



Provisional version

## **Alternatives to Europe's sub-standard IDP and refugee collective centres**

### **Report<sup>1</sup>**

Committee on Migration, Refugees and Displaced Persons

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## A. Draft resolution<sup>2</sup>

1. The collective centres which were first set up in the 1990s to provide temporary shelter in the wake of the conflicts in the Balkans and the Caucasus continue to be used to house refugees and internally displaced persons (IDPs) in living conditions that are incompatible with human dignity and where the fundamental rights of the individuals, such as the right to adequate housing, are often violated.

2. The number of IDPs in the Council of Europe's member states, many of whom live in collective centres, is estimated to be around 2.5 million. However, these figures do not reflect the real situation given the intrinsic nature of internal displacement and the difficulty of determining the exact number of such centres.

3. The Assembly underlines, in this context, the importance of establishing an appropriate population data management to obtain an idea of the number, the location and the living conditions of IDPs, in particular people living in collective centres, so as to be able to meet their needs and protect their rights.

4. The Assembly is also concerned about the steady rise in the number of refugees, many of whom are obliged to live in collective centres; this number is increasing even further as a result of the Syrian conflict.

5. The Assembly draws attention to Recommendation Rec(2006)6 of the Committee of Ministers to member states on internally displaced persons in which the Committee of Ministers stressed "its commitment to the spirit and provisions of the United Nations guiding principles (Orders concerning collective centres, UNHCR-IOM, 2010) and its willingness to implement them in the member states' national legislation and policy";

6. The Assembly also welcomes the initiatives taken by the Council of Europe Development Bank and, in particular "the Sarajevo Process on Refugees and Displaced Persons". It also draws attention to the donors' conference, which was held in Sarajevo in April 2012 to consider the situation of refugees and IDPs in the Balkans, during which Bosnia and Herzegovina, Croatia, Montenegro and Serbia reasserted their commitment to finding lasting solutions for refugees and IDPs.

7. Nevertheless, the Assembly regrets that, despite all the initiatives taken, the living conditions in many collective centres continue to be deplorable and that these centres present serious public health and safety risks for the persons living there. Children do not have any play areas or specific places where they can study. Moreover, in some countries there is no guarantee of security of tenure, including legal protection against eviction from these centres, which amounts to an infringement of their right to adequate housing and creates insecurity which is detrimental to the fulfilment of sustainable solutions for displaced persons.

8. The Assembly would also like to draw attention to vulnerable groups and to the specific situation of elderly people and of women, children, minority groups, and persons with disabilities in collective centres, who need more assistance. The women are often victims of sexual abuse and domestic violence while the children do not always have access to education.

9. The Assembly believes that, in view of these findings, there is an urgent need for governments to take the necessary steps to solve the problems that exist in these centres, particularly with regard to the quality of housing.

10. Consequently, the Assembly invites the member states of the Council of Europe:

10.1. With regard to collective centres:

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<sup>2</sup> Draft resolution adopted unanimously by the Committee on 13 March 2014.

10.1.1. to take careful stock of the situation and of the number of IDPs and refugees in official and unofficial collective centres, and to establish a strategy vis-à-vis such centres and their occupants;

10.1.2. to identify alternative solutions and to facilitate an appropriate closure of centres which do not meet minimal requirements in terms of safety and quality of life ensuring the full and meaningful participation of IDPs ;

10.1.3. to renovate and, insofar as possible, make it easier for the occupants of collective centres to acquire their own housing and ensure that such centres meet minimum safety standards;

10.1.4. to officialise unofficial collective centres and ensure that the residents are given adequate protection against any risk of eviction;

10.1.5. to provide for alternative housing measures particularly with regard to the different settlement options chosen by the displaced persons, irrespective of whether these are integrated in the local community or voluntary and safe returns, through the allocation of new housing, social housing or, in exceptional circumstances, the allocation of abandoned housing;

10.1.6. to inform the persons living in such centres of their rights and of the possible alternatives in a language they understand ;

10.1.7. to provide legal assistance and financial resources in cases where IDPs have lodged complaints concerning the restitution of their property or reparation for the losses incurred;

10.1.8. to take specific steps to help elderly people, women, children, persons living with disabilities, minority groups and others with specific needs ;

10.2. With regard to a global strategy:

10.2.1. to prepare a global strategy, concerning in particular sustainable solutions for the rehousing and reintegration of displaced persons in keeping with the United Nations guiding principles, in consultation with relevant international organisations;

10.2.2. to set up a national co-ordination centre for IDPs and refugees and ensure that it has sufficient administrative and financial resources to help IDPs in concerned countries;

10.2.3. to implement a durable strategy, in collaboration with relevant actors including the UNHCR, to encourage access to livelihoods and independence so that refugees and IDPs no longer depend on state support, and to improve their job prospects, for example by offering specialised training courses, micro-credit, tax exemptions, etc.;

11. The Assembly also recommends that, insofar as possible, the Council of Europe Development Bank and member states of the Council of Europe provide financial support in the form of donations or loans, as was done in the context of the Sarajevo process.

