

## **Long overdue: Making solutions durable for internally displaced people in Europe**

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### **Abstract**

Internally displaced people (IDPs) in Europe continue to face multiple obstacles to achieving durable solutions despite a policy shift in some countries towards allowing settlement options other than return. IDPs still struggle with inadequate housing, unemployment, lack of effective remedies for lost property, limited access to documents, inadequate psychosocial assistance, poor quality of education, continued discrimination, and lack of transitional justice and reparations.

To make solutions durable there is a need for monitoring of the situation of IDPs after they have chosen a settlement option, ensuring their access to jobs, housing and benefits, and increased international coordination and support, as well as political will.

## ***Introduction***

Internally displaced people achieve a durable solution when they no longer have any specific assistance and protection needs that are linked to their displacement and they can enjoy their human rights without discrimination. This may be achieved through return to place of origin, integration in areas of refuge or settlement elsewhere in the country. In Europe, the human rights violations, violence and conflict that caused displacement have long ceased. Yet the plight of as many as 2.4 million internally displaced people is far from resolved. Most have been displaced for over 15 years and usually longer after the war than during active hostilities. Despite government and international assistance, the achievement of durable solutions remains elusive for the majority of internally displaced in Europe. This is because of an exclusive focus on their return, continued economic and social obstacles, lack of effective remedies for displacement-related violations, the absence of a sustained, concerted international approach and diminished financial resources.

## ***Internal displacement in Europe***

In 2009, at least 2.4 million people were still internally displaced in the Balkans (Bosnia and Herzegovina, Croatia, Kosovo, Macedonia and Serbia), the Caucasus (Armenia, Azerbaijan, Georgia and the Russian Federation), Cyprus and Turkey. Most of them fled their homes more than 15 years ago as a result of violence and armed conflict arising from territorial disputes and rejection of independence claims, and are living in situations of protracted displacement. The number of IDPs in the region is an estimate at best. In some countries data is lacking, outdated or unreliable, while in others there are multiple sources that use different counting methodologies.

**Table 1 Number of IDPs in Europe**

<b>Country</b>	<b>Figure</b>	<b>Source</b>
Armenia	8,400	NRC, 2005
Azerbaijan	586,013	Government, 2009
Bosnia and Herzegovina	113,642	UNHCR, 2009
Croatia	2,285	UNHCR, 2009
Cyprus	200,457	Government, 2008
Georgia	249,365	Government, 2009
Kosovo	19,670	UNHCR, 2009
Macedonia	644	UNHCR, 2009
Russian Federation	79,950	UNHCR, 2009
Serbia	205,211	UNHCR, 2009
Turkey	953,680-1,201,200	Hacettepe University, 2006
<b>TOTAL</b>	<b>2,419,317 – 2,666,837</b>	

Most IDPs in Europe struggle to enjoy their rights and survive on the margins of society. As the IDPs able to do so have returned or integrated into another area, those who remain are among the most vulnerable. They are generally poor, without a regular income or assets and living in inadequate shelter with little to no support. Particularly vulnerable IDPs in Europe include people who are traumatised, disabled and chronically ill, female heads of household, children, the elderly without family support and members of minority communities such as the Roma. While some IDPs have been vulnerable since the beginning of their displacement, the vulnerability of others has increased over time as a result of family separation, miserable living conditions, restrictions on freedom of movement, lack of support to address their specific needs as well as social, political and economic exclusion and stigmatisation. Recent political developments, such as the declaration of new independent states, and related legislative processes have also placed some groups of IDPs, particularly in Kosovo, at risk of statelessness.

### *Policy mismatch*

Most governments in the region have been promoting the return of IDPs since the beginning of displacement. This focus on return supports the reversal of the effects of war such as occupation of territory or ethnic cleansing. Sustaining the visibility of IDPs and promoting their return supports government attempts to regain control of occupied territory as well as dissolve ethnic divisions formed as a result of human rights violations, conflict and displacement. Return is also seen as a way to restore pre-war normalcy and promote peace building and reconciliation. To reach these aims, governments have focused on the return of IDPs even when return was not physically possible. This has been the case in Azerbaijan, Cyprus, Georgia, Serbia and Turkey where the absence of political solutions to the conflicts still does not permit full return.

Governments have also promoted return of IDPs to their homes in order to control urban growth. IDPs in Europe have increasingly moved to urban areas such that the majority of IDPs in the region now live in towns and cities. Some initially took refuge in urban areas, while others gradually moved there in search of jobs, better living conditions and wider services. This massive and protracted influx of IDPs to cities has put significant and extended pressure on services and resources that have not always been able to meet the demand. It has also put pressure on urban residents who have taken in IDPs as well as the housing market since much social housing in the region has been privatised. In response, some governments, such as Azerbaijan and Russia, have limited residence registration in major cities. While such policies do not specifically target IDPs, they have a particular effect on their ability to enjoy their rights at their chosen residence. Other governments have not limited migration to cities, but they have also not facilitated it.

Despite this promotion of return, only about 25 per cent of IDPs originally displaced, or 1.5 million IDPs, have returned to their homes in the Balkans, Caucasus, Cyprus and Turkey. The percentage may be even lower since not all returns were sustainable. Some people returned and then had to leave again due to the lack of jobs, adequate housing,

services, reintegration assistance as well as discrimination. Others regularly shuttle or divide their family between their area of origin and displacement to benefit from opportunities in both areas. Most returnees moved back many years ago, and in recent years the number of returns has been residual. While many IDPs may have achieved durable solutions through return, the small percentage of returnees over an average of 15 years of displacement is evidence that the majority of IDPs have not been willing or able to take advantage of this policy of promoting and supporting return.

