

# **Struggling to integrate: Displaced people from Chechnya living in other areas of the Russian Federation**

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## **Acknowledgements**

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Cover photo: Internally displaced pensioners who fled to Volgograd from Chechnya in 1993. This couple worked over 40 years in Chechnya, but receive only a minimum pension since their pension documents were destroyed during the conflict. To supplement their combined \$340 monthly pension, the man works 12 hours a day as a bus driver. They rent a two-room apartment together with their daughter, her husband and their child, as well as their son and his wife. Their daughter and son also work long hours as an accountant and taxi driver respectively. (Nadine Walicki / IDMC, March 2008)

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## Table of contents

Map of western Russia showing locations of the IDPs interviewed.....	1
Table of contents.....	1
Executive summary.....	2
Recommendations.....	3
To the Government of the Russian Federation .....	3
To the European Union.....	5
To the Council of Europe.....	5
Introduction.....	6
Access to documents.....	8
Forced migrant status.....	9
Internal passport.....	12
Residence registration.....	13
Pension rights.....	15
Physical security .....	17
Medical care.....	18
Education .....	19
Employment.....	19
Property concerns.....	21
Housing conditions .....	23
Access to courts and legal assistance.....	29
Family unity and missing relatives .....	30
Annexe: Testimony of IDPs from Pyatigorsk.....	31
Endnotes.....	33

## **Executive summary**

*This report focuses on the situation of internally displaced people (IDPs) from the Chechen Republic living outside of the north Caucasus. The Internal Displacement Monitoring Centre (IDMC) visited the Russian Federation in March 2008, and interviewed IDPs of various ethnic backgrounds and their legal representatives in seven locations. The report is based on these interviews and information publicly available on the IDMC website. The observations outlined here are consistent with information published by Russian human rights non-governmental organisations, notably the Civic Assistance Committee.*

*Regardless of their ethnic background, IDPs are unwilling to return to Chechnya because they believe their physical security there would be at risk, yet they struggle to settle outside of the north Caucasus due to specific circumstances which they often share.*

*Many IDPs lack the documents necessary to lead a normal life. They struggle to acquire residence registration, internal passports and other documents necessary to access employment, services and entitlements 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 unpredictable. As a result most of the displaced work in the informal market, rent what housing they can find in the private sector, pay for all medical services and do not receive their full pension entitlements. Most have difficulty making ends meet as their income is barely enough to pay the rent, let alone cover other expenses. The issuance of documents to IDPs should be facilitated without imposing unreasonable conditions that IDPs cannot meet because they have been displaced.*

*IDPs are still denied lasting housing solutions despite a government property compensation and housing programme. The property compensation paid out to some IDPs has become increasingly insufficient for them to buy alternative housing. IDPs who have received this compensation have lost their status as forced migrants and so have had to leave government housing, but have been unable to buy housing with the compensation they received. For different reasons, other IDPs have been put under pressure or forced to leave their housing in the private sector. A new federal housing programme has proven unreliable in providing IDPs with permanent housing, due to lack of funds and slow implementation. Additional funds should be allocated to the programme and IDPs still in need of permanent housing should be included regardless of whether they have forced migrant status or received property compensation.*

*Ethnic Chechen IDPs face particular difficulties in securing rental accommodation, residence registration, forced migrant status and jobs. They have been forced to move frequently by landlords unwilling to rent to them for extended periods or register them as resident in the dwelling. Some claim they were denied forced migrant status and employment because they were from Chechnya. The freedom of movement of displaced Chechen men is limited as the police frequently check their passports on the street.*

## Recommendations

### To the Government of the Russian Federation

- Ensure all internally displaced persons (IDPs) have equal access to their rights and are treated according to their needs.

#### On forced migrant status:

- Disseminate information on forced migrant status to ensure IDPs are aware of application deadlines;
- Expand the interpretation of “settlement at their new place of residence” found in Article 5.4 of the law on forced migrants when determining applications on forced migrant status extension to ensure it is non-discriminatory and fair;
- Ensure officials determine forced migrant status applications lawfully according to set criteria and without discrimination.

#### On internal passports:

- Disseminate information on the new procedure for passport renewal to IDPs and offices of the Federal Migration Service;

#### On residence registration:

- Take measures to ensure IDPs can access the services and benefits due to them by law, regardless of where they are registered;
- Provide incentives for landlords to register tenants who are displaced;
- Ensure officials register the residence of IDPs lawfully and according to criteria set out in the law;
- Implement the Council of Europe’s Parliamentary Assembly Recommendation 1667 (2004) *On the situation of refugees and displaced persons in the Russian Federation and some other CIS countries*, which calls for the gradual abolition of the residence permit.

#### On pension rights:

- Take measures to ensure all internally displaced pensioners receive the pension due to them according to their actual work history.

#### On medical care:

- Provide accessible psychological counselling to IDPs based on need;

- Increase transparency of provision of medical services to ensure IDPs with forced migrant status receive free medical care as prescribed by law.

On education:

- Offer subsidies for families in need to cover costs for meals, supplies, transport and tuition;
- Fund complementary schools organised by NGOs for those who wish to have extra study.

On employment:

- Take measures to ensure IDPs can access employment as provided by law without discrimination or having to present residence registration;
- Facilitate the issuance of unemployment benefits to IDPs with forced migrant status as provided by law without imposing unreasonable conditions they cannot meet because they were displaced.

On property:

- Conduct a survey of IDPs across the Russian Federation, including those who have received property compensation and have lost forced migrant status, to determine those still in need of permanent housing;
- Include all IDPs in need of permanent housing in the federal housing programme, and allocate necessary funds to the programme and issue them the necessary documents in order to give all IDPs the opportunity to obtain adequate housing certificates;
- Ratify the revised European Social Charter, which secures the right to housing and the right to protection against poverty and social exclusion;
- Take steps to ensure that all Federal Migration Service offices make decisions consistent with the 2002 Supreme Court decision that recipients of property compensation should not necessarily lose other property rights.

On physical security:

- Take measures to protect people from Chechnya from attacks and harassment by police;
- Implement the measures to combat racism and xenophobia prescribed in the Council of Europe's Parliamentary Assembly Recommendation 1667 (2004) *On the situation of refugees and displaced persons in the Russian Federation and some other CIS countries*.

On access to justice:

- Take steps to ensure that lawyers can practice their profession and all citizens can seek justice without being harassed;
- Implement the Council of Europe's Parliamentary Assembly Recommendation 1667 (2004) *On the situation of refugees and displaced persons in the Russian Federation and some other CIS countries*, which calls for the systematic enforcement of legislation.

On family unity:

- Continue investigating the fate of those missing as a result of the conflicts in Chechnya and inform their relatives of the progress of investigations.

**To the European Union**

- Consider the human rights of IDPs living inside and outside the north Caucasus in documents issued regarding the Russian Federation and rights-related dialogue with the government of the Russian Federation;
- Ensure that the respect for human rights and the rule of law is an important part of the new EU-Russia Partnership and Cooperation agreement;
- Urge the Russian Federation to cooperate with the Council of Europe's Committee for the Prevention of Torture and authorise publication of its reports;
- Press the Russian Federation to prosecute perpetrators of human rights abuses identified in judgements of the European Court of Human Rights, and adopt measures to eliminate the causes of abuses.

**To the Council of Europe**

- Resume monitoring of the human rights situation in Chechnya, which has been at a standstill since 2004;
- Press the Russian Federation to ratify the revised European Social Charter.