## B. Explanatory memorandum by Mr Rouquet, Rapporteur

### 1. Introduction

1. *“Collective centres are pre-existing buildings and structures used for the collective and communal settlement of the displaced population in the event of conflict or natural disaster”.*<sup>3</sup> Even though there is no recognised definition of “collective centres”, the above-mentioned applies in almost all cases. Types of buildings and structures used as evacuation centres may include schools, hotels, community centres, town halls, hotels, sport infrastructures, hospitals, religious monuments, police spots, military barracks, warehouses, disused factories and unfinished buildings.

2. These centres were first set up in the 1990s in the wake of the conflicts in the Balkans and the Caucasus. They were intended to provide temporary shelter to displaced populations but, regrettably, over 15 years after those conflicts, many refugees and internally displaced persons (IDPs) are still living in these provisional accommodation facilities.

3. International law provides only a limited framework on the issue. Unlike in the case of refugees, no international treaty applies specifically to IDPs. No single institutional entity has been entrusted with an exclusive responsibility of protecting and assisting IDPs. In order to fill this normative and institutional gap, the post of Representative of the UN Secretary General on internally displaced persons was created in 1992<sup>4</sup>, and a set of Guiding Principles on Internal Displacement was adopted in 1998. Despite the non-binding nature of those principles, they have been recognised as authoritative instruments on the human rights of IDPs<sup>5</sup>.

4. The Committee of Ministers, prompted by the Parliamentary Assembly's Committee on Migration, Refugees and Displaced Persons, has also stressed its “commitment to the spirit and provisions of the United Nations guiding principles and its willingness to implement them in the member States' national legislation and policy” in its Recommendation (2006 6) in internally displaced persons.

5. Since 2010, the Council of Europe Development Bank has been involved in a regional initiative aimed at providing the most vulnerable refugees and internally displaced persons with durable housing solutions. This initiative, known as the “Regional housing programme” (RHP), covers Bosnia and Herzegovina, Croatia, Montenegro and Serbia and should benefit some 74 000 people.<sup>6</sup>

6. The programme is an integral component of the “Sarajevo process on refugees and displaced persons” initiated in 2005 and re launched in March 2010 at the Belgrade Conference. A donors' conference was held in Sarajevo in April 2012 to raise funds, with almost 230 million euros being pledged by the European Commission and 10 million US dollars by the United States.

7. The present report aims to review the situation of collective centres in Europe, in order to gain a clear and accurate picture of the living conditions of internally displaced persons and refugees and then to put forward acceptable solutions. In addition to possible alternatives, the report will consider the possibilities for funding and subsequent monitoring of the measures taken.

8. While I am aware that many IDPs also live in private accommodation (renting, owning), where conditions can be just as bad as or worse than in collective centres, this issue falls outside the scope of this report. I therefore acknowledge that solving the problem of collective centres will not solve the

<sup>3</sup> “Collective Centres Guidelines”, UNHCR-IOM, 2010.

<sup>4</sup> In 2010 the UN Human Rights Council replaced the Representative with a special rapporteur on the human rights of IDPs. While the title of the mandate holder changed, the functions of the mandate-holder and the mandate itself have remained essentially the same.

<sup>5</sup> The Heads of State and Government assembled in New York for the September 2005 World Summit unanimously recognized them as an “important international framework for the protection of internally displaced persons.” (UN General Assembly GA Resolution A/60/L.1 para. 132),

<sup>6</sup> Refugees from Croatia and Bosnia and Herzegovina in Kosovo\* and IDPs from the Kosovo\* conflict are not benefitting from the RHP (with the exception of a few IDPs hosted in Collective Centers scheduled for closure), since the RHP targets refugees displaced between 1991 and 1995. However, regarding Montenegro, refugees from Kosovo\*, holders of IDP status in Montenegro are benefitting from the RHP. For IDPs residing in collective centres in Bosnia and Herzegovina separate arrangements are in place and described below.

inadequate housing issue of IDPs alone. Nonetheless, I hope that through the narrow focus on collective centres recommendations to member states for improvements will be more effective.

## 2. Situation in Europe

9. The number of IDPs in the Council of Europe's member states, many of whom live in collective centres, is estimated to be around 2.5 million. The main countries and regions concerned are Azerbaijan, Bosnia and Herzegovina, Serbia, Georgia, Kosovo\* and the Russian Federation. The increasing numbers of refugees in Council of Europe member states are also alarming, with many living in collective centres. In the Eastern and South-Eastern region, for example, there were 364 872 refugees in January 2013<sup>7</sup>, a number likely to increase with the ongoing conflict in Syria.

10. These figures give only a vague estimate of the phenomena. Due to the nature of internal migration and a lack of profiling and data collection mechanisms consistent with the UN Guiding Principles, it is extremely difficult for governments and international or local organisations to log and put a number on the people affected.

