

Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) to the Universal Periodic Review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007

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Attachments

1. IDMC, 30 June 2008. *Struggling to integrate: Displaced people from Chechnya living in other areas of the Russian Federation.*
2. IDMC, 13 August 2007. *Russian Federation: Government efforts help only some IDPs rebuild their lives.*
3. Russian Federation, 19 February 1993. *On forced migrants*, No. 4530-1. (as amended in 1995) (unofficial English translation)

The information included in this submission is taken from the IDMC Russian Federation Country Profile where it is fully referenced.

This country profile is accessible at:

<http://www.internal-displacement.org/countries/russianfederation>

I. Background to internal displacement in the Russian Federation

1. Internal displacement in Russia is largely a result of armed violence and conflict. In Chechnya, armed violence and two rounds of conflict between separatist rebels and government forces, first between 1994 and 1996 and then again since 1999, have caused more than 600,000 people to flee their homes. A briefer inter-ethnic conflict in North Ossetia in 1992 displaced up to 60,000 people. Current figures on the number of internally displaced people (IDPs) in Russia range from 82,000 to 137,000 people.

II. Normative and institutional framework for the protection of the rights of IDPs

2. Many decrees, laws and orders regulate the status, rights and duties of IDPs. The main laws are:

- *On forced migrants* (No. 4530-1 of 19 February 1993);
- *On the order of compensation payments for destroyed housing and property to citizens who suffered as a result of the crisis in the Chechen Republic and who will not return* (No. 510 of 30 April 1997); and
- *On the order of compensation payments for destroyed housing and property to citizens who suffered as a result of the crisis in the Chechen Republic and who permanently reside on the territory* (No. 404 of 4 July 2003).

3. Article 1.1 of the 1993 Law on Forced Migrants defines a forced migrant as follows:

“A forced migrant shall be a citizen of the Russian Federation, who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of being subject to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass violations of public order [unofficial translation]”.

Articles 1.2.2 of the same law further defines the notion of forced migrants:

“any citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a subject of the Russian Federation and came to the territory of *another* subject of the Russian Federation [emphasis added, unofficial translation]”

4. Certain people who arrive on the territory of the Russian Federation from another country may also be considered forced migrants. These include citizens of the Russian Federation who were forced to leave their residence in a foreign country, foreign citizens or stateless people who were displaced within the Russian Federation for reasons outlined in Article 1.1 of the 1993 Law on Forced Migrants, and citizens of the former USSR who used to reside in a former republic of the USSR and received refugee status in the Russian Federation, and then lost it on the basis of acquiring Russian citizenship.

5. The definition of “forced migrant” in Russian legislation is more and less inclusive than the definition of “internally displaced person” in the UN Guiding Principles on Internal Displacement. It includes Russian citizens arriving from outside of the Russian Federation,

foreigners and stateless people who were displaced within the Russian Federation and nationals of the former USSR who had been granted refugee status in the Russian Federation. However, it excludes people who were forced to flee mass violations of human rights, armed conflict and generalised violence, as well as those who fled within Chechnya and North Ossetia. It also requires that the person suffered persecution or had a well-founded fear of persecution.

III. Achievements in upholding the rights of IDPs

6. By creating forced migrant status, the government helped many IDPs gain access to basic rights and benefits, including one-off financial assistance, temporary accommodation, compensation for travel expenses to the area of temporary residence, housing loans, unemployment allowance and free medical assistance.

7. The federal government has made other efforts to improve the situation of IDPs. Since 1997 it has paid compensation for lost or destroyed property to some 85,000 displaced families and more recently included IDPs with forced migrant status in a national housing programme. The Russian Human Rights Ombudsman and the Commission of the State Duma on North Caucasus Issues also continue to appeal to the relevant government bodies to solve the outstanding issues of IDPs.

8. The Human Rights Ombudsman of the Chechen Republic participates in a protection working group that brings together international and national humanitarian workers to ensure the protection of IDPs' rights. The Chechen authorities are implementing several programmes aimed at improving the economic and social conditions in Chechnya and have allocated housing, land plots and other assistance to IDPs moving out of temporary accommodation centres (TACs). The government of the Chechen Republic also issues a pension supplement to pensioners in Chechnya on account of the archives having burnt, which internally displaced pensioners from Chechnya living elsewhere do not receive.

9. The government of North Ossetia allocated land plots to IDPs in Novy, a village it established for IDPs. However, it has reportedly used force against IDPs in order to enforce court decisions deeming certain villages water conservation and pasture zones, thus denying some IDPs their wish to return to their former homes or to stay at their current residence.