## Introduction

In an atmosphere of instability and violence leading up to the first separatist conflict in Chechnya in 1994, some 100,000 non-ethnic Chechens fled to other parts of the Russian Federation<sup>1</sup>. People continued to flee until the conflict ended in 1996, and again when a second conflict erupted in 1999. In total, perhaps 600,000 people, including ethnic Chechens, have been forced out of Chechnya from 1991 to the present<sup>2</sup>. In addition, some 40,000 people also fled to other areas of the Russian Federation following inter-ethnic conflict in North Ossetia in 1992.

There are no official statistics on the current numbers of internally displaced people (IDPs) in the Russian Federation. The Office of the United Nations High Commissioner for Refugees (UNHCR) used an estimate of 137,000 IDPs in its Global Appeal for 2008-2009. The government estimated in February 2006 that there were 82,200 IDPs, but this figure only included IDPs registered by migration services in Ingushetia and Chechnya. There is no current data available on the number of IDPs who are ethnic Chechen.

Chechnya has started to recover from years of conflict. Reconstruction is well underway, mainly in the centre of the capital Grozny, the administration is being re-established and the economy is improving. There are fewer reported cases of enforced disappearances, though family members may not report some cases due to intimidation or fear of reprisal<sup>3</sup>.

Despite these improvements, the situation remains volatile. Chechen separatists have recently become more active, including in Grozny, and armed clashes with government forces still cause casualties<sup>4</sup>. Both the army and separatists continue to perpetrate human rights abuses, including enforced disappearances, unlawful detention, ill-treatment, torture, rape and murder<sup>5</sup>. Perpetrators still enjoy general impunity, and victims who seek justice are pressured to withdraw their claims<sup>6</sup>. Corruption and crime reportedly play a significant role in perpetuating insecurity<sup>7</sup>.

Violence is also affecting other areas of the north Caucasus. In recent years there has been an increase in the number of attacks by local armed groups against the security service, army and police, particularly in Ingushetia, Dagestan and Kabardino-Balkaria<sup>8</sup>. Civilians have also been killed or abducted in Ingushetia and Dagestan<sup>9</sup>. Law enforcement authorities have countered attacks by organising special operations to detain, arrest and kill suspects, some of whom have reportedly been ill-treated<sup>10</sup>. Unemployment, poverty and dim prospects for the future, in addition to corruption and a loss of hope in obtaining justice, entice north Caucasus youth to join the militants<sup>11</sup>. The Council of Europe recently called the human rights situation in the north Caucasus “the most alarming in the whole of the geographical area covered by the Council of Europe.”<sup>12</sup>

Although more than 57,000 IDPs<sup>13</sup>, mainly ethnic Chechens, have returned to Chechnya, the IDPs that are the subject of this report were generally unwilling to return to Chechnya. They do not believe it is safe there and have opted to integrate in areas to

which they had fled or resettled. IDPs' rights to voluntarily return home or to resettle in another area of their country, and to be protected against forcible return or resettlement are set out in Guiding Principles 15 and 28.1. Additionally, Article 13.1 of the Universal Declaration of Human Rights (UDHR) sets out the rights to freedom of movement and choice of residence. UNHCR confirmed in 2007 that insecurity in the north Caucasus still influenced the return of IDPs to Chechnya and UNHCR operations there<sup>14</sup> Also highlighting the insecurity and continuing human rights abuses in Chechnya, the European Council of Refugees and Exiles (ECRE) advocated that return of IDPs to Chechnya or other areas of the Russian Federation should not be encouraged<sup>15</sup>.

The federal and regional governments have made efforts to improve the situation of IDPs living in and beyond the north Caucasus. They enacted legislation including the 1993 federal law on forced migrants<sup>16</sup>, which sets out the entitlements and duties of IDPs and the rules for government assistance. In the framework of this law, they transported IDPs out of Chechnya and provided housing in temporary accommodation centres where they were available. The federal government has also paid compensation for lost or destroyed property to 39,000 families<sup>17</sup> and has more recently included IDPs with forced migrant status in a federal housing programme. Government assistance to IDPs has been hampered by lack of funds, inconsistent implementation of legislation, high staff turnover at the Federal Migration Service and the low awareness of IDPs of how to exercise their rights.

Nonetheless, IDPs from Chechnya living outside of the north Caucasus are still struggling to settle at their current places of residence. Their situation is little known outside Russia as they have long had no contact with or humanitarian assistance from UN agencies and international NGOs. In order to obtain current information on their situation, IDMC conducted a three-week visit to the Russian Federation in March 2008 to determine the situation of IDPs living in seven places outside the north Caucasus: Moscow; Saint Petersburg; Veliki Novgorod; Pyatigorsk; Rostov; Volgograd and the Serebrianniki temporary accommodation centre in the Vishni Volochek district of Tver oblast. The locations were chosen based on the presence of IDPs and lawyers assisting them and their varying distances from the north Caucasus.

In each location, IDMC conducted interviews with at least three IDPs and a lawyer from the Russian human rights NGO Memorial, some of whom had themselves been displaced from Chechnya. There were forty individual interviews in all, and a group interview in Pyatigorsk. Interviewees included men and women aged between 15 and 80, of Chechen, Ingush, Russian, Tatar, Armenian and Jewish backgrounds. The question set focused on documents, housing, health care, education, income, property, physical security, access to justice, relations with the host community and the prospects of return to Chechnya.

This report is based on these interviews and information publicly available on the IDMC website. It aims to highlight the issues that prevent the settlement of IDPs outside of the north Caucasus, mainly the lack of documents and the consequent hindered access to services and entitlements, as well as the lack of permanent housing. The report also recommends actions that could help resolve those issues.

This report makes references to provisions of the Universal Declaration of Human Rights (UDHR), which are reflected in guarantees of the European Convention on Human Rights and the European Social Charter, and the UN Guiding Principles on Internal Displacement (the Guiding Principles). While the Russian Federation is party to the Convention, it has not yet ratified the Charter. The Guiding Principles, which reflect international human rights and humanitarian law and analogous refugee law, were recognised in 2005 by world leaders as an “important international framework for the protection of internally displaced persons”<sup>18</sup>.

### Access to documents

As citizens or residents of the Russian Federation, IDPs have a right to recognition before the law. This includes being issued the documents necessary to access services and entitlements. Many IDPs interviewed were struggling to extend or regain their forced migrant status and acquire residence registration, internal passports and the documents needed to receive their due pension. This was mainly because their original documents were destroyed during the conflict, the law was interpreted too narrowly, and ethnic Chechens were treated differently than other applicants. Without these documents, IDPs are prevented from enjoying their civil, political, economic and social rights, and struggle to lead a normal life.

Table 1 below outlines the documents which citizens of the Russian Federation need in practice to access various services, benefits and entitlements.