11. Mapping collective centres appears to be even more challenging. While most of them have official status, there are still a large number of "irregular" centres, which have generally been established by displaced people themselves, without any formal permission from the authorities.

12. Regardless of the status of the centres, in many cases, individuals are forced to live in deplorable conditions and their basic human rights are repeatedly violated. As a matter of fact, domestic legislation often fails to address the specific needs and vulnerabilities of these displaced people. In Azerbaijan, Bosnia-Herzegovina, Georgia, Kosovo\* and Serbia, the authorities have taken some measures to respond to housing conditions of some IDPs in collective centres. Bosnia-Herzegovina drafted legislation as per the revised Annex VII of the Dayton Accords, which after years of focusing on return, expands support to include areas outside of IDPs' places of origin. In Kyrgyzstan, consultations on a new four-year sustainable development plan and national unity concept provided opportunities to improve the rule of law and move towards reconciliation. Authorities in Georgia are also revising their national legislation on internal displacement

### 2.1. *Living conditions incompatible with human dignity, and prevalent risks and hazards*

13. The individuals in question live in conditions incompatible with human dignity and in violation of human rights, namely the right to adequate housing as guaranteed under Articles 31 and 11 of the European Social Charter and by the ICESCR respectively.<sup>8</sup> They are mainly housed in former hotels, hospitals, schools or factories, which are usually not equipped with all the necessary facilities. The situation becomes intolerable when the original short-term solutions turn into *de facto* permanent ones. In fact, many displaced persons have been living in such centres for over 15 years.

14. The accommodation often lacks energy and water supplies, basic hygiene and appropriate security. Furthermore, the places are often unfit for the number of persons that have to be accommodated. In many cases, the buildings are seriously damaged. This results in an unhealthy, dangerous and overcrowded environment, where serious risks for public health subsist. Furthermore, there is a lack of security of tenure, including legal and practical protection against eviction. In Serbia, for instance, residents had to leave for other collective centres and informal settlements when their accommodation was closed down.

\* All reference to Kosovo in this text, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>7</sup> These are the number of recognised refugees in Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, the Republic of Moldova, Montenegro, the Russian Federation, Serbia (and Kosovo\*), the former Yugoslav Republic of Macedonia, Turkey and Ukraine. UNHCR, 2013. *Eastern Europe and Southern Europe*. [<http://www.unhcr.org/pages/49e45b7b6.html>] [<http://www.unhcr.org/pages/49e45b906.html>].

<sup>8</sup> International Covenant on Economic, Social and Cultural Rights. See also Principles 18(2) b of the UN Guiding Principles.

15. The centres are sometimes located in remote and rural areas, ruling out any human contact with other communities and preventing inhabitants from undertaking any kind of external activities. And when the buildings are located in suburbs of big cities, no adequate strategies for integration are available either.

16. Specific vulnerable groups, such as the elderly, the disabled and women and children, who according to the information received represent around 80% of displaced persons in Europe, encounter other types of problems. Children often do not have access to education, which puts their future at serious risk. Women are generally forced to assume roles opposed to traditional ones, and are also more at risk of becoming victims of sexual and domestic violence. The elderly and the disabled may also suffer from both physical and mental disabilities.

17. All the above-mentioned aspects are exacerbated in the so-called “irregular” collective centres, where the situation is compounded by everyday insecurity in a dangerous and unprotected environment.

## *2.2. Situation in some Council of Europe member states*

### *2.2.1. Azerbaijan*

18. After the conflict over the Nagorno-Karabakh region, up to 586 000 people were internally displaced. Without a final resolution to the conflict, they are not able to return to their areas of origin and remain in a situation of protracted displacement. A further group of persons have been displaced due to natural disasters. The total number of IDPs in the country is up to 600.000 IDP's at the end of 2012.

19. The state's overall strategy is only to provide temporary accommodation to IDPs, as returns to their villages continue to be the preferred solution. Despite the Government's substantial investments in reconstruction programmes to improve living conditions, a significant number of the displaced population still live in sub-standard conditions in collective centres 20 years after being displaced. Some of the new settlements in rural areas are located far from neighbouring towns which limits self-reliance and livelihood opportunities of the residents.

20. The government has adopted several assistance measures for IDPs. For example, IDPs are entitled to subsidies for utility bills, free access to health services, monthly direct cash transfers and job quotas and are exempt from higher education fees. However, this strategy has led to a large proportion of individuals being dependent on this kind of support, and the current unemployment rate among IDPs is much higher as for the general population. However some of the IDP settlements are located in remote areas where access to social services, livelihood and transportation is considerable limited. IDPs also face insecurity of legal tenure and eviction.

21. The overall situation of IDPs in Azerbaijan remains unsustainable. In his follow-up report on Azerbaijan, the former Representative of the Secretary General identified several challenges including limitation of coverage in government programs.<sup>9</sup> The great majority of displaced persons still live in collective centres, and when an alternative is provided, it does not always match the criteria set by human rights norms. At the same time, one of the most alarming issues is the extent of dependence of IDPs on state support and the lack of a comprehensive strategy for integrating IDPs into the labour market and ensuring higher incomes for the displaced population.

