

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
46th session of the Committee on Economic, Social and Cultural Rights
(2-20 May 2011)**

Russian Federation

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. The online database can be accessed at www.internal-displacement.org

I. Background to internal displacement in the Russian Federation

- 1) More than 15 years after they first fled their homes, at least 78,000 people were still internally displaced in the North Caucasus in 2010, and an unknown number of people were still displaced elsewhere in the country. 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 800,000 people to flee their homes. A briefer conflict in North Ossetia in 1992 over Prigorodny district displaced up to 64,000 ethnic Ingush people.
- 2) This submission focuses on the situation of internally displaced people (IDPs) from Chechnya and North Ossetia on the territory of the Russian Federation. IDPs able to improve their living conditions have done so on their own over time. Those who remain displaced tend to be particularly vulnerable, and typically poor, unemployed without assets and living in inadequate temporary shelter with little targeted support. They require continued Government attention to resolve their displacement-related problems and enjoy their rights on a par with their non-displaced neighbours.

II. Main issues of concern

Article 2.2 Non-discrimination

- 3) Although Article 3 of Law of Russian Federation No. 5242-1 of 25 June 1993 *On the right of citizens to freedom of movement, choice of place of arrival and residence* provides that residence registration or the lack thereof cannot serve as a basis for the limitation of or a condition for the realization of rights and freedoms of citizens, the exercise of Covenant rights by IDPs continues to be limited in practice by registration requirements at their current place of residence.
- 4) Some IDPs are particularly affected because they fled their homes without their permanent or temporary residence registration or because it was never issued to them. Others have struggled to register in their current place of residence since landlords have not given their consent. This limits their access to entitlements such as health care, government benefits, official employment and documents such as internal passports and adds to their social exclusion. The difficulties in securing current and former residence registration also limit IDPs' free and voluntary choice as to whether to return, integrate or settle elsewhere in the country. It has also complicated some IDPs' application for compensation for destroyed property.

- 5) In its List of Issues (E/C.12/RUS/Q/5) dated 14 June 2010 to be taken up in connection with the consideration of the report of the Russian Federation, the Committee on Economic, Social and Cultural Rights requested:

8. Please provide information on whether the State party intends to abolish the practice of permanent registration (attachment) to a specific geographic location, which prevents citizens, in particular, ethnic minorities such as Roma, Caucasians and other indigenous PEOPLES from enjoying to the fullest and without discrimination their social, economic and cultural rights.

- 6) In its Written Reply to the List of Issues (E/C.12/RUS/Q/5/Add.1) submitted on 25 February 2011, the Government of the Russian Federation did not state whether it intends to abolish the practice of permanent registration to a specific geographic location. It only outlined measures it had taken to simplify the procedure, which did not appear to be steps toward abolishing the practice (paras. 53-56).

Article 9: The right to social security

- 7) While the government of the Chechen Republic disburses a pension supplement to all pensioners residing in Chechnya, internally displaced pensioners from Chechnya living elsewhere in the country do not receive a supplement. In 2003, some 40,000 IDPs outside of Chechnya were receiving only the minimum old-age pension, without the supplement for years worked in Chechnya prior to their displacement. This is because the necessary documents and their archives were lost or destroyed during the conflict and no mechanism had been put in place to overcome these obstacles, which currently remains the case. This differential treatment on the basis of former and current place of residence impairs the equal enjoyment of internally displaced pensioners' right to an old-age pension commensurate with their work experience.
- 8) In its List of Issues (E/C.12/RUS/Q/5) dated 14 June 2010 to be taken up in connection with the consideration of the report of the Russian Federation, the Committee on Economic, Social and Cultural Rights requested:

23. Please provide information on measures, legislative or otherwise, taken to increase the size of the basic pension component beyond the minimum subsistence level and to increase the level of the minimum pension. Please provide updated and detailed information on the number of internally displaced pensioners affected by the loss of accrued contribution-based old-age pension benefits as a result of the conflict in Chechnya, and on measures taken to enable them to obtain their due pension.

- 9) In its Written Reply to the List of Issues (E/C.12/RUS/Q/5/Add.1) submitted on 25 February 2011, the Government of the Russian Federation provided information on measures taken to enable displaced and returned people living in Chechnya to obtain their due pension (para 95). While these measures address the issue for IDPs residing in Chechnya, measures to enable displaced people living outside of Chechnya to obtain their due pension remain outstanding.