**Table 1 Documents required to access services, benefits and entitlements**

<b>Activity, Service or Entitlement</b>	<b>Documents required</b>
Employment in the official labour market	Internal passport, residence registration
Unemployment benefit	Internal passport, residence registration
Medical policy	Internal passport, residence registration
Medical care	Internal passport, residence registration
School enrolment	Internal passport of parent, birth certificate of child
Enrolment in higher education	Internal passport, high school diploma
Housing in a temporary accommodation centre	Forced migrant status
Access to list for those in need of improved housing	Internal passport, permanent residence registration, document confirming right to be on the list
Pension	Internal passport, residence registration, salary

	certificate, work booklet
Vote in elections	Internal passport, residence registration  (If a citizen does not have at least temporary registration, they may apply to the local election commission to be added to the electoral list. If this is not possible, they may vote at a special voting area in the city where he or she is located on election day.)
Property compensation under Decree 510	Identification documents of applicant and family members, document confirming relation between applicant and family members, documents confirming ownership or use of housing, statement of rejection of property ownership by applicant and family members, notarised original signatures of applicant and family members
Bank account	Internal passport, residence registration
Court application	Internal passport
Travel within Russia	Internal passport

### Forced migrant status

By creating forced migrant status, the government helped many IDPs gain access to basic rights. Among other benefits, IDPs with forced migrant status are entitled to one-time financial assistance, temporary accommodation, compensation for travel expenses to the area of temporary residence, housing loans and free medical assistance. However, many IDPs face barriers to obtain and extend this status, as well as enjoy the corresponding entitlements. These barriers include differential treatment of applications from ethnic Chechens, the requirement to produce documents showing residence in Chechnya, a narrow interpretation of the law, and a lack of flexibility in application time limits.

The 1993 Russian law on forced migrants creates a legal status for people forcibly displaced based on the following definition of a forced migrant:

“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...and who was forced to leave the place of residence on the territory of one subject of the Russian Federation and who has arrived at the territory of another subject of the Russian Federation” [unofficial translation]

This definition is more restrictive than the definition of internally displaced persons in the Guiding Principles. According to the Guiding Principles, IDPs are:

“...persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.”

The definition of forced migrants in Russian law 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.

Forced migrant status is issued by the local offices of the Federal Migration Service. Applicants must submit an application with their photo and photos of their family members who have reached the age of majority, a passport or another document confirming their identity, a document confirming their citizenship of the Russian Federation, a birth certificate of those family members who have not reached 14 years of age, documents confirming family and marital status and, if necessary, documents confirming violence incurred or persecution of the applicant and/or family members according to the definition of forced migrants.

Ethnic Chechens especially struggled to obtain forced migrant status as compared to other applicants. From 1991 to 1996 about 150,000 people were granted forced migrant status. In contrast, only 12,500 IDPs were granted forced migrant status from 1999 to 2001, and virtually none of them were ethnic Chechens<sup>19</sup>. Reports by Russia-based NGOs and the Council of Europe that displaced Chechens had more often been refused forced migrant status<sup>20</sup> were backed up by some interviews. Although most of the IDPs interviewed had been granted forced migrant status, in the TAC Serebrianniki, very few ethnic Chechens had been granted forced migrant status even after bringing the matter to court, whereas IDPs of other ethnicities had received the status.

The forced migrant status applications of some other IDPs were rejected on unreasonable grounds. Some IDPs reported their applications had been turned down because they were unable to prove they had been living in Chechnya as their documents had been destroyed. Others were told they must have residence registration in order to be recognised as forced migrants

Forced migrant status is granted for a five-year term, though it may be extended on an annual basis. Article 5.4 of the law on forced migrants stipulates:

“Forced migrant status shall be granted for a term of five years... In the face of circumstances which prevent the forced migrant’s settlement at the new place of residence the term of validity of his/her status shall be extended by the territorial agency of the migration service for every subsequent year upon the forced migrant’s application.” [unofficial translation]

The Migration Service in some cases interpreted “settlement at the new place of residence” too narrowly. IDPs who owned property or received property compensation

were considered to have settled at their new location and their applications for status extension were therefore denied. While the amount of property compensation was enough to buy modest housing when compensation first became available, IDPs explained that the property compensation paid out after the 1998 Russian financial crisis was insufficient to purchase housing. As a result, they remained without a housing solution and without forced migrant status. Lawyers consulted during IDMC's visit reported that the Migration Service was progressively not renewing forced migrant status despite the fact that some of those on the register remained without secure housing and so could not be considered to have settled at their new place of residence.

IDPs explained how they missed the deadline to apply for and extend forced migrant status without knowing of its existence. Some IDPs explained that they were ineligible under Article 2 of the law on forced migrants because they had applied for the status more than 12 months after they had fled Chechnya. Article 2 of the law reads as follows:

“Not recognized as a forced migrant shall be a person, who...has not filed without a sound reason a petition for recognizing him as the forced migrant in the course of 12 months from the date of his leaving the place of his residence...” [unofficial translation]

In Saint Petersburg one displaced woman had not managed to extend her status because she had missed the deadline to apply for extension of her status. This claimant only learned her status had expired when she inquired about extending it, for which the deadline had already passed.

Some IDPs who had lost their forced migrant status had managed to regain it through the courts, but courts' decisions had varied. Variations in court decisions were reported in Saint Petersburg and Veliki Novgorod, where the majority of court cases lodged by IDPs from Chechnya concerned the reinstatement of forced migrant status. Many who lost their appeals were hoping to have the decisions overturned, but the likelihood of their success appeared low.



Saint Petersburg: A displaced Chechen artist who lost his forced migrant status when he received compensation for lost property. He was evicted from his rented apartment and now lives with his brother since the compensation he received was not enough to buy housing. He has applied to the European Court of Human Rights regarding his eviction, but has not received notice whether the Court will consider his case.

### **Internal passport**

New internal passport renewal procedures that came into effect in December 2006 ensure that IDPs no longer have to risk their lives and travel to Chechnya to renew their internal passport. However, more efforts need to be made to disseminate information about this new procedure since some IDPs interviewed had been told to return to Chechnya for renewal after December 2006, while other applications were refused since applicants only had temporary registration. Some IDPs also reported experiencing discrimination as a result of Chechnya being listed as their area of origin in their internal passport.

An internal passport is the main compulsory document confirming identity and residence of citizens within the country. Citizens of the Russian Federation are first issued the passport at 14 years of age, and must renew it at the ages of 20 and 45. They may apply for the document at their local office of the Federal Migration Service by submitting an application, a copy of their birth certificate, personal photographs and an excerpt from the housing register confirming their residence. They may renew the document at the same

office by submitting an application, the passport to be renewed, personal photographs and a document confirming the basis for renewal of the passport.

Although the internal passport no longer states the ethnicity of the holder, the internal passport system can generate discrimination against those originating from Chechnya because it indicates one's area of origin. Some internally displaced people have been refused forced migrant status and employment based on being ethnic Chechen and a number of IDPs interviewed, including non-ethnic Chechens, explained how they were treated differently when people saw that they were born or registered in Chechnya.

Renewal may necessitate a journey to Chechnya despite recent legislation which should have made this unnecessary. In the past, IDPs with permanent residence registration in Chechnya had to return there to renew their internal passport. Returning to Chechnya for this purpose has exposed people to risks to their physical security. IDPs reported that some people had been killed when they went back to renew their passport. However, since December 2006, people have been able to renew their internal passport from their current place of residence, regardless of whether they are permanently registered there<sup>21</sup>. Despite this legislation, a displaced man in Rostov explained how his daughter and son had been refused internal passports after 2006 since they had only temporary residence registration in Rostov. They had applied to the court for their passports to be issued at their current place of residence and were awaiting a decision.

Some of the IDPs interviewed during IDMC's visit received internal passports at their current place of residence in line with the current law, but it seemed that some had not been informed of the new rules. Several were unaware of the decree and had made the trip, paying for travel to and from Chechnya, their stay while they were waiting for the passport to be issued and additional fees reportedly collected in order to receive the document<sup>22</sup>. Some had had to take leave from work, though others had avoided part of the expense by making a shorter trip and having a friend or relative send the new passport to them by post, although this is not permitted by law.