### *2.2.2. Bosnia and Herzegovina*

22. According to UNHCR statistics and operational data, the policy of ethnic cleansing during the 1992-1995 war in Bosnia and Herzegovina caused the displacement of 2.2 million persons.<sup>10</sup> The country now has 103 000 IDPs, 8 600 of whom live in substandard conditions in collective centres.<sup>11</sup>

23. The authorities of Bosnia and Herzegovina have sought to reverse the impact of ethnic cleansing and return to the pre-war position by focusing on returns and property restitution. However,

<sup>9</sup> A/HRC/16/43/Add.2.

<sup>10</sup> Statistics & Operational Data, UNHCR. Accessed online.

<sup>11</sup> IDMC [<http://www.internal-displacement.org/>].

many people are still afraid to return to their pre-war homes, as ethnic enclaves remain and the large number of amnesties given to perpetrators of crimes committed during the war continues to make them feel unsafe.

24. According to official statistics, by 2010, more than a million returns had been registered, around 450 000 of whom were refugees and 580 000 were internally displaced persons.<sup>12</sup> However, many of these returns cannot be considered durable solutions, as problems in relation to security, water, electricity, health care, employment, education and social protection persist.

25. Efforts towards solutions are driven by the Annex VII Revised Strategy, passed by both houses of Parliament in June 2010. As a result, new legislation was drafted to provide alternatives for IDPs beyond resettling them in their places of origin. The BiH Parliament declined to adopt a new draft law on refugees from Bosnia and Herzegovina, Displaced Persons and Returnees in April 2013. The current law therefore remains in force. The BiH Council of Ministers' programme of work envisages that a revised draft will be considered by mid-2014. A great deal of support has nonetheless been given by the international community. Among other donors, the Council of Europe Development Bank funded a regional programme under the 2005 Sarajevo Process to provide housing to refugees and displaced persons in the country.

26. On 5 July 2013, a Joint Declaration on Resolving Protracted Displacement in Bosnia and Herzegovina, addressing the issue of refugees, IDPs and collective centre residents in Bosnia and Herzegovina, was signed by representatives of the European Union, the United Nations, the UNHCR, the Republika Srpska and the Federation of Bosnia and Herzegovina, expressing mutual commitment to solving the problem of protracted displacement in Bosnia and Herzegovina, paving the way for the use of IPA funding to engage authorities and civil society partners at all levels in better assessing and responding to the remaining needs of displaced families and their communities on the basis of the Revised Strategy and as a complement to the Regional Housing Programme A euro 7 million project under the IPA 2012 programme, operationalizing the principles adopted in the Joint Declaration has begun in 2014. The project is implemented by UNHCR in partnership with UNDP, UNICEF, IOM and civil society partners and assists 800 additional families, of whom 125 with housing and others with livelihoods and access to rights..

27. In a related but separate initiative, also building upon and made possible by the Revised Strategy, the collective centre residents are to be rehoused in social housing under the "CEBII" loan project, prepared with intensive UNHCR support in 2011-13. The Council of Ministers has approved the Project. Once the CM completes the second phase of adoption of international agreements pursuant to BiH laws, which is expected soon, the document will go to the Presidency and subsequently to the BiH Parliamentary Assembly for ratification. This will be followed by the signing of technical agreements and of further subsidiary agreements between BiH and the Entities. Under this project, 121 of the remaining 155 collective centres in Bosnia and Herzegovina are due to be closed by 2017, and the vulnerable residents provided with improved living conditions in purpose-built social housing managed by the municipalities. Provision has been made for other municipalities to join the schema, wherever they can be persuaded to do so, enabling them to submit plans for the closure of the remaining collective centres. As a next step, the BiH Presidency is expected to approve the project during the upcoming session. Following that the project will be signed by the appointed Minister and eventually it will be sent to the fast track ratification procedure.

28. Despite these recent developments, major challenges persist in addition to their housing needs: IDPs unable or unwilling to return continue to face serious obstacles to local integration, especially in accessing the labour market, where unemployment rates of the displaced population remain worryingly high.

### *2.2.3. Montenegro*

29. There are still some 11000 persons from Kosovo\* in Montenegro. They fled Kosovo\* during the NATO air campaign over the then FR Yugoslavia in 1999 when they were granted IDP status because Montenegro was a part of FRY then. In 2006, when Montenegro became an independent country, the

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<sup>12</sup> Revised Strategy of Bosnia and Herzegovina for the Implementation of Annex VII of the Dayton Peace Agreement, 2010.



government retained the IDP status of this group, who were predominantly nationals of Serbia/Kosovo\*.