Article 11: The right to an adequate standard of living – housing conditions

- 10) At the end of 2010, the European Union reported 20,000 families in Chechnya still needed assistance to rebuild their houses. The majority of IDPs in the North Caucasus live in private accommodation that they rent or share with relatives, while the rest are in collective centres known as “hostels” in Chechnya and “temporary settlements” (TS) in Ingushetia and Dagestan. A small percentage live in box tents or trailers on their own land. Conditions in all types of accommodation are generally sub-standard and the worst conditions are reportedly in TS in Ingushetia and Dagestan, with inadequate sanitation, ventilation, space and protection from the elements. Most remaining collective centre residents in the Russian Federation are at risk of eviction since few have adequate contracts or other form of security of tenure. Those without a contract cannot register their residence, and so face difficulty applying for jobs, documents or government benefits.
- 11) IDPs have been unable to secure adequate housing for various reasons. Government housing support mainly goes to IDPs with forced migrant status. Granted for a five-year term and renewable on an annual basis, some IDPs have not succeeded in renewing the status, while it was never given to others. 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, nor have general housing programmes. This is mainly because the compensation amount has not grown to reflect inflation and housing programmes lack funding.
- 12) IDPs with forced migrant status are eligible to apply for housing assistance under the Federal Housing Programme 2002-2010. However, the programme has proven unreliable in providing these IDPs 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. However, in 2006 and 2007 only 1,654

housing certificates were issued to forced migrants. In Ingushetia, three IDPs with forced migrant status from Chechnya in Ingushetia and one IDP with forced migrant status from Prigorodny in Ingushetia received housing certificates under this program since 2006.

- 13) In its 5th Periodic State report, the Government of the Russian Federation acknowledged that the Federal Housing Programme 2002-2010 is not sufficient to solve the housing problems of IDPs and informed that another housing programme for those who lost housing as a result of conflict in Chechnya was being reviewed by a Parliamentary Commission.
- 14) In its Written Reply to the List of Issues (E/C.12/RUS/Q/5/Add.1) submitted on 25 February 2011, the Government of the Russian Federation acknowledged that IDPs continue to have housing problems and planned activities and commitments will address these issues (para 130).

Article 11: The right to an adequate standard of living—remedy for destroyed property

- 15) 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 stand to receive approximately \$12,000 US (350,000 roubles) for lost housing and property, while those who do not return to Chechnya are eligible for about \$5,000 US (120,000 roubles). 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. Only families with fully destroyed housing may apply and people who were tenants are ineligible.
- 16) 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. The failure of the Russian government to ensure security in Chechnya has meant that non-Chechen IDPs have rejected return, and this coupled with differential compensation programmes has left them with the impression that their financial losses from the war are worth less than those of ethnic Chechens.
- 17) The compensation programmes for destroyed property and housing have not led to widespread reconstruction of private housing by IDPs from Chechnya. 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. Recipients also do not receive the full amount due to them since officials disbursing the funds request bribes in the range of 30 to 50 per cent of the compensation payment. The Federal Migration Service has acknowledged that compensation paid to IDPs from Chechnya is currently insufficient to buy housing in Chechnya and

elsewhere.

18) IDPs from North Ossetia who lost housing in the 1992 conflict over Prigorodny district could not submit their applications for compensation for lost housing until 1 July 2008 under Decree No. 274 of 6 March 1998. Since then applications for refurbishment of housing for Ingush IDPs wishing to return to their places of mixed ethnic origin have reportedly not been approved, and allocation of land plots for construction of housing by Ingush IDPs has been limited to Novy and Maiskoy, limiting where one can use compensation to acquire permanent housing.

19) In its List of Issues (E/C.12/RUS/Q/5) dated 14 June 2010 to be taken up in connection with the consideration of the report of the Russian Federation, the Committee on Economic, Social and Cultural Rights requested:

31. Please explain the justification for different compensation programmes for people dispossessed of housing in Chechnya as a result of the armed conflict and provide data on the number of applicants for compensation due to loss of housing and property. Please explain the remedies available for people dispossessed of housing in Chechnya as a result of the armed conflict who were tenants of social housing or housing provided by their employer, or did not manage to privatise their dwellings before the outbreak of conflict.

20) In its Written Reply to the List of Issues (E/C.12/RUS/Q/5/Add.1) submitted on 25 February 2011, the Government of the Russian Federation explained the various property compensation programmes for the dispossessed (paras. 128-130). However, it did not explain the justification for different compensation programmes, statistics on the results of the programmes or whether tenants of social and other housing are eligible to apply for compensation.

III. Recommendations

21) At the 46th session of the Committee on Economic, Social and Cultural Rights, IDMC invites the Committee on Economic, Social and Cultural Rights to consider the following recommendations to the Government of the Russian Federation:

Article 2.2 – Non-discrimination

- Abolish the practice of permanent registration to a specific geographic location for all citizens, including internally displaced people

Article 9 – Social security

- Take measures to enable internally displaced pensioners outside of Chechnya to receive a pension that reflects the number of years worked in Chechnya before they were displaced

Article 11 – Adequate standard of living (housing)

- Ensure that IDPs can secure adequate housing, including through timely and full implementation of planned activities and commitments, based on need and regardless of whether they have forced migrant status

Article 11 – Adequate standard of living (remedy for destroyed property)

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