### **Residence registration**

Most IDPs interviewed still faced barriers when trying to get temporary or permanent residence registration in the areas they live. These barriers included the reluctance of landlords to register them and the unlawful requirement to pay for utilities one year in advance. Some IDPs without registration risk their lives to travel to Chechnya to maintain registration there. Lack of residence registration limits IDPs' access to secure accommodation and obstructs their enjoyment of their rights. IDPs without registration are also at risk of harassment by police.

The Soviet Union's *propiska* system, whereby the State granted residency, was replaced in 1993 by a system whereby all people living or staying in the Russian Federation had to register at a temporary or permanent address. This registration is stamped in Russian citizens' internal passport by the local office of Federal Migration Service and, in practice, gives access to health care, employment, pensions and education, and other

benefits and services<sup>23</sup>. Temporary registration is valid for a determined period, while permanent registration is valid for an indefinite period. In order to register at a new residence, one must first de-register from their previous residence.

Most of the IDPs interviewed had temporary residence registration and only a small number had permanent registration, while the remainder were temporarily registered at their place of arrival or not at all. People renting housing in the private sector could seldom register at the rental address as landlords were reluctant to submit a statement confirming the rental agreement since they would then be obliged to pay tax on official rental income. IDPs explained that they had to find an acquaintance, friend or relative who would register them at their residence, but for ethnic Chechens this was difficult as the police would often then check that address. Police checks to verify whether people from Chechnya indeed live at the address they are registered have reportedly decreased in recent years, but during IDMC's visit IDPs and the people who register them reported that checks were still occurring in Moscow, Saint Petersburg, Rostov and Volgograd. Some of those who had registered Chechens explained how the police made an inventory of the furniture and belongings in their apartment to establish whether those registered were in fact living there.

Most people living in government-organised temporary accommodation centres (TACs) were granted temporary residence registration in all locations visited. However, the local authorities did not always renew these registrations, at times refusing because people had lost their forced migrant status, the legal basis for residence in the TACs. Article 6.3 of the 1993 law on forced migrants states that people who lose forced migrant status also lose the right to stay in a TAC. In Veliki Novgorod, IDPs in government housing who no longer had forced migrant status were able to renew their residence registration every three months, but on each re-registration they received notice to vacate the premises.

Some regions introduced their own residence registration requirements that were not always in line with federal law. Moscow has long been the city of choice for migrants as there is the perception that there is a better chance of finding a job there. In order to control population movements to and from the city, the residence registration rules of the City of Moscow are designed to limit the number of people registering<sup>24</sup>. Registration has been limited by the requirement that people pay for their utilities one year in advance, though this demand is illegal<sup>25</sup>. Some IDPs interviewed could not pay this amount and were therefore prevented from registering their residence. In the past registration was also only issued to those who had relatives in Moscow, but now tenants of municipal apartments can register one person per six square metres and owners of apartments can register as many people as they like. While in 1996 illegal restrictions on registration were in force in an estimated 30 regions, some of the inconsistencies between regional and federal law were removed after a legislation review was conducted in 2001<sup>26</sup>.

Citizens can stay in a location away from their registered residence for up to 90 days, after which they must re-register with the authorities<sup>27</sup>. However, some IDPs interviewed were still registered in Chechnya, and one ethnic Chechen family in Moscow was

travelling to Chechnya every three months since they had been unable to register their residence in Moscow.

Federal law provides that lack of registration at the place of residence cannot obstruct citizens' rights and freedoms. Article 3 of the 1993 law entitled "On the right of citizens to freedom of movement, choice of place of arrival and residence" states:

"Citizens of the Russian Federation are required to register at their place of arrival and place of residence in the Russian Federation. 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 the citizens provided for by the Constitution of the Russian Federation, laws of the Russian Federation and the Constitutions and laws of republics within the Russian Federation." [unofficial translation]

Nonetheless, the lack of residence registration limits the ability of IDPs to enjoy their rights. IDPs who did not have residence registration reported difficulties in exercising their economic and social rights, including, for example, using free medical services, finding work in the official market, receiving a pension, opening a bank account and installing a telephone line. In 2006, the Council of Europe's European Commission against Racism and Intolerance explained how people without residence registration are refused access to public services:

"ECRI expresses its deep concern at information according to which in some areas registration remains a prerequisite for the exercise of a wide range of basic rights in contradiction with the 1993 Russian Federal Law on the freedom of movement and choice of residence. It means that a person without registration can be refused access to many public services. In the case of state pensions and allowances, the law apparently states that they cannot be granted in the absence of residence registration. However, NGOs have indicated that in all other cases, the law does not stipulate residence registration as a prerequisite for public service. In general, it even states the contrary. Nevertheless, people with no registration are confronted with a refusal from public officials when they try to access public services such as social insurance, health protection medical aid and in some extreme cases, even emergency medical assistance. Employers are also said to refuse to employ a person without registration"<sup>28</sup>.

### **Pension rights**

Many displaced pensioners receive a pension lower than they are entitled to because the necessary documents and their archives were destroyed during the conflict and no mechanism has been put in place to rectify the issue. While some displaced pensioners managed to receive their entitled pension through the courts, decisions on this have varied with most pensioners left with a minimum pension. The majority therefore continue to receive a pension that does not reflect their work experience and work in order to make ends meet.

To receive a pension that corresponds to their professional experience, Russian citizens must submit their work booklet and salary certificate. In lieu of these documents, they

can present a Communist party, trade union or Komsomol (Communist youth league) card to determine their salary scale according to dues paid.

People who fled Chechnya without these documents have faced difficulties having them reissued where the archives holding them were destroyed during the conflict. Guiding Principle 20 sets out that government authorities must facilitate the issuance of new or replacement documents lost in the course of displacement and Guiding Principle 29.1 states that IDPs should have equal access to public services. To date, a mechanism has not been put in place for these IDPs to receive the pension they are entitled to. As a result, they receive only a minimum pension. According to the Commissioner for Human Rights of the Russian Federation, there were as of 2003 around 40,000 internally displaced pensioners from Chechnya who were in this situation, and the number was rising<sup>29</sup>.

The average monthly pension in Russia at the end of 2007 was about \$140 (3,300 roubles)<sup>30</sup>. Most internally displaced pensioners interviewed were receiving a monthly pension of approximately \$85 (2,000 roubles) and were struggling to make ends meet. Some were receiving less, and only a few were receiving the pension they were entitled to. Most reported that they had to work full-time to pay all their bills and cover their expenses.



Volgograd: Internally displaced pensioners who do not receive their pension entitlements

Some internally displaced pensioners had managed to obtain a pension based on an average monthly salary for their work experience through the courts. However, there is no instruction for the courts to employ this practice and so only some courts have applied it and even then on an irregular basis. The municipal court rejected the claim of one pensioner in Rostov for his pension to be based on the average monthly salary for the positions he had occupied, on the basis that there was no law regulating such payments.

Pensioners in Chechnya who do not have the documents necessary to receive the pension they are entitled to receive a financial supplement issued by the government of the Chechen Republic based on their work experience<sup>31</sup>. However there is no such provision for pensioners living elsewhere in the Russian Federation, to whom local authorities are unwilling to allocate money from their limited budgets. The Commissioner for Human Rights of the Russian Federation has acknowledged that internally displaced pensioners from Chechnya living outside of Chechnya cannot access their full pension entitlements<sup>32</sup>, but the issue remains unresolved.

### **Physical security**

IDPs have the right to life, liberty and personal security, as set out in Guiding Principle 12 and Article 3 of the UDHR. While IDPs generally felt secure where they were living, some reported they felt unsafe as they were targeted by skinheads, nationalists and police on the basis of their origin from Chechnya.