30. In 2009, the Government amended the Law on Foreigners to enable the IDPs to apply for the status of foreigner with permanent residence and thus, provide an opportunity to access all basic rights and eventually full local integration. However, the procedure is quite demanding, lengthy and costly for the people. The problem is particularly serious for the Roma as some of them may not have the required identity documents to apply for the status under the 2009 Law.

31. There are some 3 200 Roma and Egyptians among IDPs, of whom some 1 500 live in very poor conditions in the Konik camps in the outskirts of Podgorica. Since the vast majority of them have opted for local integration, Montenegro exceptionally included housing projects for durable solutions of these people under the Sarajevo Process, which targets persons displaced due to the conflicts between 1991 and 1995. Consequently, 120 apartments will be built through the Regional Housing Programme, in addition some 50 apartments through the national IPA funds for the Konik residents, while some 40 families are in the pipeline for voluntary return to Kosovo, which is dependent on allocation of land for construction of houses for these families.

32. As stated above, many of these persons need support to obtain personal documents from the country of origin to be able to apply for the status of foreigner and this is the main activity of UNHCR and partners in view of the fast-approaching deadline of 31 December 2014. It is important to meet the deadline, as the Government has indicated that those who do not apply before the deadline and remain in the country will be considered as residing illegally- in Montenegro and may risk deportation.

#### *2.2.4. Serbia*

33. A significant number of IDPs still live in degrading conditions. In 2011, the Serbian Commissariat for Refugees, together with the UNHCR, launched an assessment survey. This found that around 97 000 IDPs still required special assistance with more than 39% unemployed and 74% living below the poverty line. "As of November 2012, 1 725 IDPs were living in 20 recognised collective centres... many of which did not have adequate electricity, clean water and sewerage facilities. The IDP Needs Assessment conducted in 2011 also indicates that 74% of Roma IDPs require special assistance and are without a durable solution, living in extremely difficult conditions.

34. The government initially promoted IDPs' return to their places of origin, but in recent years has increasingly supported local integration. Several projects aimed at providing IDPs with permanent housing solutions have been implemented, as well as a comprehensive national policy on displacement. These measures have helped reverse unemployment (49.5% of IDPs are unemployed and an estimated 29.5% of IDPs have informal employment without contracts) and also increased access to health services, education and social welfare. For the time being, though, they have had only a modest impact.

35. Though the government has developed the National Strategy for Resolving the Situation of Refugees and Internally Displaced Persons 2011-2014, which is not being implemented due to lack of funds and capacity by the government. Grave concerns remain concerning the situation of Roma, Ashkali and Egyptian IDPs: up to 18% of them do not have identity documents or birth certificates<sup>13</sup>. Without proper assistance, these groups are condemned to continued marginalisation. This situation meant that the IDPs were not registered and did not receive any assistance with housing and were therefore forced to live in informal centres in extremely insecure conditions. During his visit to Serbia in October 2013, the Special Rapporteur on the human rights of internally displaced persons encouraged authorities to prioritise durable solutions, ensure provision of essential services and address property disputes involving IDPs. The vast majority of Roma IDPs live in extremely difficult conditions on the margins of society and are subjected to double discrimination on account of their ethnicity and displacement. Consequently, they are faced with numerous obstacles in accessing rights.

#### *2.2.5. Kosovo\**

36. By the end of 2013, 17,349 people were living in internal displacement in Kosovo\*. This figure is the result of the 1999 conflict, which forced over a million people to flee Kosovo\*. At the end of 2013,

<sup>13</sup> Internal Displacement Monitoring Centre [<http://www.internal-displacement.org>].

there were 37 collective centres in Kosovo\* with 800 individuals (321 families). Out of these 800 individuals, 56 individuals (34 families) were refugees and the remaining individuals were IDPs.

37. Kosovo\*, in spite of the agreement of 19 April 2013 under which Serbia acknowledged limited autonomy for Kosovo\*, critically affects the situation of IDPs, as it prevents Serbian and Kosovo\* authorities from implementing co-ordinated projects and in some instances makes returns unsustainable because of continuing violence.<sup>14</sup> More often, the unsustainability of returns is related problems with security, a lack of jobs, difficulties in securing housing or funds for reconstruction of destroyed property, as well as issues relating to property restitution.

38. There is still a lack of information on the situation and numbers of IDPs in Kosovo\* and the institutional response has been slow. Recently, however, the Ministry of Communities and Returns has taken responsibility for IDPs and is currently drafting a durable solutions strategy. The Kosovo\* government has also asked the Joint IDP Profiling Service<sup>15</sup> to survey the situation of IDPs in order to provide a more accurate picture of the situation of IDPs in Kosovo\* and to develop solutions and responses accordingly. The Kosovo\* authorities have requested support from UNHCR in drafting IDP legislation in 2014 which would define IDPs and possible compensation schemes. The UNHCR has detailed information on the 800 IDPs in collective centres and also collects and publishes monthly figures on IDPs. Despite these steps, many IDPs still lack access to basic services and durable alternative housing.