**Table 2 Return of IDPs in Europe**

Country	Number of returnees	Area of return
Armenia	Unknown	Unrestricted, except for Artsvashen exclave
Azerbaijan	54,000	Fizuli district
Bosnia and Herzegovina	579,300	Unrestricted
Croatia	344,295	Unrestricted
Cyprus	0	None
Georgia	45,000	Gali district, Abkhazia
Kosovo	18,200	Unrestricted
Macedonia	73,222	Unrestricted
Russian Federation	275,000	Unrestricted, except for some areas in North Ossetia
Turkey	112,000-124,000	
<b>TOTAL</b>	<b>1,501,017-1,513,017</b>	

IDPs have not returned for many reasons. Barriers include the lack of jobs and adequate housing, limited access to social services and legal documentation, continued ethnic prejudice and insecurity, obstruction by local authorities, insufficient reconstruction and infrastructure, and problems repossessing and repairing property. As a result of destruction and long-term neglect, return areas still mostly require significant investment to rebuild housing, roads, water and sanitation systems and electricity and communications infrastructure. These conditions have led many IDPs not to return to their pre-war community, and forced many returnees to go back to urban areas where more job opportunities are available. Other IDPs simply do not wish to return. IDPs living for protracted periods in cities may be less likely to return for the sake of their children, who have more links to their current residence than the family's place of origin, but also due to developed social networks and a preference for urban living. Traumatized, disabled and chronically ill IDPs may also have preferred to stay where they are to maintain access to care and support which was not offered in return areas.

While many governments have demonstrated political will and allocated resources for return, the same has not been true for local integration and settlement elsewhere in the country. In Bosnia and Herzegovina, support to local integration is still debated: some

favour greater emphasis on local integration to assist the most vulnerable who cannot or do not want to return, while others argue financial support should focus on return to avoid consolidation of ethnic cleansing. The exception is Cyprus, where the government has facilitated the integration of IDPs at their chosen residence since the beginning of displacement. Given that return processes have slowed to a near halt and the majority of IDPs who have been displaced in Europe still need to achieve a durable solution, governments and humanitarian organizations should acknowledge IDPs' freedom to choose their residence and support all possible settlement options for IDPs, even if only temporary while IDPs await conditions conducive for sustainable return. Promotion of self-reliance and improvement of living conditions in locations of displacement will not block IDPs from returning if they so wish. Rather, it will provide more dignified living standards for the displaced during their displacement or a chance to better integrate locally if they opt for this settlement option. Moreover, IDPs who are able to develop skills, increase their income, acquire savings and other property would be more prepared to rebuild their communities when the time comes to return if they so choose.

### ***Policy shift***

As large-scale hostilities ended and the economies of states improved, government policies towards IDPs have gradually expanded. While continuing to promote return as the preferred settlement option for IDPs, some governments have begun to explore options for enhancing IDP self-reliance such as Azerbaijan, Georgia, Serbia and Turkey. The change of policy is extremely important, reflecting an increased willingness to invest in IDPs now and not only in the event of return. Turkey's Van Action Plan launched in 2006 in Van province upholds IDPs' right of return to their original rural homes and the integration of IDPs living in urban areas in the province. It also includes provisions for psychological assistance and capacity building activities in addition to ensuring basic services are accessible to IDPs. However, this and other provincial plans will not address the situation of IDPs in western Turkey where many live amongst the urban poor in Istanbul and Ankara.

This policy shift has mainly led to improved housing conditions for IDPs. Some IDPs in Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Russia and Serbia have been moved into housing of a higher standard, mainly from collective centres. In Georgia, Kosovo and Serbia, this has in some cases been a social housing development. In Kosovo, some municipal bodies adopted local action plans foreseeing the construction of new apartments for the vulnerable, including displaced families. IDPs in some collective centres in Azerbaijan, Georgia and Russia have benefited from repairs and renovations, while others have been settled elsewhere in the country to purpose-built villages. Other IDPs in Cyprus, Georgia and Russia have become owners of temporary housing they had been living in. While these are all positive developments, these policies do not always represent a comprehensive strategy and the majority of IDPs continue to live in inadequate housing. Furthermore, the narrow focus on housing has not allowed for measures to address other outstanding issues for IDPs, especially the lack of regular income.

The engagement of the United Nations (UN) and international humanitarian and development organisations with internally displaced people has also changed in recent years. Various agencies have been assisting IDPs for decades, but in 2005 the UN acknowledged that responses to complex emergencies and disasters have often been ad hoc and failed to meet the needs of IDPs and other affected populations in a timely and consistent manner. The UN therefore initiated a programme of humanitarian reform to improve humanitarian response capacity, predictability, accountability and partnership. One measure taken to address these issues was the “Cluster Approach,” an agreed division of labour amongst UN agencies and international humanitarian organisations to reach more people in need of assistance and protection in a more reliable and timely fashion. While the cluster approach in itself does not guarantee that the humanitarian community provides better protection to IDPs, assistance to IDPs has become more systematic as a result of the new approach.

UNHCR agreed to enhance its engagement with IDPs under the cluster approach at the beginning of 2006. It became the lead or co-lead agency for three of 11 clusters, overseeing protection, emergency shelter and camp coordination work. The agency has also endeavoured to mainstream its IDP-related responsibilities at all levels and areas of the organization, including the budget structure. In 2008, a new UNHCR budget structure was approved, in which IDP projects became one of four regular pillars rather than remaining part of the former supplementary budget. Notably, durable solutions has also become one component of the UNHCR budget, and includes lines for a durable solutions strategy, voluntary return, local integration support and resettlement of IDPs elsewhere in the country. IDPs of concern to UNHCR now outnumber refugees and asylum seekers, making IDPs one of UNHCR’s key areas of responsibility.