The Open Society Institute concluded in 2006 that the Moscow police were disproportionately targeting people in the Moscow metro system who seemed non-Slavic for identity checks<sup>33</sup>. This pattern was confirmed by a number of IDPs interviewed by IDMC. One displaced woman in Moscow explained how her younger son, who looks ethnic Chechen, was stopped by the police, whereas her elder son, who looks ethnic Russian, was not. Her husband, an ethnic Chechen, has also been stopped and detained by police, though she added that such stops happened less often now than in the past. Ethnic Chechens, however, were not the only group to report being stopped by police, as a displaced ethnic Russian man in Saint Petersburg said he was also often stopped by the police. He was born in Chechnya, but grew up in Saint Petersburg and had been permanently registered there for ten years. He now carried only his driver's license in order to conceal his place of birth.

In Moscow some Chechen boys were reportedly beaten by skinheads and in Rostov nationalists harassed one Russian family when they found out the family was from Chechnya. This was consistent with reports of increasing racial and nationalistic attacks and growing extremism in Russia on national, religious and racial grounds<sup>34</sup>.

## Medical care

Russian citizens are entitled to free medical care in state and municipal medical facilities<sup>35</sup>. In practice, IDPs should present residence registration to receive general medical care, which is only free if they also have a medical insurance policy. As a result, medical care is limited by the possession of residence registration, medical insurance and finances.

Article 4.1 of the law on forced migrants foresees the provision of free medical assistance and prescriptions for IDPs with forced migrant status in accordance with the laws of the Russian Federation. In practice, however, they may only receive medical assistance in the municipality where their residence is registered, and it may not be entirely free. Those with permanent residence registration may apply for a medical insurance policy through their employer or the Fund for Social Security, which permits free medical services, while those with temporary residence registration are not entitled to apply for a medical insurance policy, but may use medical services in their local clinic for a fee. In principle, those without registration should not be denied emergency care. Furthermore, it should be noted that all citizens, displaced or not, are subject to informal fees when accessing medical services<sup>36</sup>.

Access to medical care for IDPs is limited by finances. The majority of IDPs interviewed had a medical insurance policy that they received through their employer or through the local medical clinic where they were registered as resident. However, despite the guarantee of free medical care, IDPs claimed that only an appointment with a general practitioner and a few routine tests came for free with their policy. Hospital stays and certain operations were payable, as were most prescriptions. A displaced man in Rostov explained that despite his medical policy, the cost of treating any illness in the family would break the family budget. Several elderly displaced people reported that their medicines cost up to one half of their monthly pension.

The scope of medical services available was also an issue. IDPs reported that they could not afford to travel and pay for specialist treatment or surgery, and so their illnesses had gone untreated. In one case in Volgograd, the local branch of the Ministry of Health had generously paid for the first operation of a young displaced woman with a bone disease, but further treatment was needed in another city. The young woman's single mother had built up debts from friends and relatives to pay for her treatment, but had still not been able to meet the cost. Several IDPs complained they had not been offered psychological help since their displacement. They believed serious trauma had gone unacknowledged and untreated, and that IDPs needed psychological counselling.

Only one IDP reported having been denied access to medical services. An internally displaced woman in Moscow explained how a neighbourhood clinic refused to treat her when she was pregnant since she did not have residence registration. She later brought her baby to the clinic, but the staff refused to examine the child. According to a lawyer with Memorial's Migration and Law service in Moscow, the Ministry of Health never

failed to provide hospital care to those in need or consult with IDPs needing medical care on their appeal.

## **Education**

Article 26 of the UDHR and Guiding Principle 23.1 state that everyone has a right to education and Guiding Principle 23.2 states that primary education is compulsory and free. The education of many displaced children had been interrupted because of a former residence registration requirement and the frequent change of their family residence. The right of displaced children to primary education is now ensured, but parents highlighted the high cost of sending their children to school and attending higher education.

Until 2001, many internally displaced children were denied access to school as they had no residence registration, but then the Ministry of Education ordered directors of schools to enrol children on the basis of their parents' internal passport alone. Now, displaced parents must present their internal passport and the birth certificate of their child in order to enrol their child in school.

Local schools accepted most children of those interviewed, and they studied together with their non-displaced peers. However, many children had not been formally educated between 1996 and 2001 and so had fallen behind. Many families had moved several times, which also interrupted the schooling of their children.

There were schools in all the areas visited, but attendance was not always free. The biggest expenses for parents of displaced schoolchildren were transport and food. Some children received free meals at school, but in Moscow children born to long-term residents received these meals ahead of others. Some displaced parents said schools asked them to pay for renovations and contribute to the salary of the school security guard.

Cost was also the major obstacle facing IDPs hoping to access higher education. Most people who had completed higher education after being displaced had had to work full-time in order to pay for tuition and study materials.

## **Employment**

All citizens of Russia have the right to freely seek work opportunities without discrimination. Article 23 of the UDHR and Guiding Principle 22.1.b set out the right to work and equal participation in the labour market. IDPs reported they were made to present a valid internal passport with registration at their new residence to work in the official market, and experienced discrimination when it was discovered they originated from Chechnya. IDPs with forced migrant status could not access unemployment benefits they are entitled to on account of the need to present permanent residence registration.



Saint Petersburg: A Chechen single mother who struggles to care for her children as she works long hours as an apartment renovator. They lived in an abandoned apartment (from which they were evicted) and a cellar until she was able to afford the rent for this apartment.

The majority of IDPs interviewed have some form of work, but only a minority in the official market. IDPs without residence registration work in the unofficial labour market. One woman in Saint Petersburg was offered work in an insurance company, but could not accept it because the salary was paid only through a bank account and she could not open a bank account without residence registration. People who were highly educated and had previously worked as engineers, university professors, ambulance attendants and librarians, said they were now working as cleaners, cooks, construction workers, dishwashers, flyer distributors, childcare providers and market salespeople. In Veliki Novgorod IDPs were also working in a fish processing plant. Most displaced pensioners interviewed were working as cleaners and bus drivers to supplement their low pension.

In some cases displaced people from Chechnya had been denied employment on the basis of their origin. One ethnic Chechen woman in Moscow told how her husband worked as a police investigator in Chechnya and tried to find such work in Moscow, but was openly refused since he was ethnic Chechen. She reported that she was denied a position as an accountant at a bank on the basis that she was from Chechnya. She was offered the position, but once she handed over her internal passport she was told she did not have the

right education. A young ethnic Ingush man was refused work several times in Moscow when it became clear that he had been born in Grozny.

The Council of Europe's European Commission against Racism and Intolerance reported in 2006 that:

“...the majority population increasingly associates Chechens and other Caucasians with terrorists. Most Chechens and other Caucasians are therefore under suspicion; a situation which brings about cases of racial discrimination, for instance in housing and employment sectors...The pressure on Chechens becomes apparently stronger in the aftermath of each terrorist attack against the Russian population”<sup>37</sup>.

According to Article 7.2.2 of the law on forced migrants, the authorities shall register forced migrants as unemployed if they cannot provide them with employment, regardless of the period of residence in the given location. In practice, none of the unemployed IDPs with forced migrant status had been registered as unemployed by the local authorities. Furthermore, IDPs and their lawyers reported that unemployment allowances were paid only to people with permanent residence registration. Attempts to contest this in court have been unsuccessful<sup>38</sup>.