39. Kosovo's\* response to displacement is improving, but the general situation of IDPs remains critical. Some specific measures have been adopted, such as projects facilitating returns and integration, social housing allocation and local integration initiatives, but there is still no implementation of a comprehensive national strategy to address IDPs' needs, notwithstanding that the government has recently committed itself to developing and implementing such a strategy.

40. On a positive note, the last informal Roma settlement in Mitrovica was closed in 2013 and durable solutions away from the contaminated informal settlements were found.

#### 2.2.6. Russian Federation<sup>16</sup>

41. Internal displacement in Russia is largely a result of the armed conflicts in Chechnya and North Ossetia. Displacement because of natural hazards, such as floods and wildfires, is also significant in the country. However, there are no authoritative figures on the number of the people currently displaced, which limits the government's ability effectively to uphold IDPs' rights.

42. The government of the Russian Federation counts "forced migrants" rather than internally displaced people, as the authorities do not apply the UN Guiding Principles. According to this restrictive definition, many internally displaced persons, except as a result of human-made disasters, fall into the category of forced migrants, however IDPs displaced in their region (e.g. those who were forced out of their homes but stayed in Chechnya) were not able to get this status. Many IDPs displaced during the second (1999-2001) conflict in Chechnya were also unable to get the forced migrant status. This status is, however, also open to involuntary migrants from former Soviet Republics with Russian citizenship, who in the past held the refugee status. It is thus impossible to determine the number of IDPs according to the UN Guiding Principles<sup>17</sup>.

43. Several obstacles to returns and integration in Chechnya remain, despite some 300 000 people having returned before 1999. On the other hand, over 25 000 IDPs have returned to North Ossetia since 1994.

44. The Russian authorities have made efforts to assist those forcibly displaced in the North Caucasus. Their interventions have improved the lives of many IDPs, but a considerable number still

<sup>14</sup> This is predominantly concentrated in Northern Kosovo\*.

<sup>15</sup> The Joint IDP Profiling Service (JIPS) is an inter-agency service set up in 2009 and based in Geneva, which provides information on the situation of IDPs if requested. [www.jips.org]

<sup>16</sup> For further information, see the report of the Committee on Migration, Refugees and Displaced Persons on The situation of IDPs and returnees in the North Caucasus region, Report [Doc. 12882](#) (2012) and [Resolution 1879 \(2012\)](#).

<sup>17</sup> IDMC [http://www.internal-displacement.org]

do not fully enjoy their rights, in the most critical cases up to 20 years after being displaced. Unemployment (around 60%) and living conditions remain the most serious challenges among IDPs in the country.

### *2.3. Comment*

45. The protracted nature of internally displaced populations in European countries remains critical, having lasted for some 20 years. Despite individual efforts and improvements, a large number of IDPs continue to live in collective centres with deplorable conditions, with low prospects of any progress.

46. The data collected show that there is no clear awareness of the number, living conditions and needs of the displaced population. Worse still, many countries do not apply a comprehensive definition of “internally displaced people” in line with UN guiding principles, thereby neglecting a great part of the people affected.

47. It is important to reiterate that comprehensive information on the numbers, location and living conditions of the displaced population is essential for designing effective policies and programmes to address their needs and protect their rights. I welcome the role of humanitarian actors and the Special Rapporteur on the human rights of internally displaced persons in supporting government on a range of areas including developing and implementing national laws and policies on internal displacement, durable solutions for IDPs and protection and assistance to IDPs. I also welcome the work of the Joint IDP Profiling Service, which conducts surveys on the numbers and situation of IDPs. However, this work is only done on request of the government concerned, which has to pay at least part of the fee. Serbia has done this. Therefore, I would like to call on member states to follow this example of good practice, which ensure the availability of reliable data based on international standards.

48. Another alarming point is the fact that these people are not encouraged to be independent. In fact, they mostly rely on state support and have no expectation of employment or economic sustainability.

49. Displaced populations also generally suffer from discrimination and marginalisation. In almost all cases, necessary measures for their integration have not been implemented.

### **3. Possible alternatives**

50. The above findings point to the need for alternative or substitution measures, particularly where living and housing conditions are incompatible with human dignity and human rights standards that member states are obliged to comply with.

51. The desired final goal should be offering adequate housing to all IDPs. To this end, necessary steps have to be taken by governments, and a long-term strategy needs to be developed and implemented.

52. Each strategy should be based on an accurate picture of the living conditions, housing needs and numbers of IDPs. Profiling exercises are the starting point for analysing governments’ shortcomings, challenges and opportunities on the issue. Unfortunately, very few states have carried out initiatives of this kind to date.

53. Once such background studies have been conducted, governments should consult directly with all segments of IDPs, NGOs and international organisations in order to identify the best housing options available and in what quantity they are needed. Information campaigns targeting IDPs should also be promoted, for example, by opening local information offices.