While the cluster approach is not currently active in Europe, UNHCR nevertheless assists IDPs in the region. This includes IDPs in Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Russia and Serbia. UNHCR advocates for respect of the rights of IDPs and for solutions to be found to their plight, including both return and local integration. Elements of UNHCR’s current strategy in the region include promoting state responsibility for IDPs in terms of legislation, protection standards, accurate data collection; ensuring shelter and livelihood opportunities for IDPs; encouraging all possible durable solutions; and resolving issues related to property restitution and compensation. The 2010 budget for Europe represents a substantial increase in relation to earlier years, 55 per cent for IDPs. The increased budget reflects the Office’s substantial programme in Georgia following the 2008 conflict.

The Representative of the UN Secretary-General (RSG) on the Human Rights of Internally Displaced Persons has also expressed interest in IDPs in Europe. The RSG is charged with advocacy for the protection and respect of human rights of IDPs, dialogues with Governments, NGOs and others, improving the international response to internal displacement and mainstreaming human rights of IDPs into relevant parts of the UN system. Since the beginning of the mandate in 1992, the RSG has visited Armenia,

Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Russia, Serbia and Turkey, and in some of these countries supported the development of IDP policies. The RSG has also spearheaded the development of protection standards, which include the publication of the Guiding Principles on Internal Displacement and corresponding Annotations, the Framework on Durable Solutions for Internally Displaced People, as well as engaged in high-level awareness-raising and advocacy to ensure respect for the rights of IDPs.

UN human rights treaty bodies have also worked to improve the situation of IDPs in Europe. In their monitoring of governments' implementation of the core international human rights treaties, these bodies have increasingly recommended that governments in the region improve IDPs' enjoyment of their rights. Over the years, most committees have consistently and in some cases increasingly raised concerns regarding obstacles that IDPs face in enjoying their rights. In all, the committees have urged governments to ensure equality and participation of IDPs, to improve IDPs' access to social services, jobs and housing, to assist IDPs who will not be able or willing to return and to provide adequate and durable alternative housing solutions. Notably, as early as 2000 the Committee on the Rights of the Child called on the Georgian government to

...implement the "New Approach" to internal displacement, which is to improve the current conditions of internally displaced persons while continuing to support their right to return voluntarily to their homes in safety and dignity, as developed by UNDP, UNHCR, the World Bank and the Office for the Coordination of Humanitarian Affairs (OCHA).

The impact of this increased focus on IDPs in UN treaty body conclusions has yet to be measured.

European institutions have also consistently promoted policy changes in favour of IDPs in Europe. The European Union (EU) has played a major role in influencing government policy in the Balkans and Turkey through outlining priorities in terms of human rights, minority rights and democracy as well as specific policy requirements in favour of IDPs and refugees that governments must meet in the EU accession process. Regular reports review progress towards meeting such criteria and this has been significant in the case of Croatia where progress has been made since 2000 under EU pressure.

The Council of Europe has paid particular attention to IDPs in the region over the years. In 2006, the Committee of Ministers issued a recommendation to member states on internally displaced persons recommending that relevant governments use the UN Guiding Principles on Internal Displacement to design their response and in terms of durable solutions, stated that IDPs have the right to return voluntarily in safety and dignity or resettle elsewhere in the country, and conditions for proper and sustainable integration of IDPs following displacement should be ensured. In country reports and a recommendation to member states on housing, the Commissioner on Human Rights has urged governments to comprehensively address the needs of IDPs and facilitate their voluntary return, local integration and resettlement. The Committee on Migration

Refugees and Population (CMRP) has conducted research and initiated recommendations on IDPs. Both the Commissioner and the CMRP devoted special and sustained attention to IDPs in Georgia after the 2008 conflict, and the Council's Development Bank has provided significant loans to governments in the Balkans to improve the living conditions of IDPs. Since the landmark decision in *Loizidou v. Turkey* (1996), the European Court of Human Rights has played a role in confirming the rights of IDPs to property and the peaceful enjoyment of their possessions, and ordered governments to pay them compensation for violations of these rights, though the respect of IDPs' property rights may lead to the eviction of others. It has also ruled on the effectiveness of mechanisms to provide redress for property complaints made by the dispossessed, notably in Cyprus and Turkey.

Regional approaches to internal displacement in Europe have also developed over time and attracted more focus to the needs of IDPs in the region. The Organization for Security and Cooperation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR) have paid systematic attention to mainstreaming IDP issues in the Balkans, for instance through monitoring of return of IDPs and through promoting their political participation in the elections through OSCE electoral work. In collaboration with the Brookings-Bern Project on Internal Displacement and the Georgian Young Lawyers Association, OSCE organized reviews of national legislation in Georgia, Armenia and Azerbaijan with respect to the Guiding Principles on Internal Displacement. The findings and recommendations were used to raise national awareness of existing legislation concerning the rights of IDPs and to stimulate legislative reform to improve protection of IDPs. In 2003, the OSCE's Parliamentary Assembly adopted the Rotterdam Declaration, which contains several clauses relating to IDPs. It urges the OSCE Ministers to consider endorsing the Guiding Principles on Internal Displacement or key aspects thereof as OSCE commitments; it also stipulates that States should not forcibly return internally displaced persons against their will nor create situations where return is the only settlement option. In addition, it addresses the need to improve IDPs' living conditions in the place of their displacement while waiting for a sustainable settlement option, by encouraging

all participating States to take concrete steps to ensure that internally displaced persons in their country have the right to return home and repossess their property or, until that time, that they are given proper and safe housing and fully enjoy their rights (para. 87).