### **Property concerns**

IDPs have the right to recover or be compensated for property and possessions left behind or dispossessed upon displacement. Article 17 of the UDHR and Guiding Principle 21 set out the right to protection of property. Guiding Principle 29.2 states IDPs are entitled to recovery or compensation for lost property and possessions. While the government has paid out property compensation to many IDPs, it has proved an ineffective remedy that has largely not solved the housing problem of IDPs, mainly because the amount paid has been insufficient. Furthermore, there were procedural barriers to IDPs obtaining property compensation as there was a lack of flexibility in application time limits and a requirement to present current residence registration.

Displaced people who choose to return and settle permanently in Chechnya receive up to around \$15,000 (350,000 roubles)<sup>39</sup> as compensation for lost housing and property, while those who do not return to Chechnya receive a maximum of around \$5,000 (125,000 roubles)<sup>40</sup>. Those who do not return to Chechnya must give up the title to their housing and property<sup>41</sup>, while those who return retain their title. This differential treatment influences the return and (re)settlement decisions of IDPs and questions their free choice of residence in the Russian Federation. This policy is also contrary to Principle 2 of the Principles on Housing and Property Restitution for Refugees and Internally Displaced Persons, which sets out the right of IDPs to have restored to them any housing land and/or property of which they were deprived. This right is prejudiced neither by the actual return nor non-return of IDPs.

About 39,000 IDP families who left Chechnya have received compensation for lost or destroyed property and movable property<sup>42</sup>. This includes approximately 17,000 families

who did not have forced migrant status. The majority of those interviewed during IDMC's visit had received property compensation of about \$5,000 (120,000 roubles).

The main concern of IDPs about property compensation was that it was insufficient to buy housing. Before the 1998 Russian financial crisis, the compensation was sufficient to buy a very modest apartment. In Moscow one woman interviewed had managed to buy an apartment with property compensation of around \$4,400 (105,000 roubles) she received before the 1998 Russian financial crisis. IDPs reported that the current cost of housing outside Moscow is approximately \$1,700 (40,000 roubles) per square metre. The Federal Migration Service acknowledges that property compensation, in Chechnya and elsewhere, is currently insufficient to buy housing<sup>43</sup>. Unable to buy a home with the compensation they received, most IDPs have spent the money repaying debts and buying essential household items. Despite the government's initial adequate calculation and good intentions, the housing problem of IDPs remains unresolved.

Unable to buy housing with property compensation they received, the majority of IDPs who were interviewed said the inaccessibility of permanent housing was their main concern. Accessing a mortgage to buy a home is almost impossible since banks charge high interest for loans and demand large down payments. Only three of the 30 IDPs interviewed had managed to secure permanent housing since their displacement from Chechnya. While only one IDP managed to buy housing with the property compensation she received, a single man in Volgograd had worked and saved enough money to buy an apartment, and a single woman had been able to buy her room in a dormitory.

IDPs suggested that the compensation amount be revised to take into account inflation since 1997, when the amount was decided. Government discussions are reportedly ongoing to this effect. As mentioned below, the Federal Migration Service proposes that compensation recipients are included in the federal housing programme, with the amount of compensation received being taken into account in determining the value of the housing certificate<sup>44</sup>.

Some of the IDPs interviewed reported that their applications for compensation were refused. IDPs in Volgograd and Pyatigorsk said they were not eligible since they had left Chechnya before the hostilities officially began. Others were told they could not apply for compensation since they were not registered at their current residence. They were also told to go to Chechnya to de-register before applying for compensation, but only one man interviewed managed to de-register from his current place of residence. Many people in Volgograd received compensation only after appealing decisions through the courts.

Many interviewees had parents who had died without having received compensation for their lost property. A displaced man in Rostov had received an inheritance certificate in 1998 for his parents' apartment in Grozny, which had been illegally occupied. The man was refused compensation for this apartment as he had left Chechnya before the war officially started. He was now trying to claim ownership and compensation for not being able to enjoy the property, through the court in Chechnya. Fearing that he could be killed

for the apartment upon return to Chechnya, he traveled with security guards and never slept in the same place more than once.



Pyatigorsk: One woman (left) had received property compensation after a long court battle, the other had refused property compensation and was waiting for a government housing certificate.

## Housing conditions

Most of the IDPs interviewed rented a privately-owned room or apartment, though some lived in temporary accommodation centres (TACs) provided by the government or dormitories provided by their employer. Guiding Principle 18.2b states IDPs should have basic shelter and housing, and Article 25.1 of the UDHR states housing should be adequate for health and well-being. A Supreme Court decision stating that property compensation recipients should not lose their right to a place in government-organised accommodation has not consistently been respected. TACs are progressively being closed and more IDPs are being forced to rent in the private sector where they spend most of their salary on rent, and in the case of Chechens, experience discrimination. Only three of 30 IDPs interviewed had managed to secure permanent housing since their displacement.

With most IDPs in the private sector spending the bulk of their income on rent, it is important that they have the necessary documents and registration to acquire a place on the list for government housing.

IDPs paid a range of rent for their accommodation, and rent in the private sector was most expensive. Residents of TACs had to pay from \$30 to \$85 (700 to 2,000 roubles) per month for utilities, though some pensioners paid half this amount and some who no longer had forced migrant status paid more. IDPs living in dormitories provided by their employer paid from around \$20 to \$100 (400 to 2,300 roubles) per month. Private sector rent was almost as much as the monthly salary of most people interviewed. Rent was most expensive in Moscow, where there is no option of staying in a TAC. IDPs pay about \$340 (8,000 roubles) for a shared room in a communal apartment and \$1,055 (25,000 roubles) for a two-room apartment. In other areas rent ranged from \$125 (3,000 roubles) for two small rooms in Volgograd with no indoor plumbing or gas to \$420 (10,000 roubles) for a two-room apartment in Rostov.

Article 4.1.4 of the law on forced migrants states that people with forced migrant status are entitled to housing in TACs. There were TACs for IDPs from Chechnya in Saint Petersburg, Veliki Novgorod, Vishni Volochek district, Pyatigorsk and Volgograd, though such centres have generally been vacated. In Saint Petersburg, the TAC had been built to accommodate forced migrants, while those in Veliki Novgorod, Vishni Volochek district and Pyatigorsk were former work dormitories, sanatoriums and hotels. The TAC in Rostov apparently only accommodated refugees from the former Soviet republics such as Azerbaijan and Tajikistan.

IDMC only visited the Serebrianniki TAC in Vishni Volochek district, but interviewed IDPs living in TACs in all other locations. Families were occupying one or two rooms with no separation of the sexes or age groups. Rooms ranged from nine to 19 square metres. By comparison, a federal housing programme allocates 33 square metres for a single person, 42 square metres for a family of two, and 18 square metres per person for families of three or more. While most residents had no major complaints about the living conditions, those in Veliki Novgorod reported that there were security cameras throughout the building, they had to inform the TAC administration if they left for more than 24 hours, and the installation of a home telephone or internet connection was not permitted. Residents repaired their rooms at their own expense, though in one case a court decision forced the Federal Migration Service to renovate a TAC in Volgograd.

The TACs provided shelter and guaranteed physical safety. They included essential facilities, except for some IDPs who reported they had lived in a dormitory in Pyatigorsk for five years without hot water or gas. Residents had access to energy for cooking, heating and lighting, and facilities for sanitation and washing, food storage, refuse and waste disposal. The TACs were in urban areas, with the exception of Serebrianniki, allowing access (at least for those with residence registration) to work opportunities, health care services, schools and childcare centres.