54. None of the various alternatives can be durable solutions unless they obtain financial support from governments and local authorities. The rapporteur strongly believes that the Council of Europe, particularly via its Development Bank, is capable of achieving considerable progress in this area.

### *3.1. Alternatives based on existing practices*

55. The alternatives proposed below have been successful and effective in some countries, but should not be regarded as general rules. Each country has its peculiarities and the most appropriate solutions should be identified on an *ad hoc* basis from existing alternatives. The following general principles however must be respected: (a) respect of the right of IDPs to basic shelter and adequate housing, (b) effective and meaningful participation of IDPs in decision making, (b) prioritization on the basis of needs and particular vulnerabilities, (d) removal of legal obstacles in areas of return, (e) protection of IDPs from forced eviction where general guarantees are insufficient, (f) promotion of durable solutions and IDPs access to social services and livelihoods in areas where they have been moved to.

#### *3.1.1. Housing assistance in places of origin*

56. The authorities are responsible for ensuring that IDPs have access to adequate housing. Where possible, the emphasis should be on access to housing in the IDPs' places of origin.

57. Returns have been the main focus of IDP strategies in Serbia and Bosnia. In this context, governments are also responsible for facilitating IDPs' integration and fostering conditions for safe and voluntary returns, enabling them to rebuild their lives.

#### *3.1.2. New housing*

58. When returns to the places of origin are not possible, the construction of housing in other areas of the country is a valid option. This option however should be voluntary and its implementation needs to be carried out voluntarily. This strategy has been widely adopted by Georgia and Azerbaijan, and should be backed by initiatives to promote local integration and access to livelihoods and services.

#### *3.1.3. Allocation of abandoned housing*

59. In exceptional circumstances, abandoned housing may be reallocated to IDPs. IDPs in the Russian Federation have often been provided with this solution.

60. This option should, however, only be considered in limited and critical circumstances and carried out with a high degree of sensitivity. Legitimate owners must have given up their rights to their housing and have received compensation from the state in return. This kind of housing should then go to the state property register for allocation to families in need, including IDPs. It is essential to avoid later eviction of IDPs if the previous owners want to repossess their property, thereby causing another wave of displacement. In reality, this rarely happens, as the rights of the owners are weighed against the rights of the occupants (for example, in Cyprus).

#### *3.1.4. Social housing*

61. A promising example is the case of Bosnia and Herzegovina, where, thanks to a project in part financed by the Council of Europe, 72% of the existing collective centre residents are to be rehoused in social housing under the "CEBII" loan project, prepared with intensive UNHCR support in 2011-13, which is ready to start in 2014, for completion by 2017.

#### *3.1.5. Financial housing support*

62. IDPs may also be granted sums of money in order to rent or buy properties, as monetary housing assistance. Serbia serves as good example for this alternative. A housing voucher programme was set up in Kutaisi in 2006 and IDPs received financial assistance. This scheme was discontinued in 2009. Following the 2008 war, a monetary housing assistance was provided to IDPs to buy their own properties, but many failed to do so, and it was discontinued in 2012. In Bosnia many IDPs continue to receive financial assistance from the relevant Ministries in order to pay for their alternative accommodation. Some of these households will be assisted under the Regional Housing Programme and some under the CEBII loan project.

63. However, the state should ensure that the money granted actually enables IDPs to find appropriate solutions and freely choose their housing.

#### *3.1.6. Renovation and privatisation of collective centres*

64. When a collective centre is privatised, residents become owners of the entire centre or of their flats. Alternatively, they can also be offered favourable long-term rent agreements. In all of these cases, the collective centre loses its status as such.

65. Nevertheless, in most instances, these buildings need to be renovated and modernised, in line with minimum living standards. In addition to renovation, the inhabitants need to be trained in basic plumbing, water management and minor mechanical repairs as well as in establishment of condominium.

66. Privatisation is one of the most successful practices introduced in Georgia. Nevertheless, major challenges persist concerning the quality of the renovation work and the slow pace of the process.

#### *3.1.7. Regularisation of informal collective centres*

67. Regularisation or the formalisation of the centre's status is a measure to achieve a lasting solution and to prevent further displacement if the centre is closed. It enables IDPs to upgrade their living conditions and improve the existing infrastructure. This alternative has been used widely in Kosovo\*.

### *3.2. Conditions applicable to alternative measures*

68. Any alternative housing measures proposed for IDPs must fulfil certain requirements relating to the accommodation conditions. They must be either equivalent to or better than those provided by the collective centres, and comply with standards laid down in Article 25 of the Universal Declaration of Human Rights, Article 11 of the International Covenant on Economic, Social and Cultural Rights and Article 31 of the European Social Charter.

69. All these initiatives should be implemented in compliance with the UN Guiding Principles on Internal Displacement (1998) taking into account available best practices.

70. It is important for the individuals concerned, particularly as regards social cohesion, that the states affected establish specific policies on the integration of internally displaced persons in order to prevent their isolation.