In practice the OSCE had, *inter alia*, contributed to a successful large-scale process of property restitution in Bosnia and Herzegovina by playing an essential role in advocacy and monitoring of implementation. While the OSCE continues to support IDPs in the Balkans, it has not provided targeted assistance to IDPs in the Caucasus for many years now.

The role of international humanitarian organisations in the region has decreased significantly in recent years due to diminished funding and the shift from humanitarian



needs of IDPs towards development needs. Despite the impressive international humanitarian response during and following the conflicts, only a few organisations remain in support of IDPs in the region. In all situations, with the exception of Turkey, the displaced are more dependent than local households upon public transfers, international humanitarian assistance, or both. Without these transfers, IDP households would be much poorer, and many would probably be unable to survive. The general pattern of reduction in international humanitarian assistance to IDPs in the region is thus a cause for concern.

### ***Remaining challenges for IDPs***

Despite policy shifts and continued assistance, IDPs in Europe still face enormous challenges in their effort to achieve durable solutions. These challenges relate to housing, property, income, documents, psychosocial assistance, education, discrimination and the lack of reconciliation.

#### ***1. Inadequate housing***

More than 15 years after being displaced, many IDPs in Europe continue to live in inadequate housing<sup>1</sup>. About 400,000 IDPs continue to live in government-provided temporary accommodation, also called collective centres, in Azerbaijan, Bosnia and Herzegovina, Georgia, Russia and Serbia. These buildings are usually former public buildings such as schools or dormitories and were not initially intended for long-term residence. Whereas the young, healthy and able-bodied were first to leave the collective centres, vulnerable IDPs remain since they have been unable to repair, repossess, rent or purchase housing or find space with friends or relatives. Living conditions in collective centres are often crowded and inadequate with run-down kitchens, bathrooms and plumbing systems, with no separation of the sexes or age groups. Residents usually have limited access to land to grow a garden and as such spend most of their income on food or rely on food assistance. These inadequate living conditions interfere with the normal development of children and the health of all residents. The lack of affordable housing is an obstacle to the return to normalcy for these IDPs.

The majority of IDPs in Europe live in the urban private sector in conditions largely unknown. Some share dwellings with relatives or friends, while others rent. While living in the private sector may be an indicator of self-reliance, the additional cost of rent may make IDPs more vulnerable than those living with host families. Some IDPs also continue to live in makeshift dwellings, informal settlements or occupy housing. With no heating system or proper windows, makeshift dwellings fail to provide light, warmth, ventilation, physical security or privacy. There is also inadequate infrastructure with a lack of natural and common resources, including clean drinking water, energy for cooking, heating and lighting and sanitation. Some of these settlements are located far from jobs, hospitals and schools. IDPs in these settings are at risk of eviction because of

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<sup>1</sup> Cyprus is the exception, where IDPs on both sides of the Green Line live in adequate conditions.

their lack legal of security of tenure. This is the case for Roma in the Balkans, but examples may also be found in Azerbaijan and Turkey. Many IDPs have been living in such conditions for more than 15 years.

In addition to the effects of the war, such as displacement, the impact of the political and economic transition has varied widely amongst IDPs and different socio-economic groups. However, by virtue of being displaced IDPs have been unable to enjoy their housing, land and property and those without the means to improve their situation have had to contend with inadequate conditions the whole while. As such, the lack of adequate housing continues to set many IDPs apart from their non-displaced neighbours since the majority of local households in the former socialist countries own their housing as a result of the large-scale privatization of public assets that occurred in the early to mid-1990s.

## ***2. Property restitution, compensation and reconstruction***

Property restitution, compensation and reconstruction programmes have had unequal success in solving the housing issue for IDPs in Europe<sup>2</sup>. In Bosnia and Herzegovina, 94 per cent of those who lost their housing have repossessed it. Restitution of private property is largely complete in Croatia, but it had been stalled for many applicants since occupants were claiming compensation for renovations from the owners who neither requested such improvements nor had the means to pay compensation. Contrary to the rest of the Balkans, Croatia denied the right to restitution or compensation for wartime termination of occupancy rights. Kosovo has put restitution and compensation procedures in place, though some 60,000 claims are still outstanding in part because Serbia refused to cooperate with the Kosovo Property Agency (KPA). Repossession does not always result in sustainable return, as experience has shown in Bosnia and Herzegovina and Kosovo. An OSCE field survey has shown that on average only 25% of the properties returned are inhabited by the owners. Others have sold their houses and settled permanently in their place of displacement. Those who never possessed ownership titles are blocked from property restitution. This particularly affects the Roma and those who did not manage to privatise their dwelling before displacement.

Property compensation procedures in Russia and Turkey have also not resulted in widespread reconstruction of private housing by IDPs. Rather than allowing one to acquire adequate housing, such compensation has only been sufficient to ease the financial problems of individuals. In Russia, over 85,000 applicants have received compensation for lost or destroyed housing, but the process is slow, the amount is insufficient and differs according to whether one returns. This influences IDPs' choice of residence. A federal housing certificate programme has also not sufficiently solved the housing problem of IDPs due to limited federal disbursement, and many IDPs no longer have forced migrant status which is a pre-condition to apply. In Turkey, from 2004 to August 2009, slightly over 360,000 compensation applications were made, of which over

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<sup>2</sup> Azerbaijan, Cyprus and Georgia have not put such programmes in place due to the absence of resolutions to the conflicts.

190,000 were decided and 120,000 of those awarded compensation. Around \$1.4 billion of compensation has been awarded, of which \$1.1 billion has been paid.

The reconstruction programme initiated in Croatia in 1996 continues. Since it was started, over 140,000 destroyed or damaged properties have been reconstructed, and some 2,000 units were reconstructed in 2007. However, ethnic Serb beneficiaries (displaced internally or refugees) who lost their occupancy rights during the war and for whom the housing care programme intended to facilitate the return through the provision of housing have only benefited from the programme in recent years. According to authorities, there remained some 2,500 outstanding requests for reconstruction in 2007. This figure does not take into account the 14,700 cases under appeal procedures some of which have been pending for four years. The reconstruction process is affected by a slow decision process and poor quality of first instance decisions. Inconsistent and discriminatory practices often affects the rights of displaced persons and refugees who are required to produce documents not required by law in order to process their request for reconstruction.

### ***3. Lack of regular income***

IDPs in Europe also still struggle to earn a regular income. Unemployment rates remain high in most areas of displacement and return as the local economies continue to recover from conflict and, in the case of the Balkans and Caucasus, transition to a market economy. While a small minority of IDPs retained their government employment or salary, unemployment rates for the displaced are typically higher than those for local populations. Some IDPs live in places where there are few jobs, or in remote locations far from cities and jobs. Their land plots mostly only supplied food for the family as a result of poor soil quality, outdated machinery and cultivation techniques, limited access to markets and continued presence of landmines. With continued lack of investment in rural areas, there are few jobs and IDPs remain unemployed and dependent on benefits and assistance.

The lack of jobs in towns and villages continues to push IDPs to look for work in cities, where they seem to find employment easier. However, many IDPs face obstacles in gaining official employment because of ethnic or social prejudice, the lack of residence registration or the lack of skills in demand. As a result, IDPs are caught in lower paying informal economy employment, such as petty trade and ad hoc and seasonal employment, which does not maximize the use of their skills and training and puts them on equal footing with the poor urban lower class. Overall, most IDPs have not been able to replace the sources of livelihood or assets they lost by being displaced from their home areas. Consequently, there is little in the way of savings or liquid assets to cushion household crises or to invest in productive activities that could improve the situation. The resulting poverty and social inequality has put internally displaced women and children at increased risk of sexual exploitation, trafficking and child labour. Some Kurdish children in Turkey, especially those displaced in urban areas, earn money in the street as their families cannot afford to send them to school and inavailability of Kurdish schools due to lack of recognition.

In most return areas there are few jobs. In Bosnia and Herzegovina minority returnees reportedly face discrimination in competing for the few jobs that are available and so are disproportionately unemployed; in Kosovo, minority returnees' self-reliance is seriously compromised by an extremely high unemployment rate and difficulties to access land due to limited freedom of movement. In Turkey, there are only limited jobs for returnees, and most returnees in Armenia have no employment income because of the lack of jobs and barriers to working in agriculture such as the lack of equipment, damage of irrigation systems and landmines. Returnees in Croatia also cannot depend on agriculture due to landmines or difficulties repossessing land, and Croatian Serbs often face discrimination in their search for employment. Agriculture serves as the main source of income for returnees in Azerbaijan, but the process of revitalization and cultivation has also been slow due to incomplete demining.

#### ***4. Limited access to documents***

In Europe civil status registration is often essential for people to be able to access and exercise their civil, political, economic, social and cultural rights. This is particularly the case in former socialist countries where states provided extended social welfare services such as healthcare, pensions, housing and unemployment benefits based on residence registration. During the conflicts, many registry books were damaged, destroyed or went missing, which leaves groups of people outside the state system. Some IDPs still face difficulties to obtain and renew documents necessary to access jobs, services, benefits and full old-age pensions. This is particularly the case for Roma IDPs in the Balkans who are confronted with widespread discrimination. Many displaced Roma live in informal settlements without legal residence or identification. Without such documents they cannot register new births, apply for citizenship and access social benefits, employment and education. Some never had identification documents or residence registration, even before displacement, and must initiate costly procedures in order to be registered.

Many IDPs continue to struggle to obtain IDP cards, a full pension and residence registration. IDP cards were issued as a substitute to many documents therefore allowing IDPs to access various rights. More than 15 years after being displaced IDPs still struggle to obtain and prolong the validity of the IDP card, but also to access rights not covered by the IDP card. Residence registration systems are still in place in Azerbaijan and Russia, and IDPs there continue to have trouble registering their current residence and accessing related rights. With inadequate mechanisms in place to address lost, left behind and unrecognised pension documents, many displaced pensioners receive a pension lower than what they are entitled to. This is the case in Bosnia and Herzegovina, Russia, Croatia, Serbia and Kosovo. Issuance of documents is complicated by the lack of mutual recognition of documents between entities (including territories which proclaimed their independence) within the same country. This is the case in Georgia, Serbia and Kosovo and prevents many IDPs from fully enjoying their rights.

#### ***5. Inadequate psychosocial assistance***

The lack of comprehensive psychosocial support programmes for IDPs in need sustains their marginalisation. In cases where IDPs still cannot physically return, the perpetual state of uncertainty has a broad range of effects on their ability to make decisions regarding household planning in terms of education, property purchases, or other investments in productive activities. This contributes to an overall environment promoting depression and undermining feelings of empowerment. While some of the displaced have shown extraordinary resilience and coped well with adversity, others are taking longer to recover. The traumatic stress of being uprooted as well as the violence and insecurity of displacement was compounded for those who were witnesses or victims of abuse and violence, including sexual violence. The long-term effects of these experiences coupled with social rejection of victims of sexual violence as well as people who are mentally or physically disabled, as is the case in several countries in the region, can be debilitating and harm IDPs' emotional, psychological and social well being. Traumatic events can also compromise adults' ability to care for their children and parents, and affect children who did not experience the event<sup>3</sup>. Even where limited mental health services are available, most of these IDPs have not applied due to lack of awareness, limited finances, perceived stigmatisation and the lack of qualified personnel.

### *6. Access to and quality of education*

Access of internally displaced children to education remains an issue, particularly in the Caucasus and Turkey. The main obstacle to education is financial, as barriers to the enrolment of internally displaced children in schools have gradually been addressed. Internally displaced children in Russia can now enrol in school regardless of their residence registration, but their access is limited by the cost of transport and food. Parents of displaced children in Georgia have reported difficulties in buying appropriate clothing and textbooks in addition to paying for transport and informal school fees. In Turkey, fewer displaced children attend primary and secondary school than non-displaced children, and fewer displaced girls attend than displaced boys, due to the impoverishment of displaced families. While internally displaced students in Azerbaijan benefit from free school bags, uniforms, books and stationery, parents have reportedly not always received these items and so have had to pay for them themselves. Poverty has caused some internally displaced students in Turkey and Azerbaijan to drop out of school, as has the further internal migration of families and the early marriage of adolescent girls. Unequal access to services and socio-economic disadvantages experienced by Roma put quality education out of their reach, diminishing the chances of entering labour market and social integration. In Kosovo restrictions on access to education is a key issue to be addressed in the context of return.

The quality of education also remains a concern. Many schools damaged by conflict have yet to be rebuilt or repaired, and so some internally displaced children are being taught in buildings in need of repair or not primarily constructed as schools. Despite significant

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<sup>3</sup> A 2009 study on the mental health of IDPs in Azerbaijan found that the majority of IDPs suffered from mental health problems, and that their children had been traumatised by the displacement, despite not having directly experienced military operations themselves.

reconstruction in Chechnya, many schools still need furniture, supplies, textbooks, playgrounds and additional qualified staff. Many schools do not have heating systems despite a government order and funds to install central heating units, and so lessons are shorter than required. In Turkey the Kurdish identity is not recognised in the curriculum and displaced children are taught in Turkish, not in Kurdish, their mother tongue. Many teachers have been displaced themselves and the trauma they have experienced can impair the quality of teaching they can offer. Low salaries and shortages of teachers in some countries have aggravated the situation. Difficult home conditions and the psychological state of displaced children have also marred their school performance. In Georgia and Turkey, illiteracy rates among displaced children have reportedly risen.

Displaced children in Azerbaijan and Georgia are educated separately from their non-displaced peers. While in some cases this is for practical reasons, for example when displaced children do not live near a local school with a non-displaced population, in other cases it has been a deliberate policy. In Azerbaijan, displaced children may attend separate or mixed schools, but until recently they were educated separately, though sometimes in the same building as non-displaced children. In Georgia, some 3,000 displaced children attend segregated schools. Many of these schools are connected to collective centres and are generally in poor condition due to lack of funds. The Georgian State Strategy for IDPs has proposed the closure of the segregated schools and the integration of displaced children and youth into the national education system, though this has yet to be implemented. While these governments may aim to preserve displaced communities through segregated education, this approach may have interfered with the integration of displaced children.

### *7. Continuing discrimination*

Most IDPs fled areas where they were an ethnic minority and went to areas where they were part of an ethnic majority. During displacement, these IDPs are not generally faced with blatant discrimination. However, they are often viewed as non-locals even years after living in their area of displacement. Local residents who have established social networks often access employment, services and benefits easier than IDPs in protracted displacement.

Conflict has strained relations between ethnic groups to the point where Chechens, Kurds and Croatian Serbs receive differential treatment. Chechens and Kurds are sometimes targets of attacks and selective identity inspections, while Croatian Serbs are mainly affected by termination of occupancy rights, a discriminatory approach to housing assistance and reconstruction programmes and trials for war crimes have been biased against them. The discrimination and marginalization felt by displaced Kurds and Chechens rests in part on the lack of reconciliation between communities.

In recent years some governments have acted to improve the treatment and living conditions of Roma. Twelve European governments committed to the Decade of Roma Inclusion 2005-2015 to improve the socio-economic status and social inclusion of their

Roma populations and developed national Decade Action Plans as an expression of their commitment. In Bosnia and Herzegovina, several Roma focal points were appointed in the political system, a Roma NGO network was established and action plans for employment, health and housing of Roma were adopted. The position of minorities in Croatia also continues to improve. However, many problems remain for displaced Roma in the Balkans. Their poor social, economic and living conditions deteriorated with displacement and they continue to suffer daily discrimination in various sectors of public life, especially access to jobs, health care and education. Roma often lack official residence when they live in informal settlements or slums. In Serbia, this limits their access to personal documentation and social benefits. They also generally suffer from a higher rate of poverty and lower standard of living than other IDPs.

### ***8. Transitional justice and reconciliation***

The achievement of durable solutions through return of IDPs to a multi-ethnic environment, such as in Bosnia and Herzegovina and Kosovo, depends also on a successful process of reconciliation between communities. This applies particularly to contexts where the returning IDPs or different groups within IDPs and the resident population were associated with opposing sides in the conflict. This is even more so in cases where return is promoted by the international community to reverse ethnic cleansing while local authorities wish to preserve mono-ethnic areas in which they can maintain political and economic dominance.