Moscow: This Ingush woman and her nephew share this room in a communal apartment

IDPs living in TACs were concerned about evictions. Those who had received property compensation were protected by a Supreme Court ruling of 2002, but the tenure of those who had not received property compensation and who had lost forced migrant status was at risk. The loss of forced migrant status serves as grounds for evicting IDPs from TACs since the status is the legal basis for which the state should provide them with housing. Article 9.6 of the law on forced migrants states:

“If a person loses forced migrant status or if he/she is deprived of forced migrant status, he/she shall be obliged to leave the accommodation provided to him/her from the housing fund for the temporary accommodation of forced migrants” [unofficial translation]

Thus if an IDP’s forced migrant status is not extended after the initial five-year period they must leave government-provided accommodation. Some IDPs in this situation in Pyatigorsk and Veliki Novgorod received regular letters from local migration authorities demanding that they vacate their rooms at the TACs. However, they were not leaving since they had no alternative affordable accommodation and a court order is required for eviction.

While it could be lawful for IDPs to be asked to leave their place in government housing upon loss of forced migrant status, the migration authorities did not always seem to be

respecting a 2002 Supreme Court ruling on the issue. The Russian Supreme Court ruled in 2002 that people who receive compensation for lost or destroyed property in Chechnya should not be removed from the list of those in need of improved housing, or lose their right to a place in accommodation for forced migrants as long as the compensation does not correspond to the amount of property lost, or allow one to acquire housing at the new place of residence<sup>45</sup>. This decision declared Article 19 of law 510 on property compensation inactive and unlawful. This Article stated:

“A citizen who has received compensation for lost housing loses the right to live in temporary accommodation centres for forced migrants and in housing of the fund for temporary accommodation of forced migrants and is also taken off the list of those in need of improved housing.” [unofficial translation]

The decision does not explicitly state that these IDPs should retain forced migrant status. Nevertheless, those who receive property compensation retain the right to live in the TACs. However, some IDPs had been told to vacate their accommodation after the 2002 decision as they had received compensation for lost or destroyed property. The migration authorities had explained that to grant compensation they must take away recipients’ forced migrant status.

TACs are being progressively closed to accommodation by IDPs. During this visit, IDMC witnessed an attempted eviction of an IDP family from the Serebrianniki TAC. There was a court order from 2005 to evict this family as they did not have forced migrant status. With no alternative accommodation the family had successfully appealed to postpone the eviction since that time. In the end a compromise was reached and the family reluctantly vacated one of two rooms they were occupying in the TAC. This was the last family living in the TAC as all the others had left or been evicted on the basis of not having forced migrant status, some under pressure and in the winter with no offer of alternative accommodation.

IDPs in Saint Petersburg and Pyatigorsk were also being asked to leave TACs. In Saint Petersburg, an 80-year-old displaced woman had been evicted from her room in a TAC, without an offer of alternative accommodation, as she did not have forced migrant status. Her attempts to regain forced migrant status through the courts on the basis of the 2002 Supreme Court decision and prove she did not have the means to secure other accommodation despite receiving property compensation had been unsuccessful. She subsequently shuttled between living with her daughter and a distant relative. In Pyatigorsk, the dormitory where IDPs were living was being handed over to the army and IDPs were being told to leave.



Rostov: This family had applied to the European Court of Human Rights on their eviction from previous housing. The young girl was working as an ambulance attendant while studying to help pay the rent.

IDPs in employer-provided housing and the private sector had also experienced eviction. In Rostov, IDPs living in dormitory rooms provided by their employer were under pressure to leave as the building was being handed over to the municipal authorities; they were not being offered alternative accommodation. IDPs living in the private sector in Saint Petersburg and Rostov explained how they had been evicted from the housing which they had rented on the basis of verbal agreements which offered no protection. In Rostov, the eviction had been on the basis that someone else allegedly had rights to the apartment, while in Saint Petersburg the municipal authorities had claimed they owned the apartment. After having exhausted local remedies, two IDPs had applied to the European Court of Human Rights about their eviction, but the Court had yet to reply on whether it would admit their cases.

Discrimination is an obstacle for many ethnic Chechen IDPs in search of housing in the private sector. Several IDPs in Moscow reported that they often saw advertisements for rooms and apartments for rent which stated that only people of Slavic descent need apply. The Council of Europe's European Commission against Racism and Intolerance reported in 2006 that:

“...Chechens face great difficulty in finding a flat to rent in Moscow and other big cities. When they do manage to find accommodation, they are often forced to pay at

least twice the usual price. Racial discrimination in the field of housing has also been reported in advertisements for rental accommodation appearing in newspapers. These state that persons belonging to a specific ethnic group, such as Caucasians, may not apply<sup>46</sup>.

Ethnic Chechen IDPs described how they had moved seven or more times since arriving in Moscow in the mid-1990s, as landlords refused to let apartments to them for long periods. An internally displaced single mother in Volgograd had moved 11 times in as many years, and her children had often had to change schools. With only verbal rental agreements, these displaced people had no security of tenure. In Russia Chechens are generally viewed as “the enemy,” an image that has been reinforced by the mass media, especially after the 2002 Moscow theatre hostage crisis, the 2004 Beslan school siege and the 2005 Nalchik raids for which Chechen rebel fighters took responsibility<sup>47</sup>.

Provision of permanent housing to IDPs with forced migrant status now falls within the federal housing programme set to run until 2010. Regional government agencies issue housing certificates to entitled citizens, who use them to purchase housing or pay off loans and other credits within nine months of receipt. The state housing certificates are planned and released based on the average cost per square meter of housing in Russia, and the standard size for the new housing. The size is set at 33 square metres for a single person, 42 square metres for a family of two, and 18 square metres per person for families of three or more.

The main problem with this programme is the lack of funds. Approximately \$225 million (5.3 billion roubles) are to be allocated up to 2010 to issue housing certificates to forced migrants<sup>48</sup>, enough to provide certificates to only around 5,000 families<sup>49</sup>, or around thirty per cent of the 38,445 forced migrants recognised to be in need of improved housing<sup>50</sup>.

Furthermore, 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 federal programme, in 2006 and 2007 only 1,654 housing certificates were issued to forced migrants<sup>51</sup>. IDPs and their lawyers reported that issuance of housing certificates had slowed, and even stopped in some locations. One IDP in Rostov was 161<sup>st</sup> on the list when he applied in 1997, and he still occupied that place in 2008. In Veliki Novgorod there were 800 people on the list and only two people received certificates in 2007, while in Volgograd there were 900 people on the list and none had received a certificate during the year. Only one housing certificate was issued in Moscow in 2007.

Another problem with the programme is that it does not include all IDPs still in need of permanent housing. IDPs reported that forced migrant status and permanent residence registration were needed to get on the list. Recipients of property compensation are not currently included in this programme<sup>52</sup>, although the Federal Migration Service is currently advocating that compensation recipients be included and that the amount of credit conferred by their housing certificate takes into account the amount of compensation they have received.

## **Access to courts and legal assistance**

The government has a responsibility to provide protection and assistance to IDPs, who have a right to an effective remedy and protection of the law equal to other citizens. Guiding Principle 3 sets out the State's responsibility to provide protection and assistance to IDPs, and Articles 7 and 8 of the UDHR states that all have equal protection of the law and right to an effective remedy. IDPs have applied for legal redress on issues concerning property compensation, identity confirmation, establishment of facts (mainly relating to property and work history), confirmation of family connection and compensation for moral damages. IDPs cannot always access legal assistance and courts, because lawyers and IDPs fear negative consequences if they apply on a sensitive issue and some issues can only be solved through the courts in Chechnya, presenting a risk to the physical security of applicants. Even then, court decisions are not always consistently implemented and legislation is not always enforced.