71. The states concerned must also ensure that displaced persons have freedom of choice when selecting a new residence and are notified as quickly as possible if the centre in which they are accommodated is to be closed.

## **4. Conclusions and recommendations**

72. The present report has outlined the major challenges regarding the living conditions of IDPs and refugees in collective centres in Europe. Unfortunately, however, as already stated, it has been very hard to draw an accurate picture because of the difficulties involved in obtaining exhaustive data on the displaced populations and their living conditions.

73. Whichever approach is taken, it is therefore important that national legislation, policy or strategy on internal displacement is in line with international standards and covers all phases of displacement and all its different aspects. A national strategy will also be most effective if developed in full consultation with IDP communities.

74. In addition, a national governmental focal point for IDPs should be set up to deal with this issue effectively, while local offices should also be established with a view to raising awareness of the situation of IDPs and their rights.

*Doc. ...*

75. These measures should, however, go hand in hand with steps to integrate IDPs in the host community as effectively as possible and introduce an empowerment strategy.

76. All the measures concerned should be implemented in full compliance with human rights standards, with particular attention being accorded to women, children, persons with disabilities, minority groups and vulnerable groups.

## APPENDIX

### Case Study: Georgia

1. Among the main countries affected by internal displacement, Georgia has been chosen as a case study. As rapporteur, I participated in a fact-finding mission to the country during the first week of November, and accordingly I will present in the detail Georgia's current challenges, opportunities and good practices on the issue.

#### 1. Figures

2. At the end of 2012, there were up to 280 000 IDPs in Georgia. Many of them have been displaced since the outbreak of the conflict over Abkhazia, Georgia, and South Ossetia, Georgia, during the 1990s, while another significant wave of displacement was caused by the war between Georgia and Russia in 2008.

3. Some 100 000 people are estimated to be displaced because of natural disasters. Unfortunately, it is difficult to determine the exact number due to the lack of available data.

4. About 39% of displaced persons currently live in collective centres. The remaining 61% are renting private accommodation or are living with friends or family members or have already bought properties. In 2012, around 1 500 displaced families were still illegally occupying around 50 buildings throughout the country.

5. In 2012, inadequate housing remained one of the main issues for IDPs and refugees in Georgia.

#### 2. Legal background and current legislation

6. Until 2007, no comprehensive strategy on IDPs had been implemented in the country, and the lack of a structured approach made it impossible to achieve appropriate results. The government also focused on returns as the only viable option for IDPs.

7. The government acknowledged the need for a global approach with the adoption of a national strategy on IDPs in February 2007. The main aims of this policy shift were, on the one hand, to create the conditions for and promote the safe return of IDPs to their permanent residences and, on the other, to integrate IDPs into society and support decent living conditions.

8. After the adoption of this strategy, significant results were achieved: many collective centres were rehabilitated and transferred to the legal ownership of IDPs, new blocks of flats were built and many IDPs were granted significant financial support. As a result, 28 861 IDP families were allocated new housing, 14 000 of which had property transferred into their ownership and were thus provided with a durable solution.

9. The 2007 State Strategy remains largely unchanged but there have been annual revisions of Action Plans, helping to improve the situation and to advance the integration and rehabilitation of IDPs. However, despite these important developments, some IDPs still could not be provided with long-term housing solutions and the conditions in which they live remain unsafe.

#### 3. Recent developments

10. The situation of IDPs continues to improve progressively also after the change of government in Georgia. Most of the IDPs I met during my visit said they were confident and reassured and many of them proudly showed us their property deeds. Certain progress is being made in terms of access to ownership as planned in the last few years.

11. We were able to visit three types of dwelling. The first consisted of substandard blocks of flats, which the Georgian authorities were, however, in the process of improving by providing firewood and carrying out sanitary work and roof repairs. The main problem still to be resolved was with drainage.
12. The second type of housing was new dwellings, where the only fault was a lack of heating.
13. The third type involved the construction of 2 000 houses around Tbilisi. These houses had been built in four months and had only one major fault, namely very poor insulation, as they were built on ground level.
14. During the various visits to the collective centres, I saw that the IDPs had access to employment and health care and their children were able to attend school without any problems. This is all the easier because most of the collective centres are located around the capital, as the vast majority of IDPs prefer to live near Tbilisi rather than elsewhere in the country. Almost two-thirds of them are therefore concentrated near the capital.
15. On 15 October 2013, the Georgian Minister for Internally Displaced Persons announced that the Georgian government had signed an agreement on 8 October with an unnamed international donor for GEL 487 million to build a total of 6 783 flats in Tbilisi and Batumi for internally displaced persons.
16. Following my visit, I can say that my impressions were more than positive, even though much remains to be done to improve the living conditions of IDPs. During discussions with IDPs, the vast majority acknowledged that they would not return to their places of origin, which is why they set particular store by buying homes.
17. Lastly, Georgia is also facing a new problem with the arrival of Syrian refugees. For the time being, it has already taken about 500 and it is to be feared that that is only the beginning.