10. The government of Ingushetia has been generously hosting IDPs from both Chechnya and North Ossetia since the outbreak of conflict. In addition to providing temporary accommodation, it has also provided land plots to IDPs who opt to settle in Ingushetia rather than return to their original homes. Though not as many as Ingushetia, the government of Dagestan has also been hosting IDPs from Chechnya and has provided some of them with land plots, construction materials and cash grants.

IV. Main issues of concern

Obstacles to IDPs' enjoyment of the right to housing¹

11. Despite the federal government's valid initial calculations, the compensation programme for destroyed property and housing has not led to widespread reconstruction of private housing by IDPs from Chechnya. Compensation recipients often lose their status as forced migrants after

¹ UDHR Article 25.1, CESCR Article 11.1, CRC Article 27.3.

receiving the compensation and so must leave government housing. This is despite a 29 April 2002 Supreme Court decision stating that recipients of property compensation should not lose their right to a place in government-organised accommodation. Recipients usually rent accommodation in the private sector because the compensation amount has become increasingly insufficient for them to buy or build housing since the default of the Russian rouble in 1998. The Federal Migration Service has acknowledged that compensation paid to IDPs from Chechnya is currently insufficient to buy housing in Chechnya and elsewhere, and has responded by including forced migrants in a new federal housing programme.

12. The new federal housing programme has, however, also proven unreliable in providing forced migrants with adequate housing due to lack of funds and slow implementation. Approximately \$225 million (5.3 billion roubles) were to be allocated from 2006 to 2010 to issue housing certificates to forced migrants. This would be sufficient to provide certificates to around 5,000 families, or around thirty per cent of the 38,445 forced migrants listed as in need of improved housing. Disbursement will have to accelerate if this sum is to be used. While from 2002 to 2005 more than 7,400 forced migrant families received improved housing within the programme, in 2006 and 2007 only 1,654 housing certificates were issued to forced migrants. At this rate the government will not be able to meet its responsibilities in the law *On forced migrants* during the five-year period of IDPs' forced migrant status.

13. Since 2006, the authorities in Chechnya have been closing TACs that house IDPs and returnees. Most recently the government has been offering people leaving TACs various types of assistance. This includes accommodation in other TACs, new housing or abandoned apartments, land plots, 18,000 roubles to rent temporary accommodation, and letters of guarantee for a priority place on the housing list. While private sector accommodation was offered to IDPs with residence registration in Grozny, it is not clear which criteria are being used to offer other types of assistance, or if these criteria are being applied consistently. It is also not clear to what extent the government consulted IDPs or to what degree IDPs participate in the planning and implementation of policies and programmes for their benefit.

14. IDPs have expressed concerns about the process of relocation from the TACs. On leaving the TACs, IDPs report they were made to sign a form that relinquishes their forced migrant status. This prevents them from accessing the rights and benefits associated with that status. While physical force was not used to enforce the relocations, some IDPs reported that the authorities used psychological pressure to push them to leave. Relocations were carried out at short notice, and in isolated cases during the winter or at night. Some IDPs who were granted abandoned apartments report that there are several people claiming ownership of the apartment. In early 2008 a Chechen government official and a representative of the Russian human rights NGO Memorial verified information of human rights violations during the relocation process together, though the results of this verification were unavailable.

Obstacles to IDPs' enjoyment of the right to return in safety and dignity²

15. More than 57,000 IDPs, mainly ethnic Chechens, have returned to Chechnya, with over 19,000 returning in 2004 from Ingushetia. Human rights organisations contend that IDPs in Ingushetia were forcibly returned, while the government maintains they returned voluntarily.

² deduced from the right to freedom of movement and the right to choose one's residence: UDHR Article 13, CCPR Article 12, and ECHR Article 2 of Protocol No. 4.

16. While Chechnya has started to recover from years of conflict, the security situation remains volatile. Both the government forces and militants continue to perpetrate human rights abuses, including enforced disappearances, unlawful detention, ill-treatment, torture, rape and murder. Perpetrators still enjoy general impunity, and victims who seek justice through the police and courts are pressured to withdraw their claims. Corruption and crime reportedly play a significant role in perpetuating insecurity. The security situation in the North Caucasus still discourages the return of some IDPs.

17. The scale of compensation for lost housing and property represents a form of coercion for IDPs to return to Chechnya, as well as unequal treatment of citizens. Displaced people who choose to return and settle permanently in Chechnya receive up to 350,000 roubles (\$15,000) as compensation for lost housing and property according to federal law No. 404 of 4 July 2003, while those who do not return to Chechnya receive a maximum of 120,000 roubles (\$5,000) according to federal law No. 510 of 30 April 1997. Those settling outside of Chechnya may be eligible for compensation no matter the state of their property or housing, while those opting to return to Chechnya may only be eligible for compensation if their property or housing is at least 80 per cent destroyed. The 1997 compensation law states that those who do not return to Chechnya must renounce all rights to their housing and property, while it can be inferred from the 2003 law that those who return to Chechnya retain these rights. This differential treatment of citizens on the basis of their residence influences the return and resettlement decisions of IDPs and questions their free choice of residence in the Russian Federation. This is especially pertinent given that the personal safety of returnees to Chechnya is still not guaranteed.

Obstacles to IDPs' enjoyment of the right to recognition before the law³

18. Many IDPs lack the documents necessary to lead a normal life. They struggle to acquire and extend residence registration, forced migrant status and other documents required to access employment, services and benefits such as government-provided housing, free medical care and pensions. The inconsistent interpretation and respect of legislation by local officials and courts makes the application process for these documents unpredictable.

19. Citizens of Russia must register their residence as part of the *propiska* internal registration system. Many IDPs still face barriers when registering their residence, such as the reluctance of landlords and the authorities to register them as residents and unlawful requirements such as the payment for utilities one year in advance. Some IDPs without residence registration risk their lives and travel to Chechnya every three months to maintain registration there. Lack of residence registration restricts IDPs' access to public services, social security, jobs, rental accommodation, and creates a risk of housing eviction.

20. Many IDPs face barriers to obtain and extend forced migrant status. These barriers include differential treatment of applications from ethnic Chechens and the requirement to produce documents showing former residence in Chechnya. Of the 600,000 people who fled Chechnya, 12,500 received forced migrant status after the beginning of the second conflict in 1999, and almost none were ethnic Chechen. The authorities in Dagestan continue to refuse to issue forced migrant status to IDPs from Chechnya, though they tolerate the presence of these IDPs on Dagestani territory. Some IDPs, however, managed to extend their status through the courts.

³ UDHR Article 6, CCPR Article 16 and CERD Article 5.a.

Obstacles to IDPs' enjoyment of the right to social security⁴

21. As of 2003, there were some 40,000 internally displaced pensioners outside of Chechnya who were receiving a pension lower than they were entitled to. This number has been rising because the necessary documents and their archives were lost or destroyed during the conflict in Chechnya and no mechanism has been put in place to overcome these obstacles. While only some displaced pensioners managed to receive their entitled pension through the courts, most decisions left claimants with only a minimum pension and no reparation. As a result of their displacement and the loss of relevant documentation, the majority of internally displaced pensioners are discriminated against and continue to receive a pension that does not reflect their work experience.

Obstacles to IDPs' enjoyment of the right to non-discrimination⁵

22. The general population in Russia increasingly associates ethnic Chechens with terrorists, which makes it difficult for them to lead a normal life outside of Chechnya. Ethnic Chechen IDPs face particular difficulties in securing rental accommodation, residence registration, forced migrant status and jobs outside of Chechnya. They are also a target of racially motivated attacks and selective identity inspections by law enforcement authorities. Ethnic Chechens often have trouble finding housing in the private rented sector since many advertisements clearly state that people of non-Slavic background need not apply, and landlords are reluctant to let apartments to them for long periods or register them as resident in the dwelling. Once they find an owner willing to rent to them, they are often made to pay at least twice the usual price. Some ethnic Chechens claim they have been refused employment in areas outside of the north Caucasus on the basis of their origin in Chechnya.

IV. IDMC's recommendations

At the fourth session of the Working Group on the Universal Periodic Review, the IDMC invites the Human Rights Council to consider the following recommendations:

To the Government of the Russian Federation:

- Provide the necessary documents and registration to IDPs without adequate housing so that they may acquire a place on the list for government housing;
- Take measures to ensure government officials process applications for documents lawfully, according to set criteria and without discrimination;
- Take measures to ensure all internally displaced pensioners receive the pension due to them according to their actual work history;
- Conduct nationwide awareness-raising programmes to dispel ethnic prejudice;
- Create mechanisms for the systematic involvement and participation of different groups of IDPs in all stages of national programmes and policies affecting them.

⁴ UDHR Article 22, CESCR Article 9.

⁵ UDHR Article 7, CCPR Article 2.1 and 26, CESCR Article 2.2.