Some lawyers are unwilling to represent IDPs against local or regional government bodies. A Chechen woman in Veliki Novgorod explained how two lawyers had turned down her case on the alleged wrongful imprisonment of her husband because they feared losing future work or even their professional certification. IDPs who worked for the government were concerned that they would lose their job if they applied to the court on a sensitive issue.

Other factors preventing IDPs from seeking legal redress were their poor health, long decision-making times, reports of corrupt decisions and the high cost of lawyers. Additionally, many victims reported that they were afraid to register complaints because of possible retaliation against them or their families. According to the Commissioner for Human Rights of the Russian Federation, residents of Chechnya are often subjected to harassment after submitting a complaint to the European Court of Human Rights<sup>53</sup>.

Lawyers representing IDPs explained that they generally lost cases on housing provision, eviction from TACs, reinstatement of forced migrant status and compensation for moral damages. However they had won cases on establishment of facts, on property ownership, forced migrant status (mainly for ethnic Russians) and a small number of eviction cases. Decisions on cases related to pension payments seemed to depend on the court.

Court decisions are not always implemented. In Rostov, a woman's husband had gone missing in Chechnya when he was still owed some \$1,300 by his employer. She had managed to get a court order in Chechnya for the amount due, but the employer had never paid up. The decision had since expired and she had to go back to court.

Nor do courts always enforce legislation. For example, Presidential Decree 898<sup>54</sup> rules that those who suffered or lost family members during the conflict in Chechnya should receive financial compensation. However, none of the eligible IDPs interviewed had received compensation. Some had reportedly received this compensation in Volgograd, but awards were apparently inconsistent as there were not enough funds allocated to this programme. Applicants in Rostov were told that the decree was not active since it was

not registered at the Ministry of Justice, and so no one had received this compensation there.

Disputes over property in Chechnya can only be solved through the courts there and the poor security situation prevents IDPs from applying to the court. Those with contacts in Chechnya may pass the case on to a local Chechen lawyer and apply to the court *in absentia* after assigning power of attorney. However, this is not a realistic option for most IDPs.

### **Family unity and missing relatives**

IDPs interviewed had not received support or cooperation from the authorities on identifying the fate and whereabouts of their relatives, as they are entitled to. Guiding Principle 16 sets out that IDPs have the right to know the fate and whereabouts of missing relatives and that the government authorities must endeavor to establish the fate and whereabouts of missing relatives and inform the next of kin on the progress and result of investigations. Article 16.3 of the UDHR also sets out the right to protection of the family.

Every displaced person interviewed had relatives who had been killed or had disappeared during the war in Chechnya. A woman in Saint Petersburg explained how her husband disappeared, apparently for siding with the opposition to Chechen President Dudaev. The father of one IDP woman had been missing for over ten years and she had had no information or support in establishing his whereabouts. She feared for her safety in Chechnya and so did not travel there to investigate further. Although local investigations have started for some disappearance cases in Chechnya, no one has been held responsible<sup>55</sup>.

Other families remained separated as a result of their displacement. The husbands of two Chechen sisters in Moscow were both in Chechnya living with their mothers. The women had remained in Moscow so that their children could go to better schools, but also because they felt it was not safe for their children to live in Chechnya. Other IDPs described how their families are now scattered throughout Russia after fleeing Chechnya in different directions.

## **Annexe: Testimony of IDPs from Pyatigorsk**

*This statement was written by a group of IDPs in Pyatigorsk and was given to IDMC in an attempt to highlight the main outstanding problems they face related to their displacement.*

We, forced migrants, appeal to you with a request for assistance to solve the vitally important problems of citizens who were forced to flee the Chechen Republic. We fled in the nineties as a result of armed separatist extremism and counter-terrorist military operations that were ordered by the Parliament of the Russian Federation to preserve constitutional order on the territory of the Chechen Republic.

Thus, we are victims of a non-international armed conflict. Articles 52, 53 and 56 of Chapter 2 of the Constitution of the Russian Federation guarantee us full compensation for damages due to military operations.

Normative legal acts of the Russian Federation determine the social assistance for citizens who fled the Chechen Republic for the above-mentioned reasons. One type of social assistance is the so-called compensation payment for destroyed or abandoned housing. The amount of this sum - 100,000-120,000 roubles [\$4,000-5,000] - does not solve our housing problems. At the same time, citizens lose their forced migrant status upon receipt of this 'compensation', as well as the legal basis for the state obligation to provide them with housing.

The unfairness of these actions is mentioned in the decision of the Supreme Court of the Russian Federation of 16 November 2000 No. GKPI 00-1224. This decision confirms that compensation payments are the only measure to protect the right of citizens of the Russian Federation to receive social assistance, and that the payments do not reimburse the cost of housing and property in the full amount. At the same time, as we have already mentioned, the Constitution of the Russian Federation guarantees us compensation for losses in the full amount.

The issues of compensation for our losses and government measures including social assistance such as housing certificates and loans without interest are not being solved in any way. In many cases they are simply inaccessible and of an insufficient amount.

We consider it essential to repeat that behind the term "forced migrant" stand people from the Chechen Republic who have lost their entire savings, not of just one decade, but of their entire life. These people created and managed the material, technical, scientific and agricultural basis of the state and fought for the state in the Great Patriotic War.

At the same time, we are currently unable to get the Parliament of the Russian Federation to address our problems seriously. This includes compensation for the full and fair costs of housing, property, garages and cottages. That is, legal compensation for all losses. The current position is scornful towards citizens of the country.

In addition to material possessions, we also lost our jobs and prospects for development which are necessary to establish a basis for life and without which it is impossible to live. All of this was taken from us and besides material damage there are also psychological and moral damage. Even a simple assessment shows that moral losses can be compensated by tens and even hundreds of millions of roubles.

The Russian State and the local authorities (including those in Stavropolskii Krai) are generally not concerned with providing us with essential assistance and support. On the contrary, they put up bureaucratic obstacles and impediments.

Trying to protect ourselves from the inconsistency, heartlessness and indifference of the authorities, forced migrants have started to establish their own community organisations. Our community organisation brings together Russian orthodox people and Cossacks who lived on the territory of the Chechen Republic before the war and who as a result of the violent, bloody war became refugees and forced migrants and were left without personal housing and permanent registration.

In our case, there has been a constant violation of the principal law – the Constitution. Living in Stavropolskii Krai we are subject to acute persecution by Migration Services and overt self-government by officials. They adopt local laws that contradict federal laws and limit our rights.

Living permanently in this area with only temporary registration, we do not have the right to get a job or register in the unemployment centre to receive unemployment benefits. We are on the list to receive housing. Impoverished families receive allowances and discounts.

We cannot even get a license for a business, let alone credit. Moreover, we all worked in the Chechen Republic for 30 to 40 years and we receive a minimal pension since they cannot send salary certificates because the archives burned down.

And so we continue to wander among others' corners. That is, we rent housing that we cannot afford. Some live in dormitories where rent is also high, but we cannot use discounts (for example a labour veteran is entitled to a 50 per cent discount). And they can simply evict us because they are constantly threatening to do this.

## Endnotes

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- <sup>18</sup> World Summit Outcome Document, A/Res/60/1 of 24 October 2005, paragraph 132. The Guiding Principles can be found at <http://www.unhcr.ch/html/menu2/7/b/principles.htm>.
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