Returns to Kosovo are still low due to tensions and occasional inter-ethnic incidents. In Bosnia and Herzegovina, a significant number of minority returns proved to be short lived, as many sold, exchanged or rented their repossessed property and chose a settlement option in areas with their ethnic group as a majority. Among the obstacles to sustainable minority returns are continued impunity for a number of suspected war criminals and the lack of reconciliation between communities, though the lack of employment opportunities remains the main obstacle.

Two pre-conditions for the former Yugoslav republics to accede to the European Union are the exhibition of the will to prosecute for war crimes and work towards reconciliation. Consequently, most countries in the region have demonstrated improved cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY). However, the failure to secure effective and timely remedies for crimes including forcible displacement and violations of international human rights and humanitarian law that caused displacement or happened as a consequence of displacement may create a prolonged sense of injustice or prejudice among IDPs and thereby undermine the achievement of durable solutions.

Sometimes symbolic forms of reparations, such as official apologies, can restore the confidence of victims of displacement in public institutions and contribute to social solidarity and trust, all of which contribute to voluntary, dignified, and just returns and other solutions to displacement. Although both the ICTY and ICJ established that

massacre in Srebrenica was the first genocide in Europe since the Holocaust, the recent Srebrenica Declaration, initiated by Serbia, failed to address genocide and provoked skepticism and tensions on both sides. An incomplete reconciliation process remains a factor of potential destabilization. Dealing with the past can only yield positive outcomes if countries show enough political will to sincerely adhere to their obligations under international law.

In Turkey, the vast majority of IDPs are Kurdish and their displacement and current situation is linked to the lack of recognition of the Kurdish identity. In the last few years, the government has taken a number of unprecedented steps towards addressing the Kurdish issue. Tensions however persist. Human rights associations have also condemned continued discrimination, and the use of existing legislation in stifling freedoms. This includes disproportionate measures adopted to quell and prosecute pro-Kurdish demonstrators, including children, under anti-terror legislation. This is in a context of repeated calls from civil society to address the issue of past human rights violations against Kurds including IDPs, and to end the current impunity of state actors including village guards. In late 2008, several unprecedented, albeit limited, steps were taken at provincial level to investigate the remains of some of the many people who “disappeared” at the height of the conflict and bring to account those responsible.

### ***Making solutions durable***

A revised approach to achieving durable solutions in the region should include regular monitoring of progress towards durable solutions, support for all possible settlement options, housing and livelihoods, unhindered access to jobs and benefits, increased international coordination and support, and sustained political will. Governments must assume their primary responsibility for the achievement of durable solutions, while the response of humanitarian and development practitioners should be better coordinated at an earlier stage. All settlement options should be equally considered, where possible, as should the desires of internally displaced people, including women, children, elderly and the disabled, and the implications of the settlement options for local communities and the environment.

#### ***1. Monitoring of progress towards durable solutions***

The lack of comprehensive, current and reliable disaggregated data and monitoring of IDPs and returnees in Europe is a serious impediment to resolving their protracted displacement. Profiling<sup>4</sup> of IDPs is needed to determine their outstanding displacement-related issues and settlement preferences and to design appropriate responses. Regular monitoring of IDPs who have returned, resettled or opted to settle in their area of displacement and their progress towards durable solutions based on criteria in the

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<sup>4</sup> IDP profiling is “the collaborative process of identifying internally displaced groups or individuals through data collection, including counting, and analysis in order to take action to advocate on their behalf, to protect and assist them and eventually to help bring about a solution to their displacement” (IDMC/OCHA, April 2008).



Framework on Durable Solutions for Internally Displaced Persons will ensure effective implementation of such responses and the timely declaration of the end of displacement. Monitoring should include an age, gender and diversity analysis, as well as pay attention to persons who have special needs or might be marginalized within the displaced population. Although the conditions that have to be fulfilled in order to achieve durable solutions are context-specific and individuals have different levels of tolerance, there is a minimum threshold defined by the Framework that should apply globally.

Collecting data on the number and conditions of IDPs is a key step towards governments' fulfilment of their national responsibility for internal displacement. Human rights, humanitarian and development actors should play a subsidiary role in supporting national efforts by making available their specific expertise. Given that most IDPs have been displaced for some 15 years, data collectors will need to address IDP survey fatigue and mistrust of the humanitarian community and attempt to identify 'hidden' IDPs who after many years have disappeared from humanitarian view and be difficult to distinguish from economic migrants or other urban poor. Ultimately funding and strengthened staffing is required for profiling and monitoring.

## *2. Expand settlement options for IDPs*

As citizens of their own country, IDPs have the right to liberty of movement and freedom to choose their residence. As such, they may choose among three settlement options: return, local integration and settlement elsewhere in the country. IDPs' free choice of residence should be emphasised and mainstreamed into planning, programmes and policies of governments as well as humanitarian and development organisations. Assistance should not be tailored in a way that promotes return at the expense of other settlement options, but rather aims to: (1) provide information on all possible settlement options (2) support the chosen option, even if it is less popular (3) respect and support individual choices. IDPs must be able to make a choice between durable solutions, which must remain strictly humanitarian and not politicised. Those who choose not to return must not be judged or punished – it is their right to make a choice among available settlement options. Politics must subside. There is a paucity of information on local integration efforts and experiences in the region. In order to effectively support return, local integration and resettlement, there is a need to collect information on practices and experiences with respect to such settlement from outside of region.

Offering IDPs real choice on settlement options also requires careful measures with respect to property. While restitution may give IDPs the most leverage to decide among return, local integration and resettlement, measures should also be taken to protect the rights of people occupying IDPs' property as well as the rights of tenants or holders of other access entitlements to their housing, land and property, such as on the basis of mere uncontested use or occupation before displacement. This is notably the case for Roma people who sometimes settled for generations in the same area with tacit agreement of the authorities, but no official title over the land. After displacement, Roma IDPs often face serious obstacles to reoccupy the sites where they were living, repossess their homes or

have them reconstructed as they lack official ownership proof. This is even though but for their displacement, many would have long since acquired full legal ownership of their homes. While in principle restitution has become accepted as the preferred remedy for property claims, in some cases a combination of restitution and compensation is necessary to ensure IDPs are redressed for their loss and have some means to acquire housing at their chosen residence. Moreover, redressing IDPs' property rights should take into account the situation of current occupants whose entitlement to alternative accommodation should be examined.

### ***3. Access to jobs, housing and benefits***

Many internal displacement situations in Europe are in former socialist countries in which comprehensive pension, health care and social welfare systems did not survive the transition to the market economy. While most countries in the region have adopted national legislation, policies or plans to uphold the rights of IDPs, there is still a general need to ensure that current social protection systems address the needs of the remaining IDPs, many of whom have specific vulnerabilities. Access should also be ensured for IDPs on an equal basis with others and independent of their residence. Finding durable solutions for IDPs requires that their access to services and benefits be ensured, including to homes for the elderly, psychosocial support, housing, legal and documentation assistance and income-generating activities. Return will need to be accompanied by adequate social and economic policies to allow for the full reintegration of IDPs. Similar policies may be needed to assist communities in return, local integration and resettlement areas.

### ***4. Increased international coordination and support***

Durable solutions for IDPs are often not considered at the earliest stages of a humanitarian crisis. By the time they are considered, funding has diminished as has the number of organisations working with IDPs. There is a need for an earlier, more proactive and visible involvement of the UN Early Recovery Cluster and/or UNDP in designing the humanitarian response to ensure progress towards durable solutions starts at an early stage. Country situations should be reviewed to determine the best division of labour and strategies should make activities of each agency as precise as possible. The advice of experts such as the Council of Europe's Commissioner for Human Rights, the UN RSG on the Human Rights of IDPs and the UN Special Rapporteur on Adequate Housing should also be sought.

Humanitarian and development actors can support the process by providing information to IDPs to ensure an informed and voluntary settlement choice; facilitating the participation of and consultations with IDPs in devising the durable solutions strategy at an early stage; channelling the opinions of IDPs into peace processes and wider national recovery and development strategies, policies and programmes; and monitoring the implementation of the durable solutions strategy jointly with the governments. This will require significant and sustained resource mobilisation.

Donors should consider funding comprehensive IDP profiling exercises to document the whereabouts and needs of the remaining IDPs and develop programmes to address their outstanding problems, as well as programmes that address remaining obstacles and monitor their achievement of durable solutions.

### ***5. Political support***

Sustained and real support is needed for local integration and resettlement in addition to return, and where these settlement options are possible. The lack of support to durable solutions other than return has limited the possibility of IDPs to make a free and informed choice about their residence preference, and is a missed opportunity for achieving durable solutions. Some IDPs may never wish or be able to return. In order to bring displacement to an end, governments in the region must enable conditions for and actively support all three settlement options to be viable. So far most governments have actively supported return and to much lesser extent the other two settlement options, so greater support should be given to local integration and resettlement elsewhere in the future.

Rule of law also needs to be strengthened. Many IDPs have still not secured justice for violations they suffered. As a result of corrupt law enforcement officials, ineffective investigations and biased trials, perpetrators of human rights violations and crimes committed during the armed conflicts mostly remain at large, court decisions are disproportionately against IDPs of certain ethnicities, and many IDPs continue to seek information on the fate and whereabouts of their disappeared relatives. These violations need to be redressed.

Efforts towards reconciliation between communities involved in and affected by the conflict are also required. In a post-conflict situation, return and restitution and/or compensation efforts should be integrated into a broader transitional justice effort to provide redress to all victims of severe human rights violations. Reconciliation efforts are crucial for the acceptance and integration of IDPs at their current residence and reintegration of returnees.

### ***Conclusion***

Securing solutions for *all* displaced persons is a complex and often lengthy process, requiring a rights-based approach that also is tailored to the differentiated preferences, capacities and vulnerabilities of displaced persons and displacement-affected communities. It necessitates the right to choose between different settlement options and availability of support in terms of funding, policy development and programming that is allocated to all available settlement options without giving preferential treatment to one option over the others.

Taking into account the fact that many IDPs end up in urban settings, either because displacement becomes protracted while they are waiting for the possibility of sustainable

return, or because they chose to locally integrate as a durable solution, there is also a growing need to address urbanization. This involves improving IDPs' living conditions and developing their self-reliance through better housing, education, medical care and employment opportunities. Achieving durable solutions may also require community reconciliation especially when the displaced return to live with the communities that were on opposing sides in the conflict.

Despite the efforts of governments and national, international and regional organisations, gaps persist in the protection of IDPs in Europe. As IDPs who have been able to find solutions to their displacement have already done so, those who remain displaced are in many cases among the most vulnerable. In time they have become even more marginalised, often invisible and forgotten, and still in need of specific assistance. They will not achieve durable solutions until their specific needs are identified and addressed, obstacles to durable solutions removed, regular monitoring of their situation carried out, peace agreements realised, and above all, reconciliation initiatives established.

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