

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
82nd session of the Committee on the Elimination of Racial Discrimination
(11 February-1 March 2013)**

Russian Federation

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at www.internal-displacement.org.

I. Internal displacement in the Russian Federation

1. Conflict, human rights violations and generalised violence in Chechnya and North Ossetia forced people to flee their homes in the Russian Federation from 1992 to the early 2000s. Up to 64,000 people were displaced during the 1992 inter-ethnic conflict in North Ossetia between Ossetians and Ingush, and over 800,000 people were displaced by wars that broke out in Chechnya in 1994 and 1999 between the state and Chechen separatists.
2. None of the conflicts have been fully resolved and the security situation remains unstable with an undefeated insurgency now spread throughout the region. Violence and human rights abuses committed by insurgents and law enforcement authorities continue with impunity.
3. This submission aims to provide information on the following issue in the Committee's List of themes for the consideration of the twentieth to twenty-second periodic reports of the Russian Federation (CERD/C/RUS/Q/20-22):

5(c) Updated information on the situation of internally displaced persons, particularly in the North Caucasus, as well as on access to State assistance for displaced persons who fled Chechnya and currently live in other regions.

II. Main issues of concern and recommendations

Article 1, 2, 4, 6 – Data collection on internally displaced people

4. The Government of the Russian Federation counts “forced migrants” rather than internally displaced people (IDPs) in accordance with the definition of the UN Guiding Principles on Internal Displacement¹. Forced migrants are people with “forced migrant” status according to the definition in the 1995 Law of the Russian Federation *On Forced Migrants*². This definition is simultaneously more and less restrictive than the definition of an IDP in the Guiding Principles. It is more

¹ The UN Guiding Principles on Internal Displacement are accessible at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>

² The 1995 Law of the Russian Federation on Forced Migrants defines forced migrants as follows:

“1.1 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 subjected 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.

1.2. Taking into account the facts stipulated in Point 1 of the present article, the following persons shall be recognized as forced migrants:

(1) any citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a foreign state and came to the Russian Federation;

(2) 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. ”

restrictive in that a person displaced within a subject of the Russian Federation would not qualify for forced migrant status, but would be considered an IDP according to the Guiding Principles. At the same time, a person who fled to the Russian Federation from a former Soviet republic might qualify for forced migrant status, but would not be considered an IDP according to the Guiding Principles.

5. In its twentieth to twenty-second periodic report to the Committee, the Government of the Russian Federation wrote:

455. Currently there are 7,094 displaced persons (2,590 families) from the Chechen Republic, of whom 4,885 persons (1,448 families) chose not to return and opted instead to stay in the Republic of Ingushetia.

It did not provide the number of IDPs from North Ossetia in the report.

6. Government figures of forced migrants do not include all IDPs. Many of those who fled the first conflict in Chechnya were granted forced migrant status, but only a minority of those who fled the second conflict in Chechnya were granted the status. Many who were granted forced migrant status have lost it. This is either because they failed to reapply for it, have it extended or regain it after the five-year validity period, or because they received housing assistance or compensation for their destroyed property. Finally, as there has been no formal assessment of IDPs' outstanding needs, it is likely that some people no longer counted as forced migrants still have unresolved issues relating to their displacement.
7. Local and international organisations no longer compile comprehensive figures on IDPs. Coupled with the limitations on Government figures, the result is that there are no authoritative figures of IDPs from Chechnya and North Ossetia on the territory of the Russian Federation that are in line with the definition of an IDP in the Guiding Principles. The lack of accurate figures on IDPs limits the government's ability to effectively uphold IDPs' rights under CERD.

IDMC invites the Committee to consider the following recommendations to the Government of the Russian Federation in relation to Articles 1, 2, 4 and 6:

- Align legislation relating to internal displacement with the UN Guiding Principles on Internal Displacement, including by using the definition of internally displaced person contained in the Guiding Principles;
- Conduct a survey, using the definition of internally displaced person in the UN Guiding Principles on Internal Displacement, to determine the current number and location of people internally displaced from and within Chechnya and North Ossetia-Alania and the outstanding displacement-related issues they face.

Article 5d (i) – Freedom of movement and choice of residence

8. Article 3 of Law of Russian Federation No. 5242-1 of 25 June 1993 *On the right of citizens of the Russian Federation to freedom of movement, choice of place of arrival and residence* requires citizens to register at their place of temporary or permanent residence. It also provides that residence registration or the lack thereof cannot serve as a basis for the limitation of or a condition for the realisation of rights and freedoms of citizens. A citizen who submits the documents required may not be denied registration at their place of temporary or permanent residence.
9. The exercise of Convention rights by IDPs continues to be limited in practice by residence registration requirements. This is especially the case for ethnic Chechen IDPs who have settled outside of Chechnya and Ingushetia. Though, some IDPs from the Prigorodny district in North Ossetia-Alania have also struggled to obtain a new passport with registration as permanent residents in their place of origin. Some IDPs fled their homes without their residence registration and have struggled to have it reissued. Others struggle to register at their current place of residence since landlords have not given their consent, they could not collect the required documents or their application was refused.
10. The difficulties in securing current and former residence registration limit IDPs' free and voluntary choice as to whether to return, integrate at their current residence or settle elsewhere in the country. In Chechnya, assistance is given at IDPs' original place of residence. The lack of residence registration at their original place of residence has limited IDPs' ability to claim their property and access support and services upon return. IDPs without residence registration at their current place of residence struggle to access entitlements such as health care, government benefits, official employment and documents. This adds to their social exclusion.
11. IDPs from some mixed ethnic villages in North Ossetia have been obstructed from return since the conflict in 1992. These areas have been classified as water conservation areas. Applications by Ingush IDPs wishing to return to their places of mixed ethnic origin continue to be rejected. The government argues inter-ethnic relations remain tense and not conducive to sustainable return. Allocation of land plots for construction of housing by Ingush IDPs whose places of origin have been closed to return has been limited to Novy and Maiskoy, which are villages for ethnic Ingush who built by the Government of North Ossetia. The result is a limitation on the freedom of choice of residence of Ingush IDPs in North Ossetia.
12. The continuing residence registration system, the difficulties IDPs have accessing registration and the impossibility of return for some IDPs limit the rights of IDPs under Article 5d(i) of CERD.

IDMC invites the Committee to consider the following recommendations to the Government of the Russian Federation in relation to Article 5d(i):

- Ensure IDPs can access services and employment and claim their property, regardless of their residence registration;
- Abolish the practice of temporary and permanent registration to a specific geographic location for all citizens, including IDPs.

Article 5e(iii) – Housing conditions

13. The federal government has provided temporary accommodation to many IDPs with forced migrant status for years, and it has established other programmes to meet the housing needs of forced migrants in the North Caucasus. These include long-term interest-free loans, housing certificates that can be used to buy housing and regional programmes for socio-economic development in South Russia (2008-2013), the Chechen Republic (2008-2012), Ingushetia (2010-2016) and the North Caucasus Federal District (to 2025). Chechnya's programme "Social Housing" also includes measures to increase the municipal housing stock in the republic to ensure adequate housing is available for the most vulnerable people, including those who lost their housing during the conflicts.
14. In its twentieth to twenty-second periodic report to the Committee, the Government of the Russian Federation provided information on housing and social assistance it is currently providing to IDPs in Chechnya and Ingushetia in paras 456 to 459³.
15. While these measures have improved the housing conditions of some IDPs, others have been unable to secure adequate housing. Government housing support goes mainly to IDPs with forced migrant status; those without the status may not benefit. IDPs also report that their original homes have been destroyed or illegally occupied and/or sold, that they have lost their title documents or former residence registration and struggle to have them reissued and that they

³ The Government provided the following information in its twentieth to twenty-second report to the Committee:

“456. Since 2011, State support for the housing of displaced persons living in the Republic of Ingushetia has been covered under the special federal programme —Socioeconomic development of the Republic of Ingushetia, 2010–2016, approved by Government Decision No. 1087 of 24 December 2009.

457. The programme calls for a targeted allocation of subsidies from the federal budget totalling 4.2 billion roubles to the budget of the Republic of Ingushetia to provide social assistance to displaced persons. Initiatives to house these persons will be carried out by the Government of the Republic of Ingushetia. There are sufficient financial resources to provide housing to persons in this category who are registered in Ingushetia.

458. Families of displaced persons from the Chechen Republic registered in other constituent entities (2,209 persons, or 1,141 families) are to receive housing subsidies under the subprogramme —Implementation of the State obligation to provide housing to categories of citizens established by federal law, and they are to be issued housing certificates to acquire a dwelling as part of the special federal housing programme 2011–2015, approved by Government Decision No. 1050 of 17 December 2010.

459. Initiatives are being carried out in the Russian Federation as part of a special federal programme for the socioeconomic development of the Chechen Republic, 2008–2012, to provide social assistance to citizens for the renovation of homes destroyed as a result of the resolution of the crisis in the Chechen Republic. Under the programme, it is planned to allocate 2,824.4 million roubles in benefits to 3,388 citizens, of which 1,123.3 million 12-43423 69 roubles have been paid out; 592 citizens have received the full benefits and 1,392 citizens have received partial amounts.”

do not have the means to rebuild their homes.

16. Some IDPs who received government housing support report that allocated dwellings have been contested by alleged owners or are in need of significant repairs, and land plots are small, not connected to utilities and far from job opportunities. Compensation for lost or destroyed housing in Chechnya has also not solved the housing problems of IDPs, mainly because the compensation amount has not grown to reflect inflation, government officials demand substantial kickbacks and only those with fully destroyed housing could apply.
17. Widespread unemployment means that many IDPs continue to live in substandard housing conditions. The majority of IDPs in the North Caucasus live in private accommodation that they rent or share with relatives. The rest live in collective centres in Chechnya, Ingushetia and Dagestan, or in shacks or trailers on their own land. Conditions in all types of accommodation are generally substandard and the worst conditions are reportedly in collective centres in Ingushetia and Dagestan, with inadequate sanitation, ventilation, space and protection from the elements.
18. Most remaining collective centre residents in Chechnya are at risk of eviction since few have adequate contracts or other form of security of tenure. The number of evictions of IDPs increased in 2011, though tapered off in 2012. In carrying out evictions, the government observed some procedural norms but ignored others. There was no opportunity for consultation, the informed consent of the affected group was never sought or given, notice was mostly very short (sometimes only 48 hours), and evictions were carried out regardless of whether those affected had access to a legal remedy or assistance. The government did not provide alternative and appropriate housing and/or adequate compensation to those being evicted.
19. Some IDPs ended up in worse living conditions after being evicted. These cases clearly need special attention, but the government has not adopted a case-by-case approach or monitored the situation of evicted IDPs. Some IDPs who have received eviction orders have appealed collectively to President Kadyrov and the Mayor of Grozny, requesting the order be withdrawn or alternative accommodation provided. These requests have gone unanswered. Inadequate housing assistance from the government limits IDPs' enjoyment of CERD Art. 5e(iii) and prevents full resolution of their displacement-related problems.

IDMC invites the Committee to consider the following recommendations to the Government of the Russian Federation in relation to Article 5e(iii):

- Resettle residents of closing collective centres in line with international standards, such as the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;
- Fund and implement in full and without delay the socio-economic development programmes for Chechnya and Ingushetia and build in transparency measures to prevent misappropriation of funds;
- Increase the social housing stock in the North Caucasus and give IDPs privileged access to social housing together with other vulnerable groups.

Article 5d(v), 5e(iii) – Remedy for property destroyed during conflict

20. People whose homes were destroyed during the conflicts in Chechnya are eligible to apply for compensation, and they are not obliged to have forced migrant status to do so. According to Decree No. 510 of 30 April 1997 and Decree No. 404 of 4 July 2003, compensation applicants who choose to return and settle permanently in Chechnya (mainly ethnic Chechens) receive approximately \$12,000 US (350,000 roubles) for lost housing and property, while those who do not return to Chechnya (mainly ethnic Russians) receive about \$4,000 US (120,000 roubles). Compensation payments under these programmes have stopped and applications are no longer being reviewed.
21. In its twentieth to twenty-second periodic report to the Committee, the Government of the Russian Federation wrote:
454. In application of Presidential Decree No. 404 of 4 July 2003 on the procedure for the payment of compensation for loss of life or property to citizens who suffered as a result of the resolution of the crisis in the Chechen Republic and were permanent residents on its territory, compensation totalling 26.43 billion roubles has been paid to 75,510 families (124,745 persons). Citizens who suffered as a result of the resolution of the crisis who left the Chechen Republic permanently have been paid compensation for loss of life or property pursuant to Government Decision No. 510 of 30 April 1997 on the procedure for the payment of compensation in such cases. Compensation totalling 4,075 billion roubles has been paid to more than 38,000 families under this procedure.
22. These compensation programmes have three main limitations. First, the difference in compensation amounts and retention of property rights favours IDPs' return to Chechnya and hinders IDPs' freedom to choose their residence. The justification for this differential approach is unclear. Second, those who do not return to Chechnya must renounce all rights to their housing and property upon receipt of compensation, while those who return to Chechnya retain these rights. Third, only families with fully destroyed housing may apply. Families whose housing was less than 80 per cent destroyed, or who lost their homes in the violence that led up to the official start of the first conflict are not able to apply, nor are tenants of social housing, housing provided by employers or occupiers of property they do not own.
23. The compensation programmes for destroyed property and housing have not led to widespread reconstruction of private housing in Chechnya. A 2011 survey of IDPs living in private accommodation revealed that 33 per cent of households had received compensation, but still lived in sub-standard conditions. Among the reasons given were that the amount awarded had not been indexed to inflation and so was not enough to buy or build a new property, and that significant kickbacks demanded by government officials meant families did not receive their full entitlement. These factors have discouraged many eligible IDPs from applying for compensation. The Federal Migration Service has acknowledged that compensation paid to IDPs from Chechnya is insufficient to buy housing in Chechnya and elsewhere.

24. Compensation for destroyed property and housing in Chechnya has not restored IDPs' access to adequate housing. These programmes cannot be considered effective remedies for violations of the right to adequate housing. This limits IDPs' rights under CERD Art. 5d(v) and 5e(iii).

IDMC invites the Committee to consider the following recommendations to the Government of the Russian Federation in relation to Article 5d(v) and 5e(iii):

- Provide timely and adequate restitution and/or compensation, or an equivalent remedy, to all persons, including owners and tenants and irrespective of their choice of residence, whose property has been destroyed or occupied during the military operations and violence in Chechnya and North Ossetia-Alania.