is like a prison, there is no air,” said Manzar A., an 81-year-old displaced woman who uses a cane to walk and lives on the third floor of a dormitory. “Now that my son is sick, I can’t go downstairs to buy food. I cannot go out. If I really need to, people have to help me.”

In the wake of the 2020 conflict and plans to resettle the displaced population in retaken territories, the government has suspended moving any displaced people into new accommodation. There do not appear to be any exceptions for older people, including older people with disabilities living in inaccessible housing.

Amnesty International interviewed 20 older people who lived in government-allocated apartments or homes at the time of the research for this report. Displaced people cannot own or lease these units, which are considered state property. While almost all interviewees said their current living conditions were a significant improvement to tent camps and other crowded settlements where they had previously lived, they said they had still been given no choice over where they lived, and even in cases where they wanted to move, they would have been unable to do so without relinquishing their access to state-provided housing.

Famil M., 71, who lives in a settlement in Terter, which was near the former frontline and lacked many employment opportunities, said: “Of course we thought about relocating many times, but we didn’t have the means. I would want to move away from this area.”

While financial payments and free housing have helped improve the financial situation of displaced families, displaced older people face double marginalization: often pushed out of the formal workplace by age discrimination, they live in places where they often do not have access to land for farming or livestock, or equipment for doing crafts, such as carpet-weaving. Older people believed that non-displaced populations were better off because they had better access to land, livestock, and other livelihood opportunities.

Ramiz A., 71, said: “Human resources [at my company] told me when I reached 65 that I had reached the ‘age limit’ and that I had to retire... I’m a workaholic and I’m very good at agriculture. If I were in my village, I could earn a lot more money, I could produce my own meat, eggs, crops... Life here [in displacement] is a waste.”

The interviews gathered for this report underscore an important reality: older people said that in the nearly thirty years they had lived in displacement, they were rarely consulted about where and in what conditions they lived. With mass resettlement of potentially hundreds of thousands of displaced people looming, it is vital that the government take a different approach, and ensure that it meaningfully includes displaced older people, including older women and older people living alone, in conversations about return.

## **PROSPECT OF RETURN AND THE WAY FORWARD**

All displaced persons have the right to return to their original homes in conditions of dignity and security. In Azerbaijan, where Armenian forces destroyed much of the civilian housing and infrastructure in districts seized in the 1990s, that is a monumental task, and the Azerbaijani government has earmarked 2.2 billion manats (US\$1.3 billion) in both 2021 and 2022 for demining efforts and rebuilding infrastructure. So far, reconstruction of some cultural and tourist infrastructure has begun, but, as of January 2022, only one village of 200 homes is ready for resettlement. According to media reports, officials from that village have said older people will be among the first to return there, given that it will take more time to build schools and other infrastructure for younger people.

After years of living through immense difficulty and the ongoing limbo of displacement, almost all of the displaced older people interviewed for this report were thrilled at the prospect of being able to visit their villages or towns again. But when it came to moving back permanently, many spoke of numerous challenges to doing so, particularly given the tense security situation. Mehriban M., 72, said: “I have huge security concerns when it comes to living close to Armenians. There is lots of trauma between our two nations, I know lots of people who were killed.”

In several cases, older people said they would need financial assistance and other support services from the government in order to restart their lives in their pre-war communities. They worried that younger family members, who may not want to leave their jobs or who had married into their current communities, might be less likely to join them. This presented an acute problem for older people with health issues. Tarana M., 65, said: “It will be very difficult to go alone, because I can’t carry heavy things and I already had one heart attack... Even going to the market to buy things, I won’t be able to carry heavy loads or gather wood by myself.”

The Azerbaijani government said it has surveyed 90-95% of the displaced population about their return, and state universities have conducted online and in-person surveys as well. While many of the displaced older people interviewed for this report said they were contacted by some government body with questions about their return, none of the results of these survey efforts have been made public. This lack of transparency makes it difficult to assess how the government is ensuring that the needs of displaced people, including displaced older people, are protected during return. In some survey efforts, it does not appear that adequate efforts were made to ensure the meaningful inclusion of a diverse range of respondents, including older women, older people with disabilities, and older people in advanced age.

Some older people said they felt excluded from conversations around return. Malik C., 67, said: “I feel that my opinion is not heard because I don’t participate anywhere now. As a pensioner I spend most of my days

in the garden. Nobody knows [my home village] better than me, but strategy is formed by people from Baku.”

In situations of crisis, older people are often overlooked, in part because of assumptions that they will be cared and spoken for by their relatives, friends, neighbours, or others. Considering that large-scale resettlement is likely to take some time, the Azerbaijani government should continue to take steps towards respecting and fulfilling the rights of older people in displacement, including by ensuring they have access to appropriate housing and can earn a living on an equal basis with others.

As plans for resettlement advance, it is likely that older generations – who consistently described to Amnesty International a strong desire to go back to their pre-war communities – will disproportionately be among the first to return and may be more likely than younger generations to return at all. To ensure that the return process respects the rights and needs of these displaced older people, the Azerbaijani government should engage them swiftly and meaningfully and ensure the full inclusion of a diverse range of older people in any survey or other data collection efforts, and ensure that all information about returns, including the result of any surveys, are made public in a transparent and accessible manner.

# METHODOLOGY

This report is based primarily on field and remote research undertaken between September and December 2021. An Amnesty International delegate undertook a three-week research mission to Azerbaijan and Armenia to focus on the experience of older people during conflict and displacement. In Azerbaijan, the delegate conducted interviews in Baku, Sumgayit, Ganja, Terter and Barda.

In Azerbaijan, Amnesty International interviewed 40 displaced older people, including 23 older men and 17 older women. A diverse group of interviewees was sought, including by age, gender, and disability. The older people interviewed were between 58 and 88 years old: one person was 58 years old; 17 people were in their 60s; 12 people were in their 70s; and 10 people were in their 80s. Amnesty International also spoke with several human rights advocates, including experts on the rights of displaced persons, and met virtually with an official from the State Committee for Refugees and Internally Displaced Persons (IDPs). Amnesty International also interviewed the Director of the Azerbaijani Campaign to Ban Landmines.

All of the older people interviewed for this report were forcibly displaced by ethnic Armenians or Armenian forces between 1988 and 1994. They came from all seven districts around Nagorno-Karabakh (Jabrayil, Kalbajar, Gubadli, Aghdam, Zangilan, Fuzuli, and Lachin), as well as from Nagorno-Karabakh itself. At the time of Amnesty International's interviews, they were in various types of living situations: 20 lived in government-built apartments or homes; six lived in dormitories; and 10 people lived in informal housing (including half-built apartment buildings or informal structures on land they were occupying). Only four lived in houses or apartments which they legally owned. Among the 40 displaced older people interviewed, eight of them described living with disabilities, including limited mobility, hearing impairment, and cognitive loss.

Amnesty International informed interviewees about the nature and purpose of the research and how the information would be used. Delegates obtained oral consent from each person prior to the interview. People were told they could end the interview at any time and could choose not to answer specific questions, though nobody chose to do so. No incentives were provided to interviewees in exchange for speaking. The vast majority of interviews were conducted via interpretation from Azeri to English; three interviews were conducted in Russian.

Delegates made efforts to ensure privacy during interviews, including privacy from other relatives living with the older person, so that they could feel comfortable speaking openly. Several exceptions were made: once in the case where an older person was unable to understand the delegate due to cognitive loss and hearing impairment and needed the assistance of a caretaker to communicate his responses; and in several cases where communal living situations made it impossible to conduct the interview with an older person alone. To avoid potential concerns for the safety and security of interviewees, Amnesty International has chosen to anonymize all of the people featured in this report, and to represent them with pseudonyms.

On 3 February 2022, Amnesty International sent a letter to Azerbaijan's Ministry of Foreign Affairs with a summary of the research findings and requesting responses to questions related to this reporting. Azerbaijan's Ministry of Foreign Affairs responded on 3 March 2022, and Amnesty International has incorporated responses from that letter in this report. Amnesty International also wrote letters to the Armenian authorities and to the de facto authorities in Nagorno-Karabakh. On 9 March 2022, the head of Human Rights and Humanitarian Issues Department in Armenia's Ministry of Foreign Affairs responded, parts of which have likewise been incorporated into this report. At time of publication, Amnesty International had not received a response from the de facto authorities in Nagorno-Karabakh.

This report refers to Nagorno-Karabakh, which is now the site of the non-recognized Artsakh Republic and the former Nagorno-Karabakh Autonomous Oblast. This region is officially called Garabakh by Azerbaijan. When a region, town, or village has two names, this report will generally use the pre-1988 version.

Amnesty International also conducted interviews with conflict-affected older people and their relatives in Armenia in November 2021.<sup>1</sup> The findings from that research can be found in a separate report, *Last to Flee: Older People's Experience of War Crimes and Displacement in the Nagorno-Karabakh Conflict*.

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<sup>1</sup> Among ethnic Armenians living in both Armenia and Nagorno-Karabakh, Amnesty International interviewed 42 older people, including 22 older women and 20 older men, all of whom had been displaced by the 2020 conflict. Many of them were personally impacted by the violence, and some were the relatives of other older people who were killed or went missing during the fighting. In Armenia, Amnesty International also interviewed 19 relatives who had information about the conflict-related death of an older person, or who were the principal caregivers for older persons and were able to provide information about their experiences during conflict and displacement.

# 1. BACKGROUND

## 1.1 CONFLICT AND DISPLACEMENT

Armenians and Azerbaijanis have long disputed who has rightful control over the Nagorno-Karabakh region. During Soviet times, the Nagorno-Karabakh Autonomous Region, which had an ethnic Armenian majority, was part of the then Soviet Socialist Republic of Azerbaijan. Beginning in 1988, Armenian residents of Nagorno-Karabakh demanded that the region be transferred to Soviet Armenian control.<sup>2</sup>

Ethnic tensions spiralled over the next several years, ultimately escalating into full-scale armed conflict in the 1990s, during which time Armenia and Azerbaijan became independent countries. By the time of a ceasefire agreement in 1994, Armenian forces had taken full control of Nagorno-Karabakh as well as full or partial control of an additional seven Azerbaijani regions surrounding Nagorno-Karabakh: Jabrayil, Kalbajar, Gubadli, Aghdam, Zangilan, Fuzuli, and Lachin. More than half a million ethnic Azeri civilians were forcibly displaced from their homes in these regions, and have since lived as displaced people in other parts of Azerbaijan.<sup>3</sup> Officials from the State Committee for Refugees and Internally Displaced Persons (IDPs) said that, as of January 2022, there were about 700,000 people registered as IDPs in Azerbaijan.<sup>4</sup>

Separately, during the same period, ethnic violence against Armenian and Azeri minorities in each country led to an influx of refugees: an estimated 400,000 ethnic Armenians fled from Azerbaijan to Armenia, while over 200,000 ethnic Azeris fled from Armenia to Azerbaijan.<sup>5</sup> In 1998, Azerbaijan passed the Law on Citizenship, which granted citizenship to these and other refugees who fled to Azerbaijan between 1988 and 1992, and integrated them into the general population without any specific status, unlike those designated as IDPs.<sup>6</sup> This report focuses on those who remain registered as IDPs, who receive government support and who continue to live in settlements that are typically distinct and separate from non-displaced communities.

According to the Azerbaijani government, 87,330 IDPs in Azerbaijan are ages 50-59, and more than 77,000 are over 60 years old.<sup>7</sup>

## 1.2 RETURN OF DISPLACED PERSONS

Between 27 September 2020 and 9 November 2020, renewed fighting between Azerbaijan and Armenia left more than 6,000 people dead, the vast majority of them combatants.<sup>8</sup> A ceasefire agreement brokered by Russia formalized Armenia's loss of control over all seven districts of Azerbaijan that ethnic Armenian forces have occupied since the 1990s, as well as significant parts of Nagorno-Karabakh.<sup>9</sup> The agreement also called for a Russian peacekeeping presence along the line of contact in Nagorno-Karabakh. Armenia

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<sup>2</sup> Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War*, 10<sup>th</sup> anniversary edition, 2013, p. 11.

<sup>3</sup> Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War*, 10<sup>th</sup> anniversary edition, 2013, p. 327.

<sup>4</sup> Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>5</sup> Amnesty International, *Displaced Then Discriminated Against: The Plight of the Internally Displaced Population* (Index: EUR 55/010/2007), June 2007, <https://www.amnesty.org/en/wp-content/uploads/2021/07/eur550102007en.pdf>, pp. 7-8.

<sup>6</sup> Azerbaijan, Law On Citizenship of the Azerbaijan Republic, 30 September 1998, [https://adatabase.ohchr.org/IssueLibrary/AZERBAIJAN\\_Law%20on%20Citizenship.pdf](https://adatabase.ohchr.org/IssueLibrary/AZERBAIJAN_Law%20on%20Citizenship.pdf)

<sup>7</sup> Letter from the Azerbaijani Foreign Ministry to Amnesty International, 3 March 2022, on file with Amnesty International.

<sup>8</sup> RFE/RL, "Azerbaijan, Armenia Mark Anniversary Of End Of Nagorno-Karabakh War," 8 November 2021, <https://www.rferl.org/a/azerbaijan-nagorno-karabakh-celebration/31551712.html>

<sup>9</sup> Kremlin, "Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation," 10 November 2020, <http://en.kremlin.ru/events/president/news/64384>

continues to have access to Nagorno-Karabakh through the so-called Lachin Corridor, which is also guarded by Russian peacekeeping forces.

Azerbaijan's recovery of these territories has paved the way for the return of many of its 700,000 displaced people. In January 2021, Azerbaijani President Ilham Aliyev announced that the government would conduct a poll asking displaced persons about their intention to return to those lands.<sup>10</sup> In comments to media outlets, officials said that those displaced people who declined to return to their land would, in the future, be denied IDP status and any commensurate benefits.<sup>11</sup> While more than half of the people interviewed for this report said they had been contacted about their plans for return by state representatives, the results of any surveys have not been made public.

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

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<sup>10</sup> Interfax Azerbaijan, "Алиев: Прошу вынужденных переселенцев честно ответить на вопрос—есть ли у них планы вернуться на родные земли или нет," 7 January 2021, <http://interfax.az/view/823897>

<sup>11</sup> Caucasian Knot, "Власти Азербайджана пригрозили отменой льгот беженцам," 8 January 2021, <https://www.kavkaz-uzel.eu/articles/358410/>

## 2. LEGACY OF VIOLENCE

The older people interviewed for this report, all of whom were displaced from Nagorno-Karabakh or surrounding regions between 1988 and 1994, experienced grave violations of their rights during that period. Those who lived in communities with ethnic Armenian majorities often described being subject to violence, harassment, and intimidation by ethnic Armenian fighters; some had their homes targeted with explosive devices, one was taken hostage, and others saw their entire communities burned to the ground. Most of those living in communities with majority ethnic Azeri populations, particularly in the seven districts surrounding Nagorno-Karabakh, fled their homes later in the conflict, in 1993 or 1994, typically after their village or town had been subject to indiscriminate and disproportionate shelling for several months. In some cases, displaced people said they had been shot at while fleeing, and saw other people killed while fleeing.



*Women console each other after finding the dead bodies of their relatives at a makeshift morgue in February 1992 in Aghdam, Azerbaijan. © Getty Images*

Rasul A., 68, who was from the city of Fuzuli, described fleeing his home in 1993, when it came under artillery fire from Armenian forces:

**I fled and I couldn't bring so much as a blanket or documents. I was one of the last people to leave [the town], we were already surrounded by Armenians. We had to cross the [Aras] river to [safety in] Iran,**

**and when we were crossing they opened fire on us. A lot of people drowned trying to cross the river. I had a heart attack in 1993 after going through all that.<sup>12</sup>**

Those living in communities with large ethnic Armenian populations spoke of harassment and intimidation beginning in 1988, which often evolved into attacks. Mehriban M., 72, said that life in her hometown of Martuni (which remains under Armenian control at the time of writing) became increasingly tense in 1988, as ethnic Armenians took to throwing produce or stones at her and her family when they passed in the street. In September 1988, she was at home with her family when something exploded near their house, shattering the windows and parts of its wooden façade: “Later there were a lot of people gathering in front of our house. The [ethnic Armenian] police and military personnel told us that we had to leave... We were the last [Azeri] family to leave. We had good jobs. We thought nothing bad would happen to our family.”<sup>13</sup>

Almost all interviewees said they had witnessed civilian deaths during the fighting or while fleeing. Several people said that older people from their communities were more likely to be killed or injured because they had health issues or disabilities that made them unable or slower to flee.<sup>14</sup>

For example, Ibrahim O., a 60-year-old man who fought with Azerbaijani forces during the 1990s conflict, recalled going back to his village in Aghdam district to recover bodies after intense fighting there in 1994:

**Five out of nine people who had died were close to 90 years old, and the rest were over 50 [years old]. The Armenian attack was very sudden, so most of the people who were older could not flee.<sup>15</sup>**

Sahib G., 70, who was from a village in Fuzuli district, said that his 68-year-old father was killed after he did not flee with the rest of the family: “In July and August [1993] the fighting was getting really bad in Fuzuli. My father refused to leave. His exact words were, ‘If I’m going to die, I want to die in my own land.’”<sup>16</sup> Sahib G. did not know how or when his father was killed, but had not seen or heard from him since fleeing.

Only one interviewee was an older person at the time they fled their home during the 1990s fighting. Eighty-eight-year-old Hasan M. was 60 when he was forced to leave Kalbajar district amidst intense fighting in 1993. He described the difficulties of fleeing as an older person: “My wife and children went in a truck, and I went on foot. It took more than a day. Walking many kilometres through the snow on foot is very difficult as an older person. A lot of people who were my age struggled.”<sup>17</sup>

The physical and mental health of some displaced older people is still impacted by their experience of violence and fleeing during the conflict in the 1990s. Minara M., 67, said that for months in 1993, Armenian forces shelled the area of Jabrayil district where she lived. She and her family decided to flee when they saw some Azerbaijani forces retreating, leaving people in the village feeling undefended from further attacks. Minara, who has a scar above her right eyebrow, recalled being injured as she fled: “We were fleeing in the car and we crashed. My father died, and I hit my head... I worked in the cotton fields for many years, but it’s very hard for me to go under the sun, I faint all the time because of my injury... When I talk too much or I get stressed out, I can lose consciousness.”<sup>18</sup>

According to the Organization for Security and Co-operation in Europe (OSCE) and others, Armenian forces oversaw and committed the destruction of civilian property and infrastructure belonging to Azeris, which were used as scrap metal and building materials for homes elsewhere.<sup>19</sup> While the older people interviewed for this report had not visited their villages since the 2020 conflict, most had younger relatives or neighbours who had been and brought back photos or videos showing destroyed houses, gardens, trees, and gravestones. Independent reporting has shown how even in larger cities like Fuzuli and Aghdam, many civilian buildings were destroyed or seized.<sup>20</sup> According to the Azerbaijani Ministry of Foreign Affairs, almost

<sup>12</sup> Amnesty International interview in person with Rasul A. [pseudonym], 1 November 2021.

<sup>13</sup> Amnesty International interview in person with Mehriban M. [pseudonym], 1 November 2021.

<sup>14</sup> Amnesty International interviews in person with Novruz M. [pseudonym], 4 November 2021; Jamshid B. [pseudonym], 6 November 2021; Zamira K. [pseudonym], 7 November 2021; Ibrahim O. [pseudonym], 5 November 2021; Sahib G. [pseudonym], 1 November 2021.

<sup>15</sup> Amnesty International interview in person with Ibrahim O. [pseudonym], 5 November 2021.

<sup>16</sup> Amnesty International interview in person with Sahib G. [pseudonym], 1 November 2021.

<sup>17</sup> Amnesty International interview in person with Hasan M. [pseudonym], 4 November 2021.

<sup>18</sup> Amnesty International interview in person with Minara M. [pseudonym], 6 November 2021.

<sup>19</sup> Organization for Security and Co-operation in Europe, *Report of the OSCE Fact-Finding Mission (FFM) to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh (NK)*, 28 February 2005, [https://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/fd/dsca20050413\\_08/dsca20050413\\_08en.pdf](https://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dsca20050413_08/dsca20050413_08en.pdf); International Crisis Group, *Nagorno-Karabakh: Viewing the Conflict from the Ground*, 14 September 2005, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-azerbaijan/nagorno-karabakh-viewing-conflict-ground>, p. 12.

<sup>20</sup> RFE/RL, “No-Man’s-Land: Inside Azerbaijan’s Ghost City Of Agdam Before Its Recapture,” 25 November 2020, <https://www.rferl.org/a/inside-agdam-the-ghost-city-of-the-caucasus-after-1990s-conflict/30966555.html>; Azertag, “Azerbaijan’s Native Places Devastated,” [https://azertag.az/en/xeber/Azerbaijans\\_native\\_places\\_devastated\\_by\\_Armenian\\_occupiers\\_\\_\\_Photo\\_evidence-1763445](https://azertag.az/en/xeber/Azerbaijans_native_places_devastated_by_Armenian_occupiers___Photo_evidence-1763445)

all cultural and religious monuments in these regions were destroyed during the time Armenian forces were there, including 22 museums with over 100,000 artefacts.<sup>21</sup>

Under international humanitarian law, civilian objects, including homes and other civilian infrastructure, are protected from military attack unless they become military objectives; the targeting of civilian objects as well as indiscriminate or disproportionate attacks that destroy or damage civilian objects are prohibited.<sup>22</sup> The “[e]xtensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” amounts to a war crime.<sup>23</sup> As the occupying power in these areas, Armenia was also prohibited from destroying or seizing civilian property, “unless required by imperative military necessity,” which could again amount to war crimes.<sup>24</sup> In addition, any targeting of Azerbaijani cultural property, including religious monuments and institutions as well as museums and artefacts, was prohibited and a war crime.<sup>25</sup>



Picture taken in November 2020 of destroyed buildings in Aghdam, Azerbaijan, which has been occupied by Armenia since the 1990s © AFP/Getty Images

In the wake of fighting in the 1990s, both Armenian and Azerbaijani forces planted thousands of landmines along the frontline, and Armenia mined significant swaths of the areas where Azerbaijan now seeks to resettle displaced people. According to Hafiz Safikhonov, Director of the Azerbaijan Campaign to Ban Landmines, there could be up to one million landmines planted by both sides of the conflict since the early 1990s.<sup>26</sup> The Azerbaijan Mine Action Agency (ANAMA) said that, in 2021 alone, it had cleared 41,503 mines and other unexploded ordnance from regions previously under Armenian control.<sup>27</sup>

In June 2021, Armenia exchanged maps of landmines in return for the release of 15 soldiers in Azerbaijani detention.<sup>28</sup> But Safikhonov said that these maps were primarily of former frontline areas of Aghdam region

<sup>21</sup> Report News Agency, “MFA: Azerbaijan concerned about destruction of its cultural heritage by Armenia,” 18 April 2021, <https://report.az/en/foreign-politics/mfa-azerbaijan-concerned-about-destruction-of-its-cultural-heritage-by-armenia/>

<sup>22</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Articles 51-53, 57, 58; and ICRC, Customary IHL, Rule 10. Civilian Objects’ Loss of Protection from Attack, Rule 12. Definition of Indiscriminate Attacks, and Rule 14. Proportionality in Attack. See also Rome Statute, Article 8(2)(a) and (b).

<sup>23</sup> See Rome Statute, Article 8(2)(a)(iv) and ICRC, Customary IHL, Rule 156.

<sup>24</sup> ICRC, Customary IHL, Rule 50. Destruction and Seizure of Property of an Adversary, and Rule 51. Public and Private Property in Occupied Territory. See also: Rome Statute, Article 8(2)(b)(xiii) and ICRC Customary IHL, Rule 156.

<sup>25</sup> Protocol I, Article 53; ICRC, Customary IHL, Rule 38. Attacks Against Cultural Property, and Rule 40. Respect for Cultural Property. See also Rome Statute, Article 8(2)(b)(ix).

<sup>26</sup> Amnesty International interview by voice call with Hafiz Safikhonov, Director of the Azerbaijan Campaign to Ban Landmines, 26 January 2022.

<sup>27</sup> Azertag, “Vüqar Süleymanov: İşğaldan azad edilən ərazilərdə ötən il 41 min 503 mina və partlamamış hərbi sursat aşkarlanıb,” 7 January 2022, <https://bit.ly/3Jf20yl>

<sup>28</sup> Eurasianet, “Armenia and Azerbaijan exchange detainees for mine maps,” 12 June 2021, <https://eurasianet.org/armenia-and-azerbaijan-exchange-detainees-for-mine-maps>

(where maps show 97,000 landmines) and Fuzuli and Zangilan regions (where maps show 92,000 landmines). Safikhanov said it was therefore unlikely that these maps offered a complete picture of the landmine situation in the region. Safikhanov said that Azerbaijan was not necessarily aware of where all the landmines planted by its own forces were located, in part because much of the fighting during the 1990s was carried out by armed militias over which the central government said it had little control.<sup>29</sup> According to Safikhanov, at least 29 civilians, including one child, were killed and 54 civilians were injured by landmines from November 2020 to January 2022.<sup>30</sup>

Although neither Armenia nor Azerbaijan has ratified the Mine Ban Treaty (Ottawa Convention) that prohibits the use or stockpiling of landmines, the weapons are inherently indiscriminate and therefore their use should be considered prohibited under customary international humanitarian law.<sup>31</sup> At minimum, state parties to armed conflict have an obligation to minimize the indiscriminate effects of landmines when they are used,<sup>32</sup> which Armenia and Azerbaijan have failed to do.

It is difficult to verify the number of casualties during the 1990s war. Some independent accounts have put the number at 10,000.<sup>33</sup> Official statistics are often higher: according to the Azerbaijani government, 20,000 Azerbaijanis were killed in the fighting between 1988 and 1994,<sup>34</sup> including more than 8,000 civilians.<sup>35</sup> No independent figures exist as to what proportion of civilian casualties during fighting in the 1990s occurred among older people. In its letter response to Amnesty International, the Azerbaijani government did not answer a specific question about the number of older people killed during the conflict in the 1990s, though it said that of the 3,890 Azerbaijanis who went missing during the conflict, 326 were older people, and of the 872 people taken into detention and not returned to Azerbaijan, 112 were older people.<sup>36</sup>

Amnesty International and Human Rights Watch reporting conducted across several conflicts shows that older people in conflict situations are often the last to flee, whether because they have limited mobility or other disabilities that prevent them from doing so, because they might be socially isolated and unaware of evacuation efforts, or because they have deep ties to their home and their land, which they are reluctant to abandon.<sup>37</sup> It is likely that the same was the case in Nagorno-Karabakh and surrounding districts in the 1990s, as most people were forced to flee their homes suddenly and, in many cases, on foot.

Verifying accounts of events that took place between 1988 and 1994 poses inherent challenges, particularly when trying to collect information about older people who had been killed: interviewees did not always remember the full names or ages of victims, and often had no documentation to corroborate their testimony. This by no means diminishes the seriousness of crimes committed against Azerbaijanis, including older Azerbaijanis, by ethnic Armenian militias or Armenian armed forces between 1988 and 1994. However, it is for this reason that the remainder of this report focuses on the contemporary struggles of displaced older people in Azerbaijan and their concerns and priorities with regards to returning to their pre-war homes.

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<sup>29</sup> Amnesty International interview by voice call with Hafiz Safikhanov, Director of the Azerbaijan Campaign to Ban Landmines, 26 January 2022.

<sup>30</sup> Hafiz Sakhifanov, Director of the Azerbaijan Campaign to Ban Landmines, Baku, email to Amnesty International on 7 January 2022, on file with Amnesty International.

<sup>31</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention), 8 September 1997; ICRC, Customary IHL, Rule 71. Weapons That Are by Nature Indiscriminate.

<sup>32</sup> ICRC, Customary IHL, Rule 81. Restriction on the Use of Landmines.

<sup>33</sup> Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 1995 Armaments, Disarmament and International Security*, 1995, <https://www.sipri.org/sites/default/files/SIPRI%20Yearbook%201995.pdf>

<sup>34</sup> Azerbaijan Republic State Commission on Captives, Missing Persons, and Hostages, "ERMƏNİSTAN RESPUBLİKASININ HƏRBİ TƏCƏVÜZÜNÜN NƏTİCƏLƏRİ (RƏSMİ XRONİKA)," undated, <https://bit.ly/3lacZrS>. See also Letter from the Azerbaijani Foreign Ministry to Amnesty International, 3 March 2022, on file with Amnesty International.

<sup>35</sup> While the Azerbaijani government has not published specific figures on the civilian death count, Azerbaijan says that 20,000 people total were killed in the fighting (see footnote above) and that of those, 11,557 were combatants, meaning more than 8,000 would have been civilians. See APA News Agency, "İ Qarabağ müharibəsində şəhid olmuş Azərbaycan hərbcilərinin dəqiq sayı açıqlanıb – EKSKLÜZİV," 13 January 2014, [apa.az/az/xeber/dagliq\\_qarabag/xeber\\_i\\_qarabag\\_muharibesinde\\_sehid\\_olmus\\_azer\\_-327709](https://www.apa.az/az/xeber/dagliq_qarabag/xeber_i_qarabag_muharibesinde_sehid_olmus_azer_-327709).

<sup>36</sup> Letter from the Azerbaijani Foreign Ministry to Amnesty International, 3 March 2022, on file with Amnesty International. According to the letter, older people account for 326 of 3,890 "missing Azerbaijanis" and 112 of 872 detained and not returned to Azerbaijan.

<sup>37</sup> Amnesty International, "My heart is in pain": Older people's experience of conflict, displacement, and detention in northeast Nigeria (Index: AFR 44/3376/2020), 8 December 2020, <https://www.amnesty.org/en/documents/af44/3376/2020/en/>; Amnesty International, "Fleeing My Whole Life": Older people's experience of conflict and displacement in Myanmar (Index: ASA 16/0446/2019), 18 June 2019, <https://www.amnesty.org/en/documents/asa16/0446/2019/en/>

# 3. CHALLENGES IN DISPLACEMENT

**“This is like a prison, there is no air. Now that my son is sick, I can’t go downstairs to buy food. I cannot go out. If I really need to, people have to help me.”**

Manzar A., 81, a displaced woman who lives in a dormitory.<sup>38</sup>



*An older woman makes tea in the communal corridor of a dormitory for displaced persons in Baku, Azerbaijan © Ahmed Muxtar*

<sup>38</sup> Amnesty International interview in person with Manzar A. [pseudonym], 2 November 2021.

During the 1990s, as over half a million displaced people from Nagorno-Karabakh and seven surrounding districts of Azerbaijan were forced to flee their homes and villages, many displaced people were given or sought shelter in dormitories, schools, or sanatorium buildings, with one or more large families crowded into one room and dozens sharing a single bathroom or shower. Others lived in tent camps, or they occupied abandoned railway wagons or buildings and sheds, which typically lacked electricity, heating, gas, or running water.<sup>39</sup> In such settings, inadequate access to water led to the spread of diseases,<sup>40</sup> including malaria and bacterial infections.<sup>41</sup> Almost all older people who were interviewed for this report had lived in one of the above types of accommodations for anywhere from several years to over two decades. They had endured immense economic hardship, with their families struggling to afford even the most basic food and medication.

Beginning in the late 1990s, Azerbaijan and international organizations undertook significant efforts to improve the living conditions of displaced persons. In 1999, the country passed its Law on the Status of Refugees and Internally Displaced Persons, guaranteeing the provision of “temporary or permanent residence” to all displaced people.<sup>42</sup> Soon afterwards, the government began closing tent camps.<sup>43</sup> According to the State Committee for Refugees and IDPs, as of the end of 2021 the government had spent approximately US\$8 billion to build 116 housing settlements for 350,000 IDPs, or about half of the total IDP population.<sup>44</sup>

As of January 2022, the government gives registered IDPs 60 manats (US\$35) – 33 manats (US\$19) if they are living in communal settings such as dormitories, where water, gas, and electricity are free – per month in financial support meant to cover basic necessities.<sup>45</sup> According to government decree, all medical services and treatment for displaced people should be free, though Amnesty International found that among the older people interviewed for this report, this was not usually the case, with many of them saying that medication and health often made up the bulk of their monthly spending, after food and utilities.<sup>46</sup> According to Azerbaijan’s letter response, internally displaced persons also receive some other benefits, such as free university tuition and some tax exemptions.<sup>47</sup>

Despite these steps forward, according to the Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, an estimated 100,000 displaced people still live in “difficult conditions,” including in crowded dormitories and other informal housing such as unfinished buildings.<sup>48</sup> In its letter response to Amnesty International, the Azerbaijani Ministry of Foreign Affairs later said the number living in such conditions was 20,000, 18% of them older people.<sup>49</sup> These accommodations lack privacy, and it is difficult or impossible for older people with limited mobility or other disabilities to get from floor to floor, use the toilet or shower, and perform other activities of daily living. In the wake of the 2020 conflict, Azerbaijan’s president said the government would no longer build new housing for displaced people outside of the conflict-affected areas it hoped to resettle.<sup>50</sup> As a result, older people with disabilities are likely to continue living in such facilities for at least several more years.

While the government’s construction of homes for displaced people has been notable, displaced people have no rights to own, rent, or sublet those accommodations, and they are given little or no say over where they

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<sup>39</sup> The Brookings Institution, “Can you be an IDP for twenty years?: A comparative field study on the protection needs and attitudes towards displacement among IDPs and host communities in Azerbaijan,” December 2011, [https://www.brookings.edu/wp-content/uploads/2016/06/12\\_idp\\_host\\_communities\\_azerbaijan.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/12_idp_host_communities_azerbaijan.pdf), pp. 6-7; Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War*, 10<sup>th</sup> anniversary edition, 2013.

<sup>40</sup> International Displacement Monitoring Center and the Norwegian Refugee Council, *Azerbaijan: IDP living conditions improve, but peace deal remains elusive*, 5 March 2007, <https://www.refworld.org/pdfid/460bd4512.pdf>.

<sup>41</sup> Amnesty International interviews, November 2021.

<sup>42</sup> Azerbaijan, On the Status of Refugees and Internally Displaced Persons (IDPs), 1998, <http://idp.gov.az/en/law/93/parent/15>, Article 17.

<sup>43</sup> State Committee of the Republic of Azerbaijan for Affairs of Refugees and IDPs, “Liquidation of Temporary Settlements,” Undated, <http://idp.gov.az/en/content/8/parent/21>

<sup>44</sup> Interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>45</sup> State Committee of the Republic of Azerbaijan for Affairs of Refugees and IDPs, “In connection with the work done by the State Committee for Refugees and Internally Displaced Persons of the Republic of Azerbaijan in 2020,” undated, <http://idp.gov.az/en/law/132/parent/15>

<sup>46</sup> State Committee of the Republic of Azerbaijan for Affairs of Refugees and IDPs, “Privileges of IDPs,” undated, <http://idp.gov.az/en/content/7/parent/21>

<sup>47</sup> Letter from the Azerbaijan Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

<sup>48</sup> Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>49</sup> Letter from the Azerbaijan Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

<sup>50</sup> President of the Republic of Azerbaijan Ilham Aliyev, “A Video Conference on the Results of 2020 Held Under Chairmanship of Ilham Aliyev,” video conference dedicated to the results of 2020 was held under the chairmanship of Ilham Aliyev, 6 January 2021, <https://president.az/az/articles/view/49933>

live or what kind of housing they are given.<sup>51</sup> Alternatives, such as rental subsidies or purchase certificates that could help displaced people buy property, are not available. This limits displaced people's economic opportunities: displaced people forfeit their right to state-allocated housing if they choose to move to another part of the country, creating de facto restrictions on their freedom of movement.<sup>52</sup> Displaced older people said this situation also created uncertainty as to what would happen to them amid resettlement efforts: while the government has clearly stated that those who do not wish to return to their pre-war communities will eventually have to forfeit their privileges as displaced persons,<sup>53</sup> it is not clear whether this will also mean giving up the housing where they currently live.

Despite free accommodation and monthly financial support from the government, displaced people struggle financially, with poverty rates remaining higher than among the non-displaced population. Many displaced older people described feeling doubly marginalized: while displaced older people have access to pensions on an equal basis with the non-displaced population, they felt that their lack of access to other means of earning a living left them more economically marginalized than non-displaced people their age.

### 3.1 ACCESS TO ADEQUATE HOUSING AND SANITATION

**“Life is better here, but regardless of the conditions, I feel like a nightingale in a golden cage.”**

Vahid B., 66, a displaced man who lives in a state-owned apartment.<sup>54</sup>

**“Everything I have belongs to the state.”**

Mehriban M., 72, a displaced woman who lives in a state-owned apartment.<sup>55</sup>

Of the 40 displaced older people Amnesty International interviewed for this report, 20 were living in purpose-built state-owned housing; six were living in dormitories; 10 were living in houses they did not own (as squatters either in half-built apartment buildings or on land where they had built informal structures), and only four were living in houses or apartments that they legally owned, after buying them independently.

Older people living in dormitories faced the most difficult conditions, particularly as these accommodations were not at all physically accessible, posing challenges for older people living with limited mobility and other types of disabilities. Manzar A., 81, fled her village in Fuzuli district in 1993 after heavy shelling there by Armenian forces. Her husband, who was 56 at the time, was killed by Armenian artillery fire while on his way from work, and she fled together with her eight children and one grandchild to Baku, where they lived in a small dormitory room.<sup>56</sup> Almost three decades later, she is still living there with one son, who has health problems, and his wife. Manzar said she rarely left the room, which was on the third floor, because it was difficult for her to walk down the stairs after breaking her leg several years earlier:

**There are more than 20 families on this floor, we have one toilet for everyone. There are lines almost every day. My grandson made a small corner for me [in my room] so that I can use the toilet here, I am afraid I could slip and fall in the [communal] toilet... I just want a room for myself. It is very hard not to**

<sup>51</sup> Amnesty International, *Displaced Then Discriminated Against: The Plight of the Internally Displaced Population* (Index: EUR 55/010/2007), June 2007, <https://www.amnesty.org/en/wp-content/uploads/2021/07/eur550102007en.pdf>; UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Report: *Follow-up mission to Azerbaijan*, 8 April 2015, UN Doc. A/HRC/29/34/Add.1, para. 77.

<sup>52</sup> Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>53</sup> Caucasian Knot, “Власти Азербайджана пригрозили отменой льгот беженцам,” 8 January 2021, <https://www.kavkaz-uzel.eu/articles/358410/>

<sup>54</sup> Amnesty International interview in person with Vahid B. [pseudonym], 2 November 2021.

<sup>55</sup> Amnesty International interview in person with Mehriban M. [pseudonym], 1 November 2021.

<sup>56</sup> Amnesty International interview in person with Manzar A. [pseudonym], 2 November 2021.

**have privacy, to feel like there are always people around. I have already had two heart attacks. I am always thinking about the conditions that I live in.<sup>57</sup>**

Bekir A., 87, lives in a dormitory room with his wife, who is 89 and cannot speak or walk due to a stroke. Bekir, who is partially deaf and also has difficulty walking, said: “Our situation is very difficult. We need two people to take my wife to the toilet and the bath. I can walk very slowly downstairs, but I don’t go downstairs often. If I lived on the ground floor, I would go out and get fresh air more often.”<sup>58</sup>

Gulnaz S., 80, who uses a cane to walk, has lived for almost 30 years on the third floor of a dormitory building in Sumgayit. She now lives with her six family members in a large, converted classroom. She said:

**It’s just difficult living here, it’s not convenient. You have to go to the common toilet, and it’s hard for me to walk the steps up to the toilet. I never step off this floor. I can’t go outside – until last year I would slowly walk up and down the stairs, but I can’t do that anymore. I never get any fresh air.<sup>59</sup>**

Some older residents of dormitories said they had repeatedly petitioned to move but had been ignored by the executive authorities, appointed officials meant to represent displaced people from a given pre-war community.<sup>60</sup>



*An older man walks across the courtyard of a dormitory for displaced persons in Baku, Azerbaijan © Ahmed Muxtar*

According to the Azerbaijani government, families living in dormitories and other administrative buildings “are gradually being relocated to safer houses”.<sup>61</sup> However, two older people said officials had told their families in 2020 that they would be moving into government housing, but that these plans were stalled in the wake of renewed military hostilities that year.<sup>62</sup> In a speech, President Ilham Aliyev said that new housing for

<sup>57</sup> Amnesty International interview in person with Manzar A. [pseudonym], 2 November 2021.

<sup>58</sup> Amnesty International interview in person with Bekir A. [pseudonym], 2 November 2021.

<sup>59</sup> Amnesty International interview in person with Gulnaz S. [pseudonym], 7 November 2021.

<sup>60</sup> Amnesty International interviews in person with Manzar A. [pseudonym], 2 November 2021; Azer G. [pseudonym], 2 November 2021; Nisa H. [pseudonym], 3 November 2021.

<sup>61</sup> Letter from the Azerbaijan Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

<sup>62</sup> Amnesty International interviews in person with Zamira K. [pseudonym], 7 November 2021; Gulnaz S. [pseudonym], 7 November 2021.

displaced people should only be built in areas that are to be resettled, and that any existing state housing should be given to the families of soldiers killed in the recent fighting.<sup>63</sup>

Zamira K., 63, who lives in a dormitory that is part of a functioning college in Sumgayit, said:

**We were unlucky because we were told [the government had] just finished building a complex for us before the war started. But now it all stopped, we heard on TV that they are giving it to war veterans instead... Of course we would prefer to live there, even if just for one year. Here we share the toilet with three families and the students also all use our toilet and shower.**<sup>64</sup>

Many displaced older people did not live in dormitories, but also had not been allotted government housing. They lived in informal conditions, such as half-finished apartment buildings. Nisa H., 83, who lives in such a building in Baku, said: "It's very crowded. I share my room with my grandchild, and my head touches the table when I sleep... There are five families on each floor, and we share one toilet and a small shower."<sup>65</sup>

As noted above, since the late 1990s the government has built settlements of apartment blocks and homes where hundreds of thousands of displaced people now live. Most displaced older people in such settlements told Amnesty International that they were satisfied with their living conditions, which they said were a vast improvement to life in tent camps or dormitories where they had spent many years.

However, displaced older people said the government did not consult them about the location or kinds of housing that were built and allocated to them. Displaced people cannot own or lease government-allocated apartments or homes, which are considered state property. Rather, they hold a registration – or *propiska*, an inheritance of the Soviet legal system – at their current address, allowing them to live, work, and access other services, such as health care, in the area.<sup>66</sup> A deputy chairman of the State Committee for Refugees and IDPs told Amnesty International that while there were no formal restrictions on the freedom of movement of displaced people, if a displaced person wanted to move out of the district where they were registered, they would have to surrender that apartment or house back to the state.<sup>67</sup> According to the UN Special Rapporteur on the human rights of internally displaced persons, this has been part of a discourse whereby displaced people in Azerbaijan "are temporarily 'hosted' in those settlements until they are able to return to their place of origin," rather than being integrated into non-displaced communities long-term.<sup>68</sup>

This approach to housing has implications for displaced older people, including for their ability to earn an income, both in the formal workplace and by other means.

Famil M., 71, who lives in Terter in a settlement not far from the former frontline, where there are few formal jobs, said: "Of course we thought about relocating many times, but we didn't have the means. I would want to move away from this area."<sup>69</sup> Others said that their settlements, which were populated only by other displaced people, felt cut off from the larger community and that they felt marginalized as a result. Togrul I., 75, who lives in a government-built apartment block in a settlement for displaced people that was 12 kilometres from the city centre of Baku, said: "We never wanted to live like this, separated from society. Many people who are not IDPs have their own homes, their own land. This is like living in a closed box. The government forces me to live in a box."<sup>70</sup>

Many displaced older people complained about how living in apartment buildings limited their access to land, an issue that will be explored below. Gulshan A., 74, has limited mobility after a stroke and lives in a government apartment building near the town of Terter, which before the 2020 war was situated on the frontline with Armenian forces. Until 2017, she had lived in an unheated room on the property of a government building with six other family members. While the conditions in the apartment were better, she said the family struggled in other ways:

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<sup>63</sup> President of the Republic of Azerbaijan Ilham Aliyev, "A Video Conference on the Results of 2020 Held Under Chairmanship of Ilham Aliyev," video conference dedicated to the results of 2020 was held under the chairmanship of Ilham Aliyev, 6 January 2021, <https://president.az/az/articles/view/49933>

<sup>64</sup> Amnesty International interview in person with Zamira K. [pseudonym], 7 November 2021.

<sup>65</sup> Amnesty International interview in person with Nisa H. [pseudonym], 3 November 2021.

<sup>66</sup> Amnesty International, *Displaced Then Discriminated Against: The Plight of the Internally Displaced Population* (Index: EUR 55/010/2007), June 2007, <https://www.amnesty.org/en/wp-content/uploads/2021/07/eur550102007en.pdf>

<sup>67</sup> Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>68</sup> UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Report: *Follow-up mission to Azerbaijan*, 8 April 2015, UN Doc. A/HRC/29/34/Add.1, para. 68.

<sup>69</sup> Amnesty International interview in person with Famil M. [pseudonym], 5 November 2021.

<sup>70</sup> Amnesty International interview in person with Togrul I. [pseudonym], 1 November 2021.

**I don't like living in an apartment. I would like to have chickens and other animals, to be able to feed myself. [When living in the government building] our economic situation was better, we were able to grow fruits and raise chickens for eggs... But this [apartment] was our only choice.<sup>71</sup>**

In a 2015 report on Azerbaijan, the UN Special Rapporteur on the human rights of internally displaced persons stated that “access to housing can be made durable only through a needs-based approach and on the basis of consultation with those concerned... [The Special Rapporteur] advocates the importance of diversifying alternative housing strategies to include access to ownership of property or rental subsidies to facilitate the integration of IDPs where they are if they so wish.”<sup>72</sup> The Special Rapporteur also urged the government to reform the registration system, which has had “a restrictive effect on the freedom of movement and choice of residence of IDPs.”<sup>73</sup>

In its letter response to Amnesty International, the Azerbaijani Ministry of Foreign Affairs said that in allocating housing for IDPs, people with disabilities and older people are granted “concessions” such as the ability to choose which floor of the building their apartment is on.<sup>74</sup> Such efforts are essential in respecting and fulfilling the rights of people with disabilities and many older persons, though, based on Amnesty International’s interviews, do not seem to have been followed in at least some cases, undermining the rights of those individuals.

The long-term prospects for displaced people living in government-built housing are not clear.<sup>75</sup> With the process of return to pre-war communities looming, the government says it will continue to support displaced people during a transitional period: according to existing law, social protection for displaced people should remain valid for three years after conditions have been created for their return,<sup>76</sup> though state officials said that the timeframe and the law could change in the wake of the 2020 conflict.<sup>77</sup>

Displaced older people expressed concerns about their status in Azerbaijan, particularly when they had been displaced from areas still under Armenian control. Mehriban M., 72, lives in a government-built apartment on the outskirts of Baku but was unsure what would happen given her former home is in Martuni, a town still under Armenian control: “Even if I go to other [returned] regions, I will be an IDP. If I have no choice other than what they offer, maybe I'll go. Everything I have belongs to the state. If they tell me I have to leave this apartment, I'll leave.”<sup>78</sup>

As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Azerbaijan has an obligation to respect, protect and to progressively realize the right to an adequate standard of living, which includes the rights to adequate housing and to sanitation.<sup>79</sup> The right to sanitation requires that sufficient sanitation facilities, with associated services, be available within, or in the immediate vicinity of, each household, among other places. It requires quality of sanitation facilities and that they be physically accessible for everyone at all times, which, as documented above, is not the case for many displaced older people, especially those in dormitories or informal housing.<sup>80</sup> The right to sanitation requires special attention to the needs of children, older people, and people with disabilities.<sup>81</sup>

Azerbaijan has also ratified the Convention on the Rights of Persons with Disabilities (CRPD) and has a responsibility to ensure the rights of people with disabilities, including older people with disabilities, to, among other things, non-discrimination; full inclusion and participation; personal mobility; and an adequate

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<sup>71</sup> Amnesty International interview in person with Gulshan A. [pseudonym], 5 November 2021.

<sup>72</sup> UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Report: *Follow-up mission to Azerbaijan*, 8 April 2015, UN Doc. A/HRC/29/34/Add.1, para. 77.

<sup>73</sup> UN Special Rapporteur on the Human Rights of Internally Displaced Persons, *Follow-up mission to Azerbaijan* (previously cited), para. 82.

<sup>74</sup> Letter from the Azerbaijan Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

<sup>75</sup> Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>76</sup> Azerbaijan, Law On Social Protection of Internally Displaced Persons and Persons Equated to Them, 21 May 1999, <https://www.refworld.org/pdfid/4416d8054.pdf>

<sup>77</sup> Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>78</sup> Amnesty International interview in person with Mehriban M. [pseudonym], 1 November 2021.

<sup>79</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, Articles 11 and 12.

<sup>80</sup> Committee on Economic, Social, and Cultural Rights (CESCR), Statement on the Right to Sanitation, 19 November 2010, UN Doc. E/C.12/2010/1, para. 7. The CESCR said the right to sanitation is “integrally related” to the rights to health, housing, and water. See also UN General Assembly, Resolution 68/157: The human right to safe drinking water and sanitation, 18 December 2013, UN Doc. A/RES/68/157; Report of the UN Independent Expert on the issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation, 1 July 2009, UN Doc. A/HRC/12/24, paras 64-66 and 70-80, [https://www.ohchr.org/Documents/Press/IE\\_2009\\_report.pdf](https://www.ohchr.org/Documents/Press/IE_2009_report.pdf)

<sup>81</sup> As noted by the Independent Expert on the human rights obligations related to safe drinking water and sanitation, “Sanitation is not just about health, housing, education, work, gender equality, and the ability to survive. Sanitation, more than many other human rights issue, evokes the concept of human dignity.” Report of the UN Independent Expert on the issue of Human Rights Obligations related to Access to Safe Drinking Water and Sanitation, 1 July 2009, para. 55.

standard of living.<sup>82</sup> Azerbaijan has obligations to take “appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment,” which includes “the identification and elimination of obstacles and barriers to accessibility” in housing, among other facilities.<sup>83</sup> For many displaced older people, far more needs to be done to fulfil these obligations, especially in ensuring that all housing meets human rights standards of adequacy, accessibility, and habitability – and that displaced people, including displaced older people, are fully consulted in an inclusive way about any potential changes to their housing and about the authorities’ plans for resettlement.<sup>84</sup>

## 3.2 EMPLOYMENT AND LIVELIHOOD

**“There is nothing for me in Baku except dusty roads. Life here is a waste.”**

Ramiz A., 71, a displaced man living in an informal settlement near Baku.<sup>85</sup>

Historically, displaced people in Azerbaijan, concentrated as they have been in settlements relatively isolated from employment hubs, have faced more economic difficulty than non-displaced people.<sup>86</sup> According to a World Bank report from 2011, employment rates among displaced people were 40.1% compared to 57.4% among the non-displaced, and poverty rates in displaced communities stood at 25% to 20.1% among the broader population.<sup>87</sup> According to an official from the State Committee for Refugees and IDPs, poverty levels among the internally displaced population remain higher than among the general population, though have dropped for both groups since 2011.<sup>88</sup>

The Law on the Status of Refugees and Internally Displaced Persons calls for the relevant authorities to “assist refugees and IDPs in choosing a job,”<sup>89</sup> and beginning in the mid-2000s the Azerbaijani government passed a slew of decrees calling for the creation of businesses and farms that would provide for the employment of displaced people.<sup>90</sup> In its letter response, the Azerbaijan Ministry of Foreign Affairs cited numerous programmes, including with international organizations like the World Bank, that the authorities have undertaken or supported to foster income-earning activities among displaced communities.<sup>91</sup>

Despite this, Amnesty International found that many people in displaced communities were out of work, particularly if they were in remote communities far from large cities. For older people, workplace discrimination often combined with the challenges of being displaced: forced out of the formal employment market by age, displaced older people who were skilled in agriculture or crafts were unable to practice those trades in the places where the government has established housing for them, typically because they lacked access to the land or equipment to be able to do so. Many older people struggled to pay for necessities such as medication, and some also said it was difficult to afford food.

In 2011, Azerbaijan passed an amendment to its labour code creating an age limit of 65 years old for employees at all state and state-funded enterprises. According to the amendment, employment can be extended one year at a time up to five times, but no more than that.<sup>92</sup> There are no such restrictions in the

<sup>82</sup> Convention on the Rights of Persons with Disabilities (CRPD), adopted by the UN General Assembly in resolution 61/106, 13 December 2006, UN Doc. A/RES/61/106, Articles 2, 4, 5, 9, 11, 19, 20, 25, and 28.

<sup>83</sup> Convention on the Rights of Persons with Disabilities, Article 9.

<sup>84</sup> For more on the right to housing, see CESCR, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991.

<sup>85</sup> Amnesty International interview in person with Ramiz A. [pseudonym], 1 November 2021.

<sup>86</sup> Amnesty International, *Displaced Then Discriminated Against: The Plight of the Internally Displaced Population* (Index: EUR 55/010/2007), June 2007, <https://www.amnesty.org/en/wp-content/uploads/2021/07/eur550102007en.pdf>

<sup>87</sup> The World Bank, *Azerbaijan: Building Assets and Promoting Self Reliance: The Livelihoods of Internally Displaced Persons*, October 2011, <https://bit.ly/3q2f4zS>, p. 9.

<sup>88</sup> Interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>89</sup> Azerbaijan, On the Status of Refugees and Internally Displaced Persons (IDPs), 1998, <http://idp.gov.az/en/law/93/parent/15>, Article 16.

<sup>90</sup> The President of the Republic of Azerbaijan, Order No. 298, *On the Approval of the State Program on Improvement of Living Conditions and Increase of Employment and Refugees and IDPs*, 1 July 2004, <http://www.e-qanun.az/framework/6261>

<sup>91</sup> Letter from the Azerbaijan Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

<sup>92</sup> President of the Republic of Azerbaijan Aliyev, “On Amendments to the Labor Code of the Republic of Azerbaijan,” 8 June 2011, <https://president.az/az/articles/view/2426>

private sector. The Azerbaijani labour code forbids discrimination on the basis of gender, but does not contain any specific prohibitions on age-based discrimination.<sup>93</sup>

Ramiz A., 71, who was living informally in a home on the outskirts of Baku, had previously worked as a gardener for a state company, but was pushed out of that job when he turned 65: “Human resources told me when I reached 65 that I had reached the ‘age limit’ and that I had to retire. The work was [physically] easy, and I could have done it for another 10 years. I went looking for work in a lot of other places, but they all said no, you’re already retirement age.”<sup>94</sup> Ramiz had no access to land in displacement and was unable to earn income as a farmer, his livelihood before the conflict: “I’m a workaholic and I’m very good at agriculture. If I were in my village, I could earn a lot more money, I could produce my own meat, eggs, crops. There is nothing for me in Baku except dusty roads. Life here is a waste.”<sup>95</sup>

Famil M., 71, who lives in a government-built settlement near Terter, a town formerly on the line of contact with Armenian forces, said he had struggled to find employment, including among companies working on reconstruction in districts regained during the 2020 conflict:

**Personally for me it’s very difficult to live here. I’m a villager, I’m supposed to look after cattle, plant crops. Right now I’m just waiting around, there’s nothing for me to do. Seventy is nothing, I don’t feel old and I’m perfectly fit. But every company tells me I’m too old. When I went recently to visit some companies doing [reconstruction] in Fuzuli and Jabrayil, they said no. When I really push the authorities, they tell me I can collect trash on the roadside.**<sup>96</sup>

Under international human rights law, non-discrimination is part of the protection of all rights, including the right to work, in the ICESCR.<sup>97</sup> Although age is not mentioned explicitly, the listed grounds of prohibited discrimination are not exhaustive and include “other status”,<sup>98</sup> which the Committee on Economic, Social, and Cultural Rights, which monitors the ICESCR’s implementation, has explained includes age discrimination.<sup>99</sup> The Committee has “stresse[d] the need for measures to prevent discrimination on grounds of age in employment and occupation”<sup>100</sup> and said that “the range of matters in relation to which such discrimination can be accepted is very limited”.<sup>101</sup> The Committee concluded by calling on states, “to the greatest extent possible”, to eliminate discriminatory barriers to employment for older people, specifically referencing mandatory retirement ages.<sup>102</sup>

The UN Independent Expert on the enjoyment of all human rights by older persons has likewise said that states should review, amend, or abolish laws that “promote and constitute age discrimination, including mandatory retirement ages”.<sup>103</sup> Under Azerbaijani law, displaced people should be able to buy or lease municipal land, and in fact are a group that should be given preferential status in the bid for land.<sup>104</sup> In practice, however, access to land remains relatively low among displaced communities: according to a World Bank report from 2011, only 16% of displaced people had access to land compared to 73% of the local population.<sup>105</sup> Most of the older people interviewed for this report said that they did not have access to agricultural land to graze animals or grow crops, and that such land was typically reserved for non-displaced communities living there.

Ibrahim O., 60, who lives in a government-built settlement of single-family houses in a rural area near Barda, said: “Each [local] family has close to four or five hectares of land, which IDP families don’t have access to. In our settlement, many IDPs have to work for local people on their farms.”<sup>106</sup>

<sup>93</sup> Azerbaijan, Labour Code, 1 February 1999, [https://online.zakon.kz/Document/?doc\\_id=30420364&pos=284;-58#pos=284;-58](https://online.zakon.kz/Document/?doc_id=30420364&pos=284;-58#pos=284;-58), Article 12

<sup>94</sup> Amnesty International interview in person with Ramiz A. [pseudonym], 1 November 2021.

<sup>95</sup> Amnesty International interview in person with Ramiz A. [pseudonym], 1 November 2021.

<sup>96</sup> Amnesty International interview in person with Famil M. [pseudonym], 5 November 2021.

<sup>97</sup> Universal Declaration of Human Rights (UDHR), UNGA resolution of 10 December 1948, Article 2 (non-discrimination), Article 23 (right to work); ICESCR, Article 2(2) (non-discrimination), Articles 6 & 7 (right to work).

<sup>98</sup> UDHR, Article 2; ICESCR, Article 2(2).

<sup>99</sup> CESCR, General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2), 10 June 2009, paras. 15, 29. See also, for example, OHCHR, “Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 2,” 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23858&LangID=E>

<sup>100</sup> CESCR, General Comment No. 6: The Economic, Social and Cultural Rights of Older Persons, 8 December 1995, para. 22.

<sup>101</sup> CESCR, General Comment No. 6: The Economic, Social and Cultural Rights of Older Persons, 8 December 1995, para. 12. See also CESCR, General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2), para. 29.

<sup>102</sup> CESCR, General Comment No. 6: The Economic, Social and Cultural Rights of Older Persons, 8 December 1995, para. 12.

<sup>103</sup> UN Independent Expert on the enjoyment of all human rights by older persons, Report: *Ageism and Age Discrimination*, 4 August 2021, A/HRC/48/53, para. 81.

<sup>104</sup> Azerbaijan, Land Code, 25 June 1999, <https://www.migration.gov.az/content/pdf/587c02a5343cb881a3250263601566ed.pdf>, Article 56.4.

<sup>105</sup> The World Bank, *Azerbaijan: Building Assets and Promoting Self Reliance: The Livelihoods of Internally Displaced Persons*, October 2011, p. 33.

<sup>106</sup> Amnesty International interview in person with Ibrahim O. [pseudonym], 5 November 2021.

Lack of employment put older people under pressure in other ways: in some more remote areas where employment was particularly scarce, older people receiving pensions were the only members of the family with any source of income. Jamshid B., 67, who lives in Saatli region, said that none of his four adult children had been able to find work, and that the entire family survived on his 260 manat (US\$152) pension. He said: "Sometimes we don't have enough money and we have to take out loans to buy food at the grocery store."<sup>107</sup>

Several older women said that the only employment opportunities available to them as displaced people were low-paying jobs such as cleaning. This contrasted to their lives in rural communities, where they had been able to earn money through a number of means, including agriculture and crafts such as carpet-weaving, which they said was highly profitable. Tarana M., 65, said: "I was very skilled at weaving and I used to make carpets. I made a lot of money like that. I can't do it here because I have no instruments, no equipment. I even had to leave my carpets there. I lost a lot of the fruits of my labour."<sup>108</sup>

For older people who live in towns such as Barda or Terter – which until the conflict in 2020 were situated along the frontline with Armenian forces and frequently saw fighting – the prolonged conflict has had a direct impact on their daily lives.

For example, the water supply in Barda and Terter has been an issue since the 1990s, as the main river supplying the region fell under control of Armenian forces, leading to major water shortages there.<sup>109</sup> Displaced older people said that this further limited their ability to earn an income from agriculture or animal husbandry. Tahir I., 72, said: "One of the biggest problems [in displacement] was the water shortage. Where I lived there was plenty of territory to engage in farming, but there was not enough water. I always wanted to have more animals, but I would have needed more water."<sup>110</sup>

Older people also said that living near the frontline, where shelling and sniper fire were not uncommon, posed additional risks to their ability to farm. Famil M., 71, who lives in the town of Terter, said: "All those years there were attacks from Armenian snipers. In 2007, I was grazing my three cows and they just walked over to the Armenian side. I was not able to keep any cows after that."<sup>111</sup>

In addition to concerns around the respect for displaced older people's right to work, and to not be discriminated against in seeking employment, the lack of livelihood opportunities undermines the realization of other rights, including to food and to health.<sup>112</sup> Several displaced older people, including Jamshid B., quoted above, described recurrent challenges in accessing adequate food, or said they had to put themselves in an even more vulnerable economic position to obtain adequate food. Other displaced older people said they at times had difficulty paying for essential medications.

For example, Jeyran A., 64, who receives a 250 manat (US\$147) pension each month, said: "My pension and the [monthly] payments are barely enough to cover our food expenses. My husband needs surgery for his hernia, but we can't afford it. There are medications I've been recommended for my diabetes, but they're too expensive, so I don't take them."<sup>113</sup> Dilbar M., 84, who has difficulty walking and using her hands after several strokes, said: "Before people helped us more. I have a 200 manat (US\$117) pension, I never know if I should spend it on medicine or food."<sup>114</sup>

Many displaced older people lost their homes, property and livelihoods when they fled their home districts in the 1990s, and have struggled to rebuild them since. Azerbaijan should ensure that all displaced people have livelihood options in the communities where they live, and to make sure to guarantee this right to displaced older people, who due to ageist policies and discrimination are more likely to be denied the right to work.

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<sup>107</sup> Amnesty International interview in person with Jamshid B. [pseudonym], 6 November 2021.

<sup>108</sup> Amnesty International interview in person with Tarana M. [pseudonym], 3 November 2021.

<sup>109</sup> Eurasianet, "Azerbaijan: Can a Water Reservoir Help Resolve the Karabakh Conflict?" 22 March 2016, <https://eurasianet.org/azerbaijan-can-a-water-reservoir-help-resolve-the-karabakh-conflict>.

<sup>110</sup> Amnesty International interview in person with Tahir I. [pseudonym], 5 November 2021.

<sup>111</sup> Amnesty International interview in person with Famil M. [pseudonym], 5 November 2021.

<sup>112</sup> ICESCR, Articles 11 and 12.

<sup>113</sup> Amnesty International interview in person with Jeyran A. [pseudonym], 2 November 2021.

<sup>114</sup> Amnesty International interview in person with Dilbar M. [pseudonym], 4 November 2021.

# 4. PROSPECTS FOR RETURN

**“Unlike the younger generation, I have so much more attachment to those lands... It is very difficult to live between two places.”**

Tarana M., 65, a displaced woman, about returning to her pre-war community.<sup>115</sup>

**“Nobody knows [my home village] better than me, but strategy is formed by people from Baku.”**

Malik C., 67, a displaced man, about returning to his pre-war community.<sup>116</sup>

Under international law, all displaced persons have the right to return to their homes or places of habitual residence in conditions of dignity and security.<sup>117</sup> They also have the right to freedom of movement and to choose their residence.<sup>118</sup> In Azerbaijan, where many houses and other civilian infrastructure were destroyed by Armenian forces, the government is undertaking a monumental task in rebuilding villages and towns in the territories retaken in the 2020 conflict. The government earmarked 2.2 billion manats (US\$1.3 billion) to spend on reconstruction in 2021 and the same amount in 2022.<sup>119</sup> President Ilham Aliyev said that in 2021, that money would primarily be used to build roads, railroads, and energy infrastructure, as well as on demining efforts, and that construction of homes would begin after basic infrastructure was in place.<sup>120</sup>

So far, beyond the rebuilding of some tourism infrastructure in Shusha, a city in Nagorno-Karabakh,<sup>121</sup> reconstruction efforts have been announced only in a few villages and towns, which the government has sometimes referred to as “pilot projects”.<sup>122</sup> According to state officials, the government has constructed 200

<sup>115</sup> Amnesty International interview in person with Tarana M. [pseudonym], 3 November 2021.

<sup>116</sup> Amnesty International interview in person with Malik C. [pseudonym], 2 November 2021.

<sup>117</sup> See ICRC, Customary IHL, Rule 132. Return of Displaced Persons; UN Guiding Principles on Internal Displacement, Principle 28.

<sup>118</sup> ICCPR, Article 12(1). See also CCPR General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999 (noting that “the Committee has criticized provisions requiring individuals to apply for permission to change their residence or to seek the approval of the local authorities of the place of destination, as well as delays in processing such written applications”).

<sup>119</sup> Interfax Azerbaijan, “Азербайджан в 2022 г. выделит из госбюджета \$1,3 млрд. на восстановление Карабаха и Восточного Зангезура – глава МинФина,” 10 November 2021, <http://interfax.az/view/849844>

<sup>120</sup> Azeritag, “Президент Ильхам Алиев провел пресс-конференцию для представителей местных и зарубежных СМИ,” 28 February 2021, <https://bit.ly/37oGZnf>

<sup>121</sup> Eurasianet, “Top-down Shusha reconstruction facing opposition from Azerbaijanis,” 27 May 2021, <https://eurasianet.org/top-down-shusha-reconstruction-facing-opposition-from-azerbaijanis>

<sup>122</sup> President of the Republic of Azerbaijan Ilham Aliyev, “Ilham Aliyev’s interview with Turkish Anadolu Agency,” 28 September 2021, <https://president.az/en/articles/view/53249>

homes in the village of Agali in Zangilan district, and resettlement should take place there in early 2022.<sup>123</sup> Officials told reporters that older people from Agali would be the first to return there, as schools and other infrastructure for younger populations would take longer to build.<sup>124</sup> The government has also announced reconstruction plans for Aghdam region: in a meeting with the president, state officials said 71 villages would be consolidated into 33, and each resident would be given access to 1,800 square meters of land.<sup>125</sup>

However, beyond some public announcements around these pilot projects, there has been little transparency or clarity surrounding the resettlement efforts. While the government has indicated returns will be voluntary and says it has surveyed large swathes of the displaced population about their return,<sup>126</sup> the questions asked, selection methods used, and survey results have not been made public. It is also not clear what kind of houses, land, livelihood opportunities, health facilities, and other services displaced people, including displaced older people, will have access to if they do decide to return to their pre-war communities. Given the scale of destruction, landmine contamination, and displacement, the timeline of reconstruction and resettlement efforts is also unclear.

After years of living through immense difficulty and the ongoing limbo of displacement, almost all of the older people interviewed for this report were thrilled at the prospect of being able to visit their homes again. But when it came to moving back permanently, they spoke of numerous challenges, including being separated from younger family members who did not want to leave areas with higher employment opportunities; security concerns around landmines and ongoing fighting with Armenian forces; and the economic support they themselves would need to restart their lives in a new place. Some older people expressed concerns that they had not or would not be meaningfully consulted about the return process.

Particularly considering the deep attachment displaced older people expressed for their pre-war communities and their desire to return home, it is likely that they may want to return home in larger numbers than younger generations. It is vital that the Azerbaijani government act swiftly to ensure that the opinions of all displaced people, including displaced older people, are taken into account so as to guarantee that their rights are fully respected in their return. The authorities should share information more regularly, transparently, and directly with affected communities, particularly with regards to key issues such as access to land and livelihoods, and to essential services such as healthcare and support services.

## 4.1 SECURITY CONCERNS

Security concerns were an issue for many displaced older people interviewed for this report, but particularly for those who were from areas that were close to the Armenian border or to the frontline with Nagorno-Karabakh. Active fighting between Armenia and Azerbaijan has not ended with the 2020 ceasefire: amidst tense negotiations over demarcation of the border, fighting erupted between the two sides in November 2021, as a result of which both Armenia and Azerbaijan reported that soldiers had been killed, and Armenia said dozens of its soldiers had been taken captive or were missing.<sup>127</sup> According to the International Crisis Group, since the 2020 ceasefire there have at least 100 civilians killed or wounded, including from sniper fire and landmines, on both sides.<sup>128</sup>

Ali S., 82, who is from Lachin, a region that borders with Armenia and which contains the only road connecting Armenia with Nagorno-Karabakh, spoke of his fears of returning: “My only concern and fear is that the issue is not resolved. Some of our lands are under the control of [Armenians] and personally I don’t trust them. I will go back, but I have the feeling that someday they could do something to us.”<sup>129</sup>

Mehriban M., 72, who is from Martuni, which is still under Armenian control, said that before the war her house was targeted with an explosive device and that ethnic Armenian police forces then told her family to

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<sup>123</sup> RFE/RL, “Despite Official Promises, Displaced Azerbaijanis Are Skeptical About Returning To Territory Won In Karabakh War,” 30 October 2021, <https://www.rferl.org/a/displaced-azerbaijan-return-karabakh/31537101.html>; See also: Amnesty International interview by voice call with Fuad Huseynov, Deputy Chairman for the State Committee for Affairs of Refugees and IDPs, Baku, 12 January 2022.

<sup>124</sup> RFE/RL, “Despite Official Promises, Displaced Azerbaijanis Are Skeptical About Returning To Territory Won In Karabakh War,” 30 October 2021, <https://www.rferl.org/a/displaced-azerbaijan-return-karabakh/31537101.html>

<sup>125</sup> President of Azerbaijan, “Ilham Aliyev attended a ceremony to lay the foundation stone for the restoration of Aghdam and met with representatives of the local community,” 28 May 2021, <https://president.az/az/articles/view/51777>

<sup>126</sup> Azertag, “Президент Ильхам Алиев провел пресс-конференцию для представителей местных и зарубежных СМИ,” 28 February 2021, <https://bit.ly/3i7WkKkM>

<sup>127</sup> RFE/RL, “Armenia Says Six of Its Soldiers Killed in Latest Clashes with Azerbaijan,” 19 November 2021, <https://www.rferl.org/a/armenia-azerbaijan-border-clashes-deaths/31569486.html>

<sup>128</sup> International Crisis Group, *The Nagorno-Karabakh Conflict: A Visual Explainer*, 12 April 2022, <https://www.crisisgroup.org/content/nagorno-karabakh-conflict-visual-explainer>

<sup>129</sup> Amnesty International interview in person with Ali. S [pseudonym], 4 November 2021.

leave the town. About returning, she said: “I have huge security concerns when it comes to living close to Armenians... There is lots of trauma between our two nations, I know lots of people who were killed.”<sup>130</sup>

As noted above, in 2021 alone, Azerbaijan removed 41,503 landmines and unexploded ordnance (UXO) from regions previously under Armenian control.<sup>131</sup> Demining and UXO remediation efforts are still ongoing. Azerbaijan has repeatedly called for Armenia to hand over maps of existing landmines. As noted above, on page 15, the director of the Azerbaijan Campaign to Ban Landmines said it was extremely unlikely that the maps provided by Armenia to date have captured the complete picture of the landmine situation in the region.<sup>132</sup>

Some older people interviewed for this report expressed concerns about landmines, particularly as it pertained to their ability to use land for growing crops or herding livestock.

Jamshid B., 67 years old, said: “My main concern is mines. A lot of people have been killed in mine explosions, I don’t know how many mines they’ve planted there. In a village nearby [to my own], I know a civilian who stepped on a mine near the railway and lost his legs.”<sup>133</sup>

Hasan M., 88, who was from Kalbajar, which borders both Nagorno-Karabakh and Armenia, said: “There are many mines, and the army is still clearing [the land]. It will take a long time before people will be able to go back. Now there are Azerbaijani soldiers on the border, but there are still incidents [of violence].”<sup>134</sup>

Under international law, displaced people have a right to voluntary and safe return to their homes or places of habitual residence.<sup>135</sup> According to the UN Guiding Principles on Internal Displacement, “property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation, or use.”<sup>136</sup> It is clear that the Armenian authorities who controlled the seven Azerbaijani districts around Nagorno-Karabakh failed to do this, and in fact destroyed significant amounts of civilian property and infrastructure.

According to the UN Guiding Principles, the relevant authorities “have the primary duty and responsibility to establish the conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence.”<sup>137</sup> Armenia should do everything in its power to facilitate demining efforts, including by transferring information about the location of landmines. Both Armenia and Azerbaijan should seek to ensure that that in the event of an escalation of fighting, evacuation plans are in place to protect the civilian population, including older people, and all forces strictly adhere to their obligations under international humanitarian law, including the prohibition of direct attacks on civilians and civilian objects, as well as indiscriminate and disproportionate attacks.

## 4.2 ECONOMIC CONCERNS

In the territories taken back from Armenia, the Azerbaijani authorities have already begun to demine areas and to build roads and other infrastructure, and have pledged to rebuild homes, which together would create many of the conditions for the return of displaced people.<sup>138</sup> However, there is still a lack of clarity around certain questions, such as employment, access to land, and what if any economic support returnees will receive.

Almost all older people interviewed for this report wanted to return to their pre-war communities. While they had faced extreme financial hardship in displacement, particularly in the first decade after the 1990s war, they were mostly retired and believed that their own economic situation would only improve if they were to

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<sup>130</sup> Amnesty International interview in person with Mehriban M. [pseudonym], 1 November 2021.

<sup>131</sup> Azertag, “Vüqar Süleymanov: İşğaldan azad edilən ərazilərdə ötən il 41 min 503 mina və partlamamış hərbi sursat aşkarlanıb,” 7 January 2022, <https://bit.ly/3KIR8cK>; Hafiz Safikhanov, the director of the Azerbaijan Campaign to Ban Landmines, told Amnesty International that the vast majority of contamination was from landmines, with UXO primarily an issue in areas where active fighting had been heavy. Amnesty International interview by voice call, 26 January 2022.

<sup>132</sup> Amnesty International interview by voice call with Hafiz Safikhanov, Director of the Azerbaijan Campaign to Ban Landmines, 26 January 2022.

<sup>133</sup> Amnesty International interview in person with Jamshid B. [pseudonym], 6 November 2021.

<sup>134</sup> Amnesty International interview in person with Hasan M. [pseudonym], 4 November 2021.

<sup>135</sup> ICRC, Customary IHL, Rule 132. Return of displaced persons. See also UN Guiding Principles on Internal Displacement.

<sup>136</sup> UN Guiding Principles on Internal Displacement, Principle 21.

<sup>137</sup> UN Guiding Principles on Internal Displacement, Principle 28.

<sup>138</sup> Interfax Azerbaijan, “Азербайджан в 2022 г. выделит из госбюджета \$1,3 млрд. на восстановление Карабаха и Восточного Зангезура – глава Минфина,” 10 November 2021, <http://interfax.az/view/849844>. See also: Azertag, “Президент Ильхам Алиев провел пресс-конференцию для представителей местных и зарубежных СМИ,” 28 February 2021, [https://azertag.az/ru/xeber/Prezident\\_Ilham\\_Aliev\\_provel\\_press\\_konferenciyu\\_dlya\\_predstavitelei\\_mestnyh\\_i\\_zarubezhnyh\\_SMI\\_\\_OBNOVLENO\\_\\_\\_7\\_VIDEO-1722283](https://azertag.az/ru/xeber/Prezident_Ilham_Aliev_provel_press_konferenciyu_dlya_predstavitelei_mestnyh_i_zarubezhnyh_SMI__OBNOVLENO___7_VIDEO-1722283)

move home, on the assumption that they would be given access to land where they could herd livestock or grow crops so as to support themselves and their families, in addition to receiving a pension.

Solmaz G., 66, from Aghdam district, said: “In my personal case my economic situation will get better, because I know how to do agriculture, and raise animals. So I will survive.”<sup>139</sup> Ali S., 82, said: “As an older person, I am already unemployable. The most I can expect is a pension and bread money [financial support]... We will have to deal with whatever the government gives us. I will be fine raising sheep and cattle.”<sup>140</sup>

Some older people, however, particularly those who hoped to continue working formally or informally, said they would need some kind of economic support to facilitate their return, beyond the houses that the government planned to build. Azer G., 60, said: “To go back, the primary issue is to have money at hand. We need money for food, we need different kinds of clothes because the weather there is different, we need money for equipment [for farming]. Everything is different there.”<sup>141</sup>

Older people were most concerned about the economic prospects of younger family members, as the availability of jobs would impact whether they would be able to return together. For displaced families in remote areas where unemployment even among younger family members was already high, this posed less of an issue. But for families in Baku or other areas with higher employment, or where younger generations had married into non-displaced communities, this presented a significant challenge.

Rasul A., 68, who lives in a government-built settlement in Baku, said: “My wife and I want to go back, but my children don’t want to, they have good jobs here. I’m not sure how I can leave and live there without them.”<sup>142</sup>

This concern was particularly acute for Tarana M., 65, whose husband died in 2015 and who has since lived with her son and family in Baku. Most of her four children had married locally, and had jobs as engineers, state company employees, and accountants. Tarana longed to go to her home village in Kalbajar region, but worried about leaving Baku, because she thought she would struggle to live independently away from family:

**Unlike the younger generation, I have so much more attachment to those lands... But it will be very difficult to go alone, because I can’t carry heavy things and I already had one heart attack... Even going to the market to buy things, I won’t be able to carry heavy loads or gather wood by myself... It is very difficult to live between two places.**<sup>143</sup>

Many older people may experience physical or mental changes leading to disability: according to a 2011 survey by the World Health Organization, an estimated 46% of older people have a moderate or severe disability.<sup>144</sup> States parties to the Convention on the Rights of Persons with Disabilities (CRPD) are obliged to ensure that people with disabilities, including older people with disabilities, have the right to live independently in the community on an equal basis with others.<sup>145</sup>

In the event that family members who have supported older people are unwilling to return to their pre-war communities when older people do, older people with disabilities should have “access to a range of in-home, residential, and other community support services, including personal assistance necessary to support living and inclusion in the community”.<sup>146</sup> In its letter response, Azerbaijan said that, as of early March 2022, 5,227 older people, including 149 displaced people, were receiving at-home support services from local branches of the Social Services agency.<sup>147</sup> While important, Amnesty International’s interviews show that such services need to be expanded to other displaced older people, and also that establishing such programmes in areas to be resettled should be an urgent priority.

Some older people, including Tarana M., said they would like to be able to go back and forth to their pre-war homes, treating it as a kind of *dacha*, or summer country home, if their children wanted to stay in other parts of Azerbaijan. But in a press conference, President Ilham Aliyev said that housing would only be given to

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<sup>139</sup> Amnesty International interview in person with Solmaz G. [pseudonym], 3 November 2021.

<sup>140</sup> Amnesty International interview in person with Ali S. [pseudonym], 4 November 2021.

<sup>141</sup> Amnesty International interview in person with Azer G. [pseudonym], 2 November 2021.

<sup>142</sup> Amnesty International interview in person with Rasul A. [pseudonym], 1 November 2021.

<sup>143</sup> Amnesty International interview in person with Tarana M. [pseudonym], 3 November 2021.

<sup>144</sup> World Health Organization, *World Report on Disability*, 14 December 2011, <https://www.who.int/teams/noncommunicable-diseases/sensory-functions-disability-and-rehabilitation/world-report-on-disability>, p. 30.

<sup>145</sup> CRPD, Article 19.

<sup>146</sup> CRPD, Article 19(b).

<sup>147</sup> Letter from the Azerbaijani Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

those displaced people who returned to their pre-war villages or towns to live there on a full-time basis, rather than for “people who want to go there for a weekend but live in Baku or Sugmayit”.<sup>148</sup>

Many of the displaced older people interviewed by Amnesty International said they had received very little information about how returns would be undertaken and what the situation would be like back in their home communities. They were unsure as to what sort of housing and livelihood opportunities would be available, how much access they would have to land, and what support, if any, they would get to re-start their lives in communities from which they were displaced around three decades ago. They were eager to return, but also anxious to understand what they would be returning to, beyond the government’s general promise to build and provide homes.<sup>149</sup>

According to the Principles on Housing and Property Restitution for Refugees and Displaced Persons, also known as the Pinheiro Principles, voluntary return must be based on “informed choice” and displaced people “should be provided with complete, objective, up-to-date, and accurate information, including on physical, material and legal safety issues in countries or places of origin.”<sup>150</sup> The Pinheiro Principles call for states to ensure that “particular attention” is given to the rights and needs of older people and people with disabilities, among other groups who face distinct risks, and that they are “adequately represented and included” in all decision-making related to restitution, including about the return to people’s place of residence and about the return of property.<sup>151</sup>

The Azerbaijani government faces an enormous undertaking given the scale of displacement as well as landmine contamination and property destruction in these regions, and some of its efforts to date have been notable. But far more needs to be done to provide more complete information in an inclusive way, ensuring that it reaches older people, including older women, older people with disabilities, and older people living alone.

## 4.3 PARTICIPATION IN RETURN PROCESS

In a 2007 report, Amnesty International documented the barriers to political participation faced by the internally displaced population in Azerbaijan.<sup>152</sup> Displaced people can vote in presidential and parliamentary elections but not in municipal elections. At the local level, they are represented by executive authorities from their pre-war communities, who are appointed by the president.<sup>153</sup> Many displaced older persons interviewed by Amnesty International for this report said that these bodies had been insufficiently responsive to their needs throughout their displacement. They expressed frustration that new government-built housing was given out seemingly at random and without consideration for particular needs or preferences, that repairs to utilities or housing took a long time or did not happen at all, and that displaced people were not consulted about where or how they lived.

Nisa H., 83, who lives in a shared room in an unfinished apartment building with a communal toilet and shower, said: “The government should have assisted older people who have health problems, given us some kind of temporary apartments. They could have come and asked about how we live, but there is very little interaction with them. When they do come, it’s always empty promises.”<sup>154</sup>

With regards to the prospect of return, the Azerbaijani government has said it is proactively seeking input from displaced people about their situation, priorities, and concerns, and in January 2021 announced that it was conducting a survey to determine who planned to return.<sup>155</sup> In its letter response to Amnesty International, the government said it had surveyed 90-95% of displaced people and collected demographic

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<sup>148</sup> Azertag, “Президент Ильхам Алиев провел пресс-конференцию для представителей местных и зарубежных СМИ,” 28 February 2021, <https://bit.ly/35VLqpi>

<sup>149</sup> Amnesty International interviews in person, November 2021.

<sup>150</sup> Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles), Principle 10, The Right to Voluntary Return in Safety and Dignity.

<sup>151</sup> Pinheiro Principles, Principle 14.2. See also Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Adopted and proclaimed by General Assembly resolution 60/147, 16 December 2005, para. 19.

<sup>152</sup> Amnesty International, *Displaced Then Discriminated Against: The Plight of the Internally Displaced Population* (Index: EUR 55/010/2007), June 2007, <https://www.amnesty.org/en/wp-content/uploads/2021/07/eur550102007en.pdf>

<sup>153</sup> Amnesty, *Displaced Then Discriminated Against* (previously cited).

<sup>154</sup> Amnesty International interview in person with Nisa H. [pseudonym], 3 November 2021.

<sup>155</sup> Interfax Azerbaijan, “Алиев: Прошу вынужденных переселенцев честно ответить на вопрос — есть ли у них планы вернуться на родные земли или нет,” 7 January 2021, <http://interfax.az/view/823897>

and other information relevant to their return, and that surveys were conducted on an individual basis via phone, online, or in-person communication.<sup>156</sup>

More than half of the older people interviewed for this report said that since November 2020, they had been contacted by some official body or person asking them questions about their return.<sup>157</sup> However, they said that these conversations sometimes did not extend beyond a few questions about their desire to return, or questions about property they had owned before the conflict.

As part of the government's efforts, ADA University in Baku conducted an online survey about return-related issues, which the university said had been answered by 65,000 people.<sup>158</sup> A person involved with ADA University's work on return-related issues said the university had surveyed an additional 2,000 people in person, but that these surveys were typically conducted at the household-level. As a result, this person involved in the surveys said, the vast majority of respondents were "heads of the household," or men between 50 and 70 years old, and the study failed to capture the opinions of younger people, women including older women, and people in more advanced older age.<sup>159</sup>

Neither the government nor ADA University have released information publicly about the questions asked in these surveys, their methodologies, or the surveys' results. This lack of transparency makes it more difficult to assess how thoroughly the needs of displaced people, including displaced older people, are being taken into consideration. The potential exclusion of so many types of people from the ADA University survey effort, for example, including people who will face specific risks linked to return, is concerning. Older people are not homogenous, and by recording primarily the experiences and concerns of men between ages 50 and 70, the experiences of other older people, including older women, older people in more advanced age, and older people with disabilities, may be left out. To respect and fulfil everyone's rights, the Azerbaijani government and its affiliates should ensure greater transparency in the collection, analysis, and dissemination of information relevant to returns and to the situation of IDPs more generally. They should, for example, ensure that all surveys are conducted at an individual rather than a household level, so as to ensure that a diverse group of displaced people, including older people, are included in responses.

Some older people expressed concerns that their views were not being fully taken into consideration in discussions around return. They said that particularly as older people, who had largely been pushed out of the workplace, their opinions were discounted. Malik C., a 67-year-old doctor living in Baku who was forced to retire at 65, said:

**I feel that my opinion is not heard because I don't participate anywhere now. As a pensioner I spend most of my days in the garden. Nobody knows [my home village] better than me, but strategy is formed by people from Baku.**<sup>160</sup>

Azer G., a 60-year-old displaced man living in a dormitory in Baku, said: "Nobody is going to take into consideration what we think. The government will do what they want, they will decide everything."<sup>161</sup>

According to the UN Guiding Principles on Internal Displacement, "Special efforts should be made to ensure the full participation of internally displaced persons in planning and management of their return or resettlement and reintegration."<sup>162</sup> While the Azerbaijani government's efforts have been notable in many ways, it is vital that the authorities ensure the participation of all displaced people, including a diverse group of older people, are reflected in plans for return.

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<sup>156</sup> Letter from the Azerbaijan Ministry of Foreign Affairs to Amnesty International, 3 March 2022.

<sup>157</sup> Amnesty International interviews in person, November 2021.

<sup>158</sup> Trend News Agency, "В Азербайджане завершился онлайн-опрос по возвращению вынужденных переселенцев в Карабах," 26 April 2021, <https://www.trend.az/azerbaijan/politics/3414757.html>; ADA University, "Online Survey of IDPs," 1 March 2021, <https://www.ada.edu.az/en/news/337-online-survey-among-idps>

<sup>159</sup> Amnesty International interview by voice call with somebody involved with ADA University study, 12 January 2022.

<sup>160</sup> Amnesty International interview in person with Malik C. [pseudonym], 2 November 2021.

<sup>161</sup> Amnesty International interview in person with Azer G. [pseudonym], 2 November 2021.

<sup>162</sup> UN Guiding Principles on Internal Displacement, Principle 27.

# 5. CONCLUSIONS AND RECOMMENDATIONS

Azerbaijan is facing the monumental task of returning potentially hundreds of thousands of people to areas occupied by Armenian forces since the 1990s. This is no small feat, as it requires removing up to one million landmines and rebuilding infrastructure as well as dozens, if not hundreds, of villages and towns. It is likely that older generations, who have a strong attachment to their pre-war communities, will be disproportionately among the first to return to these territories, and in some cases might be the only members of their families to return at all.

It is therefore essential that the Azerbaijani government act swiftly to ensure the full and meaningful inclusion of a diverse range of older people – including older women, older people with disabilities, and older people in advanced age – in consultations about their return. Older people are often overlooked in situations of crisis, in part because of stereotypes that they will be cared for by their families. With information-gathering and planning for returns still ongoing, the Azerbaijani government should take this time to ensure that the needs and rights of older people are fully considered.

As the accounts documented in this report clearly show, age often intersects with conflict and displacement in ways that deepen the existing marginalization of older people. While many displaced people in Azerbaijan still live in dormitories or other informal housing, for many older people – who are more likely to have disabilities – these types of accommodation are untenable, effectively trapping them indoors and also denying them access to safe and adequate sanitation. Discrimination against older people in the workplace is a widespread practice globally, but among displaced older people it imposes a particularly high burden: without access to land or equipment for crafts, displaced older people struggle to earn enough money to pay for food and essential medication.

Azerbaijan can address these issues by more comprehensively considering the needs of older people in displacement, and by abolishing practices like mandatory retirement which violate the rights of all older people. For its part, the international community should address the normative gaps in protections for older people, as well as the related gaps in monitoring, reporting, and accountability, including by moving forward with a treaty on the rights of older persons.

## RECOMMENDATIONS

### TO THE AZERBAIJANI STATE COMMITTEE FOR REFUGEES AND IDPS AND THE MINISTRY OF LABOUR AND SOCIAL PROTECTION

- Ensure that older people in displacement, including older people with limited mobility, hearing or vision impairments, and other disabilities, have access to accessible housing and support services, in line with Azerbaijan's obligations as a state party to the CRPD and to the ICESCR. Given their particular needs, ensure that older people with disabilities are prioritised when providing access to housing for displaced people in their current communities as a matter of urgency, and regardless of efforts to reconstruct and facilitate returns to pre-war areas;
- Take steps to ensure that displaced older persons have access to livelihoods, including by prioritizing programmes that allow them to return to the workplace, access capital, or access land. Ensure that in

the development and implementation of such programmes, displaced older persons are consulted and included on a non-discriminatory basis with other groups;

- Take measures to prevent discrimination against older people in the workplace, including by amending the labour code to prohibit age-based discrimination in hiring and mandatory retirement at age 65;
- Reform any existing laws, policies and practices still upholding the internal registration (*propiska*) system, and ensure any system replacing it fully respects and protects human rights, including the rights to freedom of movement and choice of residence;
- Make public and transparent the questions, selection process, and results of any surveys of the displaced population with regard to their return. Ensure that surveys of the displaced population around their return to pre-war communities are inclusive and conducted at the individual rather than at the household level, to ensure that all people, including older people, are adequately consulted about access to housing, land, healthcare, and other services relevant to their potential return;
- Ensure that all displaced people, including displaced older people, are provided with complete, objective, up-to-date and accurate information about the conditions of their return, allowing them to make informed choices about that return, which should include providing them information about the possibilities for resettlement and integration into communities where they currently live, as an alternative to resettlement;
- To ensure the safe and dignified return for all displaced people, including older people, ensure that they are able to fully participate in the planning and management of their return, including in any decisions made around housing, livelihood, access to support services, and security;
- To ensure a safe and dignified return for displaced older people, ensure that they, as well as their representative organizations, are meaningfully included in the development of evacuation plans in conflict-affected regions, and ensure that these plans contain provisions for responding to the needs of older people, particularly older women, older people living with disabilities, and older people who are living alone;
- Ensure that older people with disabilities who decide to return to their pre-war communities have access to a range of in-home, residential, and other community support services, including personal assistance, in line with Azerbaijan's obligations under the CRPD, and ensure that information about these services are available to older people as they are making decisions about their return; and
- Ensure creation of economic opportunities, allowing the displaced to sustain themselves including through access to livelihood support and to income generating opportunities.

#### **TO THE PRESIDENT OF AZERBAIJAN, THE MINISTRY OF FOREIGN AFFAIRS, AND THE MINISTRY OF DEFENSE**

- Ratify the Mine Ban Treaty (Ottawa Convention) and ensure that Azerbaijani forces end the use, stockpiling, production, and transfer of antipersonnel mines; and
- Ratify Additional Protocol I to the Geneva Conventions and ensure that domestic law and military policy are fully in line with obligations under international law.
- Ensure that a delegation from Azerbaijan attends and meaningfully participates in the Open-Ended Working Group on Ageing at the UN;

#### **TO THE ARMENIAN GOVERNMENT**

- Ensure independent and impartial investigations are conducted into allegations of war crimes and other serious violations of international humanitarian law, including crimes against older people, and that anyone against whom there is sufficient evidence of responsibility should be prosecuted in fair trials;
- Fully cooperate with demining efforts in Azerbaijan, including with the exchange of the most accurate and comprehensive landmine maps available;
- Without delay, provide full and adequate reparations to all victims of violations of international humanitarian and human rights law, including older people;
- Fully respect international humanitarian law, including the obligation to protect civilians from the effects of hostilities, affording special protections to older people, among other groups;

- Given the clear risks to older people documented by Amnesty International in this report and in prior publications, ensure the non-repetition of violations against older people by publicly making clear and firm commitments to refrain from targeting or otherwise carrying out unlawful attacks that affect older civilians; and
- Ratify the Mine Ban Treaty (Ottawa Convention) and ensure that Armenian forces end the use, stockpiling, production, and transfer of antipersonnel mines.

#### **TO UN BODIES, INCLUDING THE SECURITY COUNCIL AND THE HUMAN RIGHTS COUNCIL**

- Increase monitoring and detailed reporting on the situation of older people in armed conflict and request periodic reports on the situation of older people in armed conflict;
- Ensure that any resolution or statements on the situation in Nagorno-Karabakh highlights the situation of older people; and
- Advance discussions, including with concrete timelines and proposals for a draft, on a UN Convention on the Rights of Older Persons, in close consultation with the UN Open-Ended Working Group on Ageing.
- Make recommendations to states undergoing their Universal Periodic Review to protect the rights of older persons in conflict, including by advancing discussions on a Convention on the Rights of Older Persons, in close consultation with the UN Open-Ended Working Group on Ageing.

#### **TO THE COUNCIL OF EUROPE**

- Ensure that the Council of Europe and the intergovernmental and expert bodies, co-operation programmes and country offices of the Council of Europe continue to monitor and highlight the situation of older people affected by the conflict between Armenia and Azerbaijan; and
- Ensure that the country specific Action Plans of the Council Europe for Armenia (2023-2026) and Azerbaijan (2022-2025) include specific provisions on addressing the risks of older people posed by the long-lasting conflict, including the most recent fighting in 2020.

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# “LIFE IN A BOX”

## OLDER PEOPLE'S EXPERIENCES OF DISPLACEMENT AND PROSPECTS FOR RETURN IN AZERBAIJAN

For three decades, over half a million Azerbaijanis who fled war with Armenia have endured the limbo of displacement. In 2020, renewed fighting resulted in Azerbaijan retaking huge swathes of territory. As the government plans for the return of hundreds of thousands of displaced people to those lands, older people, who often have strong attachments to their home communities, are likely to return in large numbers.

This report is based primarily on interviews with 40 displaced older people in Azerbaijan. It examines their experiences of conflict as well as their lives in displacement: while the government has taken significant steps toward improving housing conditions and livelihood opportunities, many older people continue to face unique challenges with regards to both. The report also explores older people's perspectives, concerns, and needs regarding a return to their pre-war communities.

Displaced older people in Azerbaijan have often been left out of conversations about where and how they live. Azerbaijan should take steps to remedy that, both by improving current conditions and by meaningfully consulting them about their possible return. For its part, the international community should accelerate efforts to adopt a treaty on the rights of older persons to address gaps